

**Byers Gill Solar
EN010139**

7.1.1 Appendix A Policy Compliance Document

Planning Act 2008

APFP Regulation 5(2)(q)

Infrastructure Planning (Applications: Prescribed Forms
and Procedure) Regulations 2009

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1. Introduction

1.1. Purpose of this document

- 1.1.1. This Policy Compliance Document (PCD) is provided with the Development Consent Order (DCO) application for Byers Gill Solar (the Proposed Development), under regulation 5 (2)(q) of the Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 (the APFP Regulations). It provides a detailed schedule of all relevant national and local planning policy and demonstrates how the Proposed Development is in compliance with that policy. Where any aspect of the Proposed Development is not in compliance with a relevant policy, an explanation for this non-compliance is provided.
- 1.1.2. This document forms an appendix to the Planning Statement (Document Reference 7.1). The Planning Statement sets out the overall case for the Proposed Development, taking into account the need for the development and the extent to which compliance with planning policy and other relevant considerations can be evidenced. The scope and content of the policies included in the PCD has been determined through consultation with relevant stakeholders, comprising of the three local planning authorities (LPAs) in which the Proposed Development is located and relevant statutory consultees. RWE (the Applicant) has had regard to advice from the Planning Inspectorate (PINS) relating to the production of the PCD, as part of the Applicant's participation in the Early Adopters Programme (EAP), which is seeking to trial components of an enhanced pre-application service for national infrastructure.

1.2. Approach to the PCD

- 1.2.1. The PCD provides a comprehensive evaluation of the compliance of the Proposed Development with relevant national and local planning policy. In a tabular format, the PCD sets out each individual relevant policy and then provides a response to demonstrate the extent to which that policy has been complied with through the Proposed Development. Where only part of a policy text is of relevance to the Proposed Development, an abridged version of the policy may be provided in the PCD. Where a paragraph or section of a policy document or policy is not relevant to the Proposed Development, it is generally not included in this document.

[Approach to National Policy Statements](#)

- 1.2.2. Under Section 104 of the Planning Act 2008 (the Act), the Secretary of State (SoS) is directed to determine a DCO application with regard to the relevant National Policy Statement (NPS), the local impact report, matters prescribed in relation to the Proposed Development, and any other matters regarded by the SoS as important and relevant. Following their designation on 17 January 2024, there are three NPSs which are considered to be 'relevant NPS' under Section 104 of the Act:

- Overarching NPS for energy (NPS EN-1)
- NPS for renewable energy infrastructure (NPS EN-3)
- NPS for electricity networks infrastructure (NPS EN-5)

1.2.3. It is considered that other national and local planning policy may be regarded by the SoS as ‘important and relevant’ to the Proposed Development.

Approach to other national planning policy

1.2.4. The National Planning Policy Framework (NPPF) sets out the Government’s planning policies for England and how they should be applied. It is intended to guide the production of local planning policy and is a material consideration for determination of planning applications under the Town and Country Planning Act 1990. Indeed, it specifies at Paragraph 5 that it does not contain policies relating to Nationally Significant Infrastructure Projects (NSIPs) determined under the Act, such as the Proposed Development. It is therefore considered that the NPPF is of less relevance to the SoS decision-making given that the relevant NPS is the appropriate formulation of Government policy for NSIPs.

1.2.5. As such, whilst relevant sections of the NPPF are identified in the Planning Statement (Document Reference 7.1) and are referenced as relevant in relation to the assessments reported in the Environmental Statement (ES), this PCD does not provide a detailed assessment of the compliance of the Proposed Development with the NPPF.

Approach to local planning policy

1.2.6. The Proposed Development is located in the north-east of England. The majority of the Proposed Development, including the panel areas, substation and on-site BESS are located within the administrative area of Darlington Borough Council (DBC). The eastern part of the cable routes crosses into the administrative area of Stockton-on-Tees Borough Council (SBC). The northern extent of the planning boundary (the Order Limits) borders Durham County Council’s (DCC) administrative area. This is shown in ES Chapter 9.1 Study Area (Document Reference 6.3.9.1).

1.2.7. Local planning policies are considered to be relevant and important as a further consideration in SoS decision-making. Compliance tables for local policy are provided per local planning authority. The local policies in the tables have been identified based on their relevance to the Proposed Development, taking into account the type and extent of development proposed within the LPA area and the potential effects on land or receptors within the LPA boundary. As such, the PCD tables for local policy do not include every planning policy for each LPA.

2. National Policy Statement EN-1: Policy compliance

Table 2-1 NPS EN-1 Compliance Table

Policy area/topic	Designated NPS EN-1 (2024)		Compliance of Proposed Development with policy
	Relevant paragraph	Policy requirement	
The need for new nationally significant energy infrastructure projects			
SoS decision making	3.2.6	The Secretary of State should assess all applications for development consent for the types of infrastructure covered by this NPS on the basis that the government has demonstrated that there is a need for those types of infrastructure, which is urgent, as described for each of them in this Part.	The need for the Proposed Development is established through the designation of the 2024 Energy NPSs which establish the Critical National Priority (CNP) for nationally significant low carbon infrastructure, in the context of wider legal and policy commitments by the UK Government. The clearly established need for the Proposed Development is summarised in Chapter 3 of the Planning Statement (Document Reference 7.1).
	3.2.7	In addition, the Secretary of State has determined that substantial weight should be given to this need when considering applications for development consent under the Planning Act 2008.	
	3.2.8	The Secretary of State is not required to consider separately the specific contribution of any individual project to satisfying the need established in this NPS.	
Assessment Principles			
General policies and considerations	4.1.1	This part of EN-1, Assessment Principles, sets out the general policies for the submission and assessment of applications relating to energy infrastructure.	The Planning Statement (Document Reference 7.1) and this document provide an assessment of the Proposed Development’s compliance with the relevant NPSs, including the Assessment Principles of NPS EN-1. Chapter 3 of the Planning Statement (Document Reference 7.1) provides a summary of the need for the Proposed Development, recognised as CNP in the 2024 NPSs, and which informs the presumption in favour of granting consent. The Applicant recognises the provisions of paragraph 1.1.4 of NPS EN-1 in the SoS determination of the Proposed Development and has sought to ensure the DCO application is consistent with the instructions and guidance of the relevant NPSs.
	4.1.2	The Energy White Paper and British Energy Security Strategy emphasises the importance of the government’s net zero commitment and efforts to fight climate change, as well as the need to maintain a secure and reliable energy system. The Levelling Up White Paper calls on the Government to ensure investment in the transition to Net Zero benefits less well-performing parts of the UK, reducing emissions, facilitating economic development and the creation of jobs.	
	4.1.3	Given the level and urgency of need for infrastructure of the types covered by the energy NPSs set out in Part 3 of this NPS, the Secretary of State will start with a presumption in favour of granting consent to applications for energy NSIPs. That presumption applies unless any more specific and relevant policies set out in the relevant NPSs clearly indicate that consent should be refused.	
	4.1.4	The presumption is also subject to the provisions of the Planning Act 2008 referred to at paragraph 1.1.4 of this NPS.	
Weighing impacts and benefits	4.1.5	In considering any proposed development, in particular when weighing its adverse impacts against its benefits, the Secretary of State should take into account: <ul style="list-style-type: none"> ▪ its potential benefits including its contribution to meeting the need for energy infrastructure, job creation, reduction of geographical disparities, environmental enhancements, and any long-term or wider benefits ▪ its potential adverse impacts, including on the environment, and including any long-term and cumulative adverse impacts, as well as any measures to avoid, reduce, mitigate or compensate for any adverse impacts, following the mitigation hierarchy 	The Planning Statement (Document Reference 7.1) provides an assessment of the planning balance, weighing adverse impacts of the Proposed Development against its benefits. This document is intended to aid the SoS in the decision-making process. This includes consideration of potential environmental, social and economic benefits and adverse impacts, at national, regional and local levels.
		4.1.6	
	4.1.7	Where this NPS or the relevant technology specific NPSs require an applicant to mitigate a particular impact as far as possible, but the Secretary of State considers that there would still be residual adverse effects after the implementation of such mitigation measures, the Secretary of State should weigh those residual effects against the benefits of the proposed development. For projects which qualify as CNP Infrastructure, it is likely that the need case will outweigh the residual effects in all but the most exceptional cases. This presumption, however, does not apply to residual impacts which present an unacceptable risk to, or interference with, human health and public safety, defence, irreplaceable habitats or unacceptable risk to the achievement of net zero. Further, the same exception applies to this presumption for residual impacts which present an unacceptable risk to, or unacceptable interference offshore to navigation, or onshore to flood and coastal erosion risk.	As confirmed through NPS EN-1, the Proposed Development would constitute nationally significant low carbon infrastructure for which there is a CNP. Accordingly, this needs case is considered to outweigh the limited residual effects of the Proposed Development, which are summarised in ES Chapter 14 Summary (Document Reference 6.2.14). No residual effects of the Proposed Development have been identified that would result in an unacceptable risk to human health and public safety; defence; irreplaceable habitats; the achievement of net zero; offshore navigation; or, flood and coastal erosion.

Policy area/topic	Designated NPS EN-1 (2024)		Compliance of Proposed Development with policy
	Relevant paragraph	Policy requirement	
Land rights	4.1.8	Where the use of land at a specific location is required to facilitate the development by providing for mitigation and landscape enhancement, an applicant may, as part of its application to the Secretary of State, seek the compulsory acquisition of that land, or rights over that land.	The Applicant has not proposed any compulsory acquisition relating to mitigation, landscape enhancement or biodiversity net gain. The limited extent of compulsory acquisition sought by the Applicant and the reasons for it are set out in detail in the Statement of Reasons (Document Reference 4.1).
	4.1.9	The Secretary of State will consider any such application under the usual compulsory acquisition principles, taking into account the content of the NPSs.	
Other documents	4.1.10	The policy set out in this NPS and the technology specific energy NPSs is intended to provide greater clarity around existing policy and practice of the Secretary of State in considering applications for nationally significant energy infrastructure, (or therefore the “benchmark” for what is, or is not, an acceptable nationally significant energy development).	This is noted. The Planning Statement (Document Reference 7.1) and this document provide an assessment of the Proposed Development against the relevant NPSs and local policy. As set out in Section 1 of this document, relevant parts of the NPPF are reflected in the Planning Statement and in the ES (Volume 6 of the DCO application).
	4.1.11	The energy NPSs have taken account of the National Planning Policy Framework (NPPF), the Planning Practice Guidance (PPG) for England, and Planning Policy Wales and Technical Advice Notes (TANs) for Wales, where appropriate.	
	4.1.12	Other matters that the Secretary of State may consider both important and relevant to their decision-making may include Development Plan documents or other documents in the Local Development Framework.	The Planning Statement (Document Reference 7.1) and this document provide an assessment of the Proposed Development against policies of the Local Development Framework which are identified as important and relevant considerations for the SoS. This includes draft documents where relevant, in which it is recognised that the weight attached to such policy is dependent on how close it is to being adopted.
	4.1.13	Where the project conflicts with a proposal in a draft Development Plan, the Secretary of State should take account of the stage which the Development Plan document in England or Local Development Plan in Wales has reached in deciding what weight to give to the plan for the purposes of determining the planning significance of what is replaced, prevented, or precluded.	
	4.1.14	The closer the Development Plan document in England or Local Development Plan in Wales is to being adopted by the LPA, the greater weight which can be attached to it.	
	4.1.15	In the event of a conflict between these documents and an NPS, the NPS prevails for the purpose of Secretary of State decision making given the national significance of the infrastructure.	
Development consent	4.1.16	The Secretary of State should only impose requirements in relation to a development consent that are necessary, relevant to planning, relevant to the development to be consented, enforceable, precise, and reasonable in all other respects.	The draft DCO (Document Reference 3.1) contains proposed requirements in Schedule 2.
	4.1.17	The Secretary of State should consider the guidance in the NPPF, the PPG: Use of Planning Conditions, and TANs, or any successor documents, where appropriate.	
	4.1.18	The Secretary of State may consider any development consent obligations that an applicant agrees with local authorities. These must be relevant to planning, necessary to make the proposed development acceptable in planning terms, directly related to the proposed development, fairly and reasonably related in scale and kind to the proposed development, and reasonable in all other respects.	
Early engagement	4.1.19	Early engagement both before and at the formal pre-application stage between the applicant and key stakeholders, including public regulators, Statutory Consultees (including Statutory Nature Conservation Bodies (SNCBs)), and those likely to have an interest in a proposed energy infrastructure application, is strongly encouraged in line with the Government’s pre-application guidance. This means that only applications which are fully prepared and comprehensive can be accepted for examination, enabling them to be properly assessed by the Examining Authority and leading to a clear recommendation report to the Secretary of State.	The Consultation Report (Document Reference 5.1) provides a detailed account of the pre-application engagement undertaken by the Applicant, including early engagement before formal pre-application via statutory consultation launched in May 2023. It evidences that the Applicant has engaged with a range of statutory consultees and other parties as relevant, including undertaking additional engagement components as a voluntary participant in the Early Adopter’s Programme run by the Department for Levelling Up, Housing and Communities (DLUHC) and the Planning Inspectorate. An account of any principal matters of disagreement with statutory bodies is provided in the Potential Main Issues for Examination (PMIE) (Document Reference 7.6).
	4.1.20	This is particularly so in the case of HRA matters covered in paragraphs 5.4.25 to 5.4.31 below, which explain the onus is on the applicant to submit sufficient information to enable the Secretary of State to conduct an Appropriate Assessment if required.	
Financial and technical viability	4.1.21	In deciding to bring forward a proposal for infrastructure development, the applicant will have made a judgement on the financial and technical viability of the proposed development, within the market framework and taking account of government interventions.	ES Chapter 3 Alternatives and Design Iteration (Document Reference 6.2.3) provides an account of how the siting and design of the Proposed Development has been developed, taking into account a range of considerations including technical and financial viability. A

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	4.1.22	Where the Secretary of State considers that the financial viability and technical feasibility of the proposal has been properly assessed by the applicant, it is unlikely to be of relevance in Secretary of State decision making (any exceptions to this principle are dealt with where they arise in this or other energy NPSs and the reasons why financial viability or technical feasibility is likely to be of relevance explained).	Funding Statement (Document Reference 4.3) and a Grid Connection Statement (Document Reference 7.5) are submitted with the DCO application setting out how the Proposed Development is to be funded and confirming the status of the grid connection.
The critical national priority for low carbon infrastructure	4.2.1	Government has committed to fully decarbonising the power system by 2035, subject to security of supply, to underpin its 2050 net zero ambitions. More than half of final energy demand in 2050 could be met by electricity, as transport and heating in particular shift from fossil fuel to electrical technology.	The CNP for the provision of nationally significant low carbon infrastructure is recognised by the Applicant. The Proposed Development would respond to the CNP and contribute to delivery of the Government's net zero ambitions by generating 180MW of electricity, enough to power the equivalent of 70,000 homes.
	4.2.2	Ensuring the UK is more energy independent, resilient and secure requires the smooth transition to abundant, low-carbon energy. The UK's strategy to increase supply of low carbon energy is dependent on deployment of renewable and nuclear power generation, alongside hydrogen and CCUS. Our energy security and net zero ambitions will only be delivered if we can enable the development of new low carbon sources of energy at speed and scale.	
	4.2.3	With smart and strategic planning, the UK can maintain high environmental standards and minimise impacts while increasing the levels of deployment at the scale and pace needed to meet our energy security and net zero ambitions.	
	4.2.4	Government has therefore concluded that there is a critical national priority (CNP) for the provision of nationally significant low carbon infrastructure.	
	4.2.5	This does not extend the definition of what counts as nationally significant infrastructure: the scope remains as set out in the Planning Act 2008. Low carbon infrastructure for the purposes of this policy means: <ul style="list-style-type: none"> • for electricity generation, all onshore and offshore generation that does not involve fossil fuel combustion (that is, renewable generation, including anaerobic digestion and other plants that convert residual waste into energy, including combustion, provided they meet existing definitions of low carbon; and nuclear generation), as well as natural gas fired generation which is carbon capture ready • for electricity grid infrastructure, all power lines in scope of EN-5 including network reinforcement and upgrade works, and associated infrastructure such as substations. This is not limited to those associated specifically with a particular generation technology, as all new grid projects will contribute towards greater efficiency in constructing, operating and connecting low carbon infrastructure to the National Electricity Transmission System • for other energy infrastructure, fuels, pipelines and storage infrastructure, which fits within the normal definition of "low carbon", such as hydrogen distribution, and carbon dioxide distribution • for energy infrastructure which is directed into the NSIP regime under section 35 of the Planning Act 2008, and fit within the normal definition of "low carbon", such as interconnectors, Multi-Purpose Interconnectors, or 'bootstraps' to support the onshore network which are routed offshore • Lifetime extensions of nationally significant low carbon infrastructure, and repowering of projects 	
4.2.6	The overarching need case for each type of energy infrastructure and the substantial weight which should be given to this need in assessing applications, as set out in paragraphs 3.2.6 to 3.2.8 of EN-1, is the starting point for all assessments of energy infrastructure applications.	Chapter 3 of the Planning Statement (Document Reference 7.1) provides a summary of the need for the Proposed Development as recognised in the NPS and which informs the presumption in favour of granting consent. As confirmed through NPS EN-1, the Proposed Development would constitute nationally significant low carbon infrastructure for which there is a Critical National Priority (CNP). The effects of the Proposed Development are assessed in the ES provided with the DCO application, in which the mitigation hierarchy has been applied to address potential adverse effects. The limited residual effects of the Proposed Development are summarised in ES Chapter 14 Summary (Document Reference 6.2.14) and are considered to be outweighed by the CNP and overall needs case for the Proposed Development, as well as the wider enhancements it would deliver.	
4.2.7	The CNP policy does not create an additional or cumulative need case or weighting to that which is already outlined for each type of energy infrastructure. The policy applies following the normal consideration of the need case, the impacts of the project, and the application of the mitigation hierarchy. As such, it is relevant during Secretary of State decision making and specifically in reference to any residual impacts that have been identified. It should therefore also be given consideration by the Examining Authority when it is making its recommendation to the Secretary of State.		
4.2.8	During decision making, the CNP policy will influence how non-HRA and non-MCZ residual impacts are considered in the planning balance. The policy will therefore also influence how the Secretary of State considers whether tests requiring clear outweighing of harm, exceptionality, or very special		This is noted. The Proposed Development is low carbon national infrastructure for the purposes of the CNP policy. Consideration to paragraphs 4.2.15 to 4.2.17 is provided in this table.

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		circumstances have been met by a CNP Infrastructure application. Further detail is provided in paragraphs 4.2.15 to 4.2.17, and Figure 2.	
	4.2.9	During decision making, the CNP policy also explains the Secretary of State's approach to HRA derogations and MCZ assessments. Specifically, the policy explains how the alternative solutions and IROPI tests are considered by the Secretary of State. Further detail is provided in paragraphs 4.2.18 to 4.2.22, and Figure 3.	This is noted. The Proposed Development is low carbon national infrastructure for the purposes of the CNP policy. Consideration to paragraphs 4.2.18 to 4.2.22 is provided in this table.
	4.2.10	Applicants for CNP infrastructure must continue to show how their application meets the requirements in this NPS and the relevant technology specific NPS, applying the mitigation hierarchy, as well as any other legal and regulatory requirements.	This document demonstrates how the requirements of the relevant NPS are met through the Proposed Development.
	4.2.11	Applicants must apply the mitigation hierarchy and demonstrate that it has been applied. They should also seek the advice of the appropriate SNCB or other relevant statutory body when undertaking this process. Applicants should demonstrate that all residual impacts are those that cannot be avoided, reduced or mitigated.	The effects of the Proposed Development are assessed in the ES provided with the DCO application, in which the mitigation hierarchy has been applied to address potential adverse effects. The limited residual effects of the Proposed Development are summarised in ES Chapter 14 Summary (Document Reference 6.2.14) and are those that cannot be avoided, reduced or mitigated. Engagement with the appropriate statutory bodies has been undertaken as demonstrated through the Consultation Report (Document Reference 5.1).
	4.2.12	Applicants should set out how residual impacts will be compensated for as far as possible. Applicants should also set out how any mitigation or compensation measures will be monitored and reporting agreed to ensure success and that action is taken. Changes to measures may be needed e.g. adaptive management. The cumulative impacts of multiple developments with residual impacts should also be considered.	The mitigation and enhancement measures to be provided within the Proposed Development are secured via the draft DCO (Document Reference 3.1). Cumulative impacts have been considered as evidenced through ES Chapter 13 Cumulative Effects (Document Reference 6.2.13).
	4.2.13	Where residual impacts relate to HRA or MCZ sites then the Applicant must provide a derogation case, if required, in the normal way in compliance with the relevant legislation and guidance.	ES Appendix 6.5 Habitats Regulations Assessment No Significant Effects Report (Document Reference 6.4.6.5) confirms that there are no residual impacts relating to a HRA site. MCZ sites are not relevant to the Proposed Development.
	4.2.14	The Secretary of State will continue to consider the impacts and benefits of all CNP Infrastructure applications on a case-by-case basis. The Secretary of State must be satisfied that the applicant's assessment demonstrates that the requirements set out above have been met. Where the Secretary of State is satisfied that they have been met the CNP presumptions set out below apply.	This is noted. This document and the Planning Statement (Document 7.1) set out the overall compliance of the Proposed Development with relevant planning policy, taking into account its impacts and benefits, and the CNP for low carbon infrastructure.
Non-HRA and non-MCZ residual impacts of CNP Infrastructure	4.2.15	Where residual non-HRA or non-MCZ impacts remain after the mitigation hierarchy has been applied, these residual impacts are unlikely to outweigh the urgent need for this type of infrastructure. Therefore, in all but the most exceptional circumstances, it is unlikely that consent will be refused on the basis of these residual impacts. The exception to this presumption of consent are residual impacts onshore and offshore which present an unacceptable risk to, or unacceptable interference with, human health and public safety, defence, irreplaceable habitats or unacceptable risk to the achievement of net zero. Further, the same exception applies to this presumption for residual impacts which present an unacceptable risk to, or unacceptable interference offshore to navigation, or onshore to flood and coastal erosion risk.	The Proposed Development would constitute nationally significant low carbon infrastructure for which there is a Critical National Priority (CNP). No residual effects of the Proposed Development have been identified that would result in an unacceptable risk to human health and public safety; defence; irreplaceable habitats; the achievement of net zero; offshore navigation; or, flood and coastal erosion. The urgent need for the Proposed Development is considered to outweigh its limited residual effects, which are summarised in ES Chapter 14 Summary (Document Reference 6.2.14).
	4.2.16	As a result, the Secretary of State will take as the starting point for decision-making that such infrastructure is to be treated as if it has met any tests which are set out within the NPSs, or any other planning policy, which requires a clear outweighing of harm, exceptionality or very special circumstances.	The Proposed Development would meet the tests outlined in paragraphs 4.2.16 and 4.2.17. The Proposed Development: <ul style="list-style-type: none"> ▪ is not located in Green Belt; ▪ would have no likely significant effects on a SSSI (see ES Appendix 6.5 Habitats Regulations Assessment No Significant Effects Report (Document Reference 6.4.6.5)); ▪ is not located in a nationally designated landscape; and ▪ would not result in substantial harm or loss of significance to a heritage asset.
	4.2.17	This means that the Secretary of State will take as a starting point that CNP Infrastructure will meet the following, non-exhaustive, list of tests: <ul style="list-style-type: none"> ▪ where development within a Green Belt requires very special circumstances to justify development; ▪ where development within or outside a Site of Special Scientific Interest (SSSI) requires the benefits (including need) of the development in the location proposed to clearly outweigh both the likely impact on features of the site that make it a SSSI, and any broader impacts on the national network of SSSIs. ▪ where development in nationally designated landscapes requires exceptional circumstances to be demonstrated; and 	

Policy area/topic	Designated NPS EN-1 (2024)		Compliance of Proposed Development with policy
	Relevant paragraph	Policy requirement	
		<ul style="list-style-type: none"> where substantial harm to or loss of significance to heritage assets should be exceptional or wholly exceptional. 	
HRA Derogations and MCZ assessments for CNP infrastructure	4.2.18 (4.2.19 – 4.2.22)	Any HRA or MCZ residual impacts will continue to be considered under the framework set out in the Habitats Regulations and the Marine and Coastal Access Act 2009 respectively.	ES Appendix 6.5 Habitats Regulations Assessment No Significant Effects Report (Document Reference 6.4.6.5) confirms that there are no residual impacts relating to a HRA site. MCZ sites are not relevant to the Proposed Development. On this basis, paragraphs 4.2.19 to 4.2.22 of NPS EN-1 are not relevant and are not considered further in this document.
Environmental effects/considerations	4.3.1	All proposals for projects that are subject to the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (the EIA Regulations) must be accompanied by an Environmental Statement (ES) describing the aspects of the environment likely to be significantly affected by the project.	In accordance with the EIA Regulations, an ES has been produced and is submitted with the DCO Application (Volume 6). ES Chapter 4 Approach to EIA (Document Reference 6.2.4) sets out the overall approach and scope of the assessment, as has been agreed through EIA scoping and pre-application engagement on a preliminary environmental information report (PEIR). The ES reports on the likely significant effects of the Proposed Development on the environment, including social and economic effects where relevant and scoped into the assessment. Further information on the need for the Proposed Development and its benefits with regard to that need are set out in Chapter 3 of the Planning Statement (Document Reference 7.1).
	4.3.2	The Regulations specifically refer to effects on population, human health, biodiversity, land, soil, water, air, climate, the landscape, material assets and cultural heritage, and the interaction between them.	
	4.3.3	The Regulations require an assessment of the likely significant effects of the proposed project on the environment, covering the direct effects and any indirect, secondary, cumulative, transboundary, short, medium, and long-term, permanent and temporary, positive and negative effects at all stages of the project, and also of the measures envisaged for avoiding or mitigating significant adverse effects.	
	4.3.4	To consider the potential effects, including benefits, of a proposal for a project, the applicant must set out information on the likely significant environmental, social and economic effects of the development, and show how any likely significant negative effects would be avoided, reduced, mitigated or compensated for, following the mitigation hierarchy. This information could include matters such as employment, equality, biodiversity net gain, community cohesion, health and well-being.	
	4.3.5	For the purposes of this NPS and the technology specific NPSs the ES should cover the environmental, social and economic effects arising from pre-construction, construction, operation and decommissioning of the project.	
	4.3.6	Where the NPSs use the term 'environment' they are referring to both the natural and historic environments.	
	4.3.7	In the absence of any additional information on additional assessments, the principles set out in this Section will apply to all assessments.	
	4.3.8	In this NPS and the technology specific NPSs, when used in relation to environmental matters the terms 'effects', 'impacts' or 'benefits' should be understood to mean likely significant effects, likely significant impacts, or likely significant benefits.	
	4.3.9	As in any planning case, the relevance or otherwise to the decision making process of the existence (or alleged existence) of alternatives to the proposed development is, in the first instance, a matter of law. This NPS does not contain any general requirement to consider alternatives or to establish whether the proposed project represents the best option from a policy perspective. Although there are specific requirements in relation to compulsory acquisition and habitats sites, the NPS does not change requirements in relation to compulsory acquisition and habitats sites.	
	4.3.10	The applicant must provide information proportionate to the scale of the project, ensuring the information is sufficient to meet the requirements of the EIA Regulations.	
	4.3.11	In some instances, it may not be possible at the time of the application for development consent for all aspects of the proposal to have been settled in precise detail. Where this is the case, the applicant should explain in its application which elements of the proposal have yet to be finalised, and the reasons why this is the case.	

Policy area/topic	Designated NPS EN-1 (2024)		Compliance of Proposed Development with policy
	Relevant paragraph	Policy requirement	
	4.3.12	Where some details are still to be finalised, the ES should, to the best of the applicant's knowledge, assess the likely worst-case environmental, social and economic effects of the proposed development to ensure that the impacts of the project as it may be constructed have been properly assessed.	maximum parameters of the Proposed Development have been defined and assessed as a likely worst-case scenario.
	4.3.13	To help the Secretary of State consider thoroughly the potential effects of a proposed project in cases where the EIA Regulations do not apply and an ES is not therefore required, the applicant should instead provide information proportionate to the scale of the project on the likely significant environmental, social, and economic effects.	This is not relevant to the Proposed Development; which is EIA development requiring an ES as provided in Volume 6 of the DCO Application.
	4.3.14	References to an ES in this NPS and the technology specific NPSs should be taken as including a statement which provides this information, even if the EIA Regulations do not apply. Where the NPSs requires specific information to be provided in the ES, such information should still be provided in this statement.	This is noted. An ES is provided in Volume 6 of the DCO Application.
	4.3.15	Applicants are obliged to include in their ES, information about the reasonable alternatives they have studied. This should include an indication of the main reasons for the applicant's choice, taking into account the environmental, social and economic effects and including, where relevant, technical and commercial feasibility.	ES Chapter 3 Alternatives and Design Iteration (Document Reference 6.2.3) provides an account of the alternatives that have been studied by the Applicant in developing the siting and design of the Proposed Development. It sets out the main reasons for the Applicant's choices, taking into account environmental, social and economic effects as well as technical and commercial feasibility.
	4.4.16	In some circumstances, the NPSs may impose a policy requirement to consider alternatives.	
	4.3.17	Where there is a policy or legal requirement to consider alternatives, the applicant should describe the alternatives considered in compliance with these requirements.	ES Chapter 3 Alternatives and Design Iteration (Document Reference 6.2.3) provides an account of the alternatives that have been studied by the Applicant in developing the siting and design of the Proposed Development. It sets out the main reasons for the Applicant's choices, taking into account environmental, social and economic effects as well as technical and commercial feasibility. It is considered that the information provided in ES Chapter 3 is sufficient to enable the SoS to consider the topic of alternatives in accordance with the guidance provided in the NPS.
	4.3.18	The Secretary of State should consider the worst-case impacts in its consideration of the application and consent, providing some flexibility in the consent to account for uncertainties in specific project details.	ES Chapter 4 Approach to EIA (Document Reference 6.2.4) confirms that any flexibility in design has been considered through the application of a 'Rochdale Envelope' approach, in which the maximum parameters of the Proposed Development have been defined and assessed as a likely worst-case scenario.
	4.3.19	The Secretary of State should consider how the accumulation of, and interrelationship between, effects might affect the environment, economy, or community as a whole, even though they may be acceptable when considered on an individual basis with mitigation measures in place.	ES Chapter 13 Cumulative Effects (Document Reference 6.2.13) provides an assessment of the Proposed Development in combination with other development.
	4.3.20	The Government has set 13 legally binding targets for England under the Environment Act 2021, covering the areas of: biodiversity; air quality; water; resource efficiency and waste reduction; tree and woodland cover; and Marine Protected Areas. Meeting the legally binding targets will be a shared endeavour that will require a whole of government approach to delivery. The Secretary of State have regard to the ambitions, goals and targets set out in the Government's Environmental Improvement Plan 2023 for improving the natural environment and heritage. This includes having regard to the achievement of statutory targets set under the Environment Act.	The Applicant has had regard to the Environment Act 2021 in preparing the DCO Application. The Proposed Development will contribute to delivery of the legally binding targets through net gain as reported in ES Appendix 6.6 Biodiversity Net Gain Report (Document Reference 6.4.6.6). This is currently calculated to provide an anticipated 88% net gain in habitat biodiversity units and a 108% net gain in hedgerow biodiversity units.
	4.3.22	Given the level and urgency of need for new energy infrastructure, the Secretary of State should, subject to any relevant legal requirements (e.g. under the Habitats Regulations) which indicate otherwise, be guided by the following principles when deciding what weight should be given to alternatives: <ul style="list-style-type: none"> ▪ the consideration of alternatives in order to comply with policy requirements should be carried out in a proportionate manner ▪ only alternatives that can meet the objectives of the proposed development need to be considered 	ES Chapter 3 Alternatives and Design Iteration (Document Reference 6.2.3) provides an account of the alternatives that have been studied by the Applicant in developing the siting and design of the Proposed Development. It sets out the main reasons for the Applicant's choices, taking into account environmental, social and economic effects as well as technical and commercial feasibility. It is considered that the information provided in ES Chapter 3 is sufficient to enable the SoS to consider the topic of alternatives in accordance with the guidance provided in the NPS.
	4.3.23	The Secretary of State should be guided in considering alternative proposals by whether there is a realistic prospect of the alternative delivering the same infrastructure capacity (including energy security, climate change, and other environmental benefits) in the same timescale as the proposed development.	In alignment with the NPS approach to consideration of alternatives, the assessment carried out by the Applicant has met relevant legal requirements and has been carried out in a proportionate manner, recognising the realistic prospect of alternatives; the objectives of the Proposed Development; and, the need for commercial and technical viability.

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	4.3.24	The Secretary of State should not refuse an application for development on one site simply because fewer adverse impacts would result from developing similar infrastructure on another suitable site, and it should have regard as appropriate to the possibility that all suitable sites for energy infrastructure of the type proposed may be needed for future proposals.	
	4.3.25	Alternatives not among the main alternatives studied by the applicant (as reflected in the ES) should only be considered to the extent that the Secretary of State thinks they are both important and relevant to the decision.	
	4.3.26	As the Secretary of State must assess an application in accordance with the relevant NPS (subject to the exceptions set out in section 104 of the Planning Act 2008), if the Secretary of State concludes that a decision to grant consent to a hypothetical alternative proposal would not be in accordance with the policies set out in the relevant NPS, the existence of that alternative is unlikely to be important and relevant to the Secretary of State's decision.	
	4.3.27	Alternative proposals which mean the necessary development could not proceed, for example because the alternative proposals are not commercially viable or alternative proposals for sites would not be physically suitable, can be excluded on the grounds that they are not important and relevant to the Secretary of State's decision.	
	4.3.28	Alternative proposals which are vague or immature can be excluded on the grounds that they are not important and relevant to the Secretary of State's decision.	
	4.3.29	It is intended that potential alternatives to a proposed development should, wherever possible, be identified before an application is made to the Secretary of State (so as to allow appropriate consultation and the development of a suitable evidence base in relation to any alternatives which are particularly relevant). Therefore, where an alternative is first put forward by a third party after an application has been made, the Secretary of State may place the onus on the person proposing the alternative to provide the evidence for its suitability as such and the Secretary of State should not necessarily expect the applicant to have assessed it.	
Health	4.4.1	Energy infrastructure has the potential to impact on the health and well-being ("health") of the population. Access to energy is clearly beneficial to society and to our health as a whole. However, the construction of energy infrastructure and the production, distribution and use of energy may have negative impacts on some people's health.	<p>As reported in ES Chapter 4 Approach to EIA (Document Reference 6.2.4), a standalone chapter assessing effects of the Proposed Development on human health was scoped out of the ES, as it is anticipated that there would be limited impacts on human health during the construction and operation of the Proposed Development. Aspects of human health are considered in the ES within the context of other topics, namely: Landscape and Visual (Document Reference 6.2.7), Land Use and Socioeconomics (Document Reference 6.2.9) and Noise and Vibration (Document Reference 6.2.11).</p> <p>Impacts from potential fire/explosion in relation to the BESS has been assessed within ES Appendix 2.5 Major Accidents and Disasters Assessment (Document Reference 6.4.2.5). Management plans are included in the DCO application which secure the implementation of measures during construction, operation and decommissioning which would seek to avoid or reduce risks relating to human health including:</p> <ul style="list-style-type: none"> ▪ ES Appendix 2.6 Outline Construction Environmental Management Plan (Document Reference 6.4.2.6) ▪ ES Appendix 2.7 Outline Decommissioning Environmental Management Plan (DEMP) (Document Reference 6.4.2.7) ▪ ES Appendix 2.8 Outline Construction Traffic Management Plan (CTMP) (Document Reference 6.4.2.8) ▪ ES Appendix 2.9 Outline Pollution and Spillage Response Plan (Document Reference 6.4.2.9) ▪ ES Appendix 2.13 Outline Battery Fire Safety Plan (Document Reference 6.4.2.13) <p>These plans are secured via requirements of the draft DCO (Document Reference 3.1).</p> <p>As set out in Chapter 3 of the Planning Statement (Document Reference 7.1), the Proposed Development would provide benefits to the local community through enhanced access to</p>
-	4.4.2	The direct impacts on health may include <ul style="list-style-type: none"> • increased traffic • air or water pollution • dust, odour • hazardous waste and substances • noise • exposure to radiation, and • increases in pests 	
	4.4.3	New energy infrastructure may also affect the composition and size of the local population, and in doing so have indirect health impacts, for example if it in some way affects access to key public services, transport, or the use of open space for recreation and physical activity.	
	4.4.4	As described in the relevant sections of this NPS and in the technology specific NPSs, where the proposed project has an effect on humans, the ES should assess these effects for each element of the project, identifying any potential adverse health impacts, and identifying measures to avoid, reduce or compensate for these impacts as appropriate.	
	4.4.5	The impacts of more than one development may affect people simultaneously, so the applicant should consider the cumulative impact on health in the ES where appropriate.	
	4.4.6	Opportunities should be taken to mitigate indirect impacts, by promoting local improvements to encourage health and wellbeing, this includes potential impacts on vulnerable groups within society, i.e.	

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		those groups which may be differentially impacted by a development compared to wider society as a whole.	the countryside, with approximately 3600m of new permissive paths and provision of a community orchard, amenity area at Panel Area E and sensory garden.
	4.4.7	Generally, those aspects of energy infrastructure which are most likely to have a significantly detrimental impact on health are subject to separate regulation (for example for air pollution) which will constitute effective mitigation of them, so that it is unlikely that health concerns will either by themselves constitute a reason to refuse consent or require specific mitigation under the Planning Act 2008.	ES Chapter 11 Noise and Vibration (Document Reference 6.2.11) identifies that the main sources of noise would be construction activities and related traffic during the construction and decommissioning phases, and road traffic and supporting infrastructure (such as BESS, inverters, the on-site substation) during the operational phase. It concludes a significant adverse effect would arise during construction and decommissioning activities, however this would be short-term and reversible.
	4.4.8	However, not all potential sources of health impacts will be mitigated in this way and the Secretary of State may want to take account of health concerns when setting requirements relating to a range of impacts such as noise.	
Environmental and Biodiversity Net Gain (BNG)	4.6.1	Environmental net gain is an approach to development that aims to leave the natural environment in a measurably better state than beforehand. Projects should therefore not only avoid, mitigate and compensate harms, following the mitigation hierarchy, but also consider whether there are opportunities for enhancements.	Whilst BNG for NSIPs under the Environment Act is not mandatory until 2025, the Applicant set an ambition at the outset of the Proposed Development to deliver a gain in biodiversity that exceeds 50%. The Proposed Development will contribute to delivery of the legally binding targets through providing an anticipated 88% net gain in habitat biodiversity units and 108% net gain in hedgerow biodiversity units. This is reported in ES Appendix 6.6 Biodiversity Net Gain Report (Document Reference 6.4.6.6). Marine Net Gain is not relevant to the Proposed Development as it is onshore development, not located in or near a marine environment.
	4.6.2	Biodiversity net gain is an essential component of environmental net gain. Projects in England should consider and seek to incorporate improvements in natural capital, ecosystem services and the benefits they deliver when planning how to deliver biodiversity net gain.	
	4.6.3	Currently biodiversity net gain policy in England only applies to terrestrial and intertidal components of projects. Principles for Marine Net Gain are currently rolled out by the Government, who will provide guidance in due course. There are provisions in the Environment Act 2021 to allow Marine Net Gain to be made mandatory for NSIPs in the future.	
	4.6.6	Energy NSIP proposals, whether onshore or offshore, should seek opportunities to contribute to and enhance the natural environment by providing net gains for biodiversity and the wider environment where possible.	
	4.6.7	In England applicants for onshore elements of any development are encouraged to use the latest version of the biodiversity metric to calculate their biodiversity baseline and present planned biodiversity net gain outcomes. This calculation data should be presented in full as part of their application.	
	4.6.8	Where possible, this data should be shared alongside a completed biodiversity metric calculation, with the Local Authority and Natural England for discussion at the pre-application stage as it can help to highlight biodiversity and wider environmental issues which may later cause delays if not addressed.	
	4.6.10	Biodiversity net gain should be applied after compliance with the mitigation hierarchy and does not change or replace existing environmental obligations although compliance with those obligations will be relevant to the question of the baseline for assessing net gain and if they deliver an additional enhancement beyond meeting the existing obligation, that enhancement will count towards net gain	
	4.6.11	Biodiversity net gain can be delivered onsite or wholly or partially off-site. We encourage details of any off-site delivery of biodiversity net gain to be set out within the application for development consent.	
	4.6.12	When delivering biodiversity net gain off-site, developments should do this in a manner that best contributes to the achievement of relevant wider strategic outcomes, for example by increasing habitat connectivity, enhancing other ecosystem service outcomes, or considering use of green infrastructure strategies. Reference should be made to relevant national or local plans and strategies, to inform off-site biodiversity net gain delivery. If published, the relevant strategy is the Local Nature Recovery Strategy (LNRS). If an LNRS has not been published, the relevant consenting body or planning authority may specify alternative plans, policies or strategies to use.	
	4.6.13	In addition to delivering biodiversity net gain, developments may also deliver wider environmental gains and benefits to communities relevant to the local area, and to national policy priorities, such as <ul style="list-style-type: none"> ▪ reductions in GHG emissions, ▪ reduced flood risk, 	
			ES Appendix 6.6 Biodiversity Net Gain Report (Document Reference 6.4.6.6) was shared with Natural England on 11 January 2024 in advance of the DCO application being submitted, following earlier discussions and engagement with Natural England relating to the Proposed Development. Natural England confirmed in response that it welcomes the aspiration of the Applicant to deliver well over the 10% mandated BNG for NSIPs (to be in effect from 2025).
			The BNG assessment reported in ES Appendix 6.6 Biodiversity Net Gain Report (Document Reference 6.4.6.6) has been carried out based on the environmental design and mitigation as secured through the DCO, which has been developed in compliance with the mitigation hierarchy.
			The Proposed Development would deliver biodiversity net gain fully within the Order Limits.
			The Proposed Development would deliver biodiversity net gain fully within the Order Limits. There is no proposed off-site provision.
			The Proposed Development is identified as infrastructure of Critical National Priority (CNP) given the benefits it would provide as a form of low carbon energy generation. This responds to national and local priorities relating to net zero emissions targets and the need to address climate change. In addition, as set out in Chapter 3 of the Planning Statement

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		<ul style="list-style-type: none"> improvements to air or water quality, climate adaptation, landscape enhancement, or increased access to natural greenspace, or the enhancement, expansion or provision of trees and woodlands. <p>The scope of potential gains will be dependent on the type, scale, and location of specific projects. Applicants should look for a holistic approach to delivering wider environmental gains and benefits through the use of nature-based solutions and Green Infrastructure.</p>	(Document Reference 7.1), the Proposed Development would provide benefits to the local community through enhancing access and connectivity of the countryside; infilling of hedgerows and improvement of wildlife corridors; provision of a community orchard, forest school and car park and delivery of local interpretation points.
	4.6.14	The Environment Act 2021 mandated the preparation of Local Nature Recovery Strategies (LNRSs) across England. They are a new system of spatial strategies for nature recovery and will play a major role in providing detail on the best locations to create, enhance and restore nature and deliver wider environmental benefits. LNRSs will also agree priorities for nature recovery and map the most valuable existing areas for nature. They will be critical in delivering new government targets for species abundance and habitat creation commitments, as well as other pressing environmental outcomes for water and flood risk, carbon and tree planting and woodland creations. LNRSs will also drive the creation of a Nature Recovery Network (NRN), a major commitment in the government’s 25 Year Environment Plan.	It is understood that Local Nature Recovery Strategies are currently under production in the area of the Proposed Development, via the Tees Valley Nature Partnership (which includes Darlington Borough Council and Stockton-on-Tees Borough Council), and the County Durham Environment and Climate Change Partnership (which includes Durham County Council).
	4.6.15	Applications for development consent should be accompanied by a statement demonstrating how opportunities for delivering wider environmental net gains have been considered, and where appropriate, incorporated into proposals as part of good design (including any relevant operational aspects) of the project.	<p>The Design Approach Document (Document Reference 7.2) and ES Appendix Outline Landscape and Ecology Management Plan (LEMP) (Document Reference 6.4.2.14) set out the approach to the design of the Proposed Development, including how good design principles were implemented to take advantage, where possible, of opportunities to deliver wider environmental net gains. This includes enhancements contributing to biodiversity net gain such as</p> <ul style="list-style-type: none"> habitat creation and management; new and improved native-species-rich hedgerows and hedgerow trees; reduced cutting along existing hedgerows to benefit nesting birds and invertebrates; enhancement of field margins; and sowing of land under and between Panel Areas with a legume rich mix or flower rich grassland mix. <p>Furthermore, wider enhancements to the community and environment include enhancing access and connectivity of the countryside; infilling of hedgerows and improvement of wildlife corridors; provision of a community orchard, forest school and car park and delivery of local interpretation points.</p>
	4.6.16	Applicants should make use of available guidance and tools for measuring natural capital assets and ecosystem services, such as the Natural Capital Committee’s ‘How to Do it: natural capital workbook’, Defra’s guidance on Enabling a Natural Capital Approach (ENCA), and other tools that aim to enable wider benefits for people and nature.	
	4.6.17	Where environmental net gain considerations have featured as part of the strategic options appraisal process to select a project, applicants should reference that information to supplement the site-specific details.	The site selection process is set out in ES Chapter 3 Alternatives and Design Iteration (Document Reference 6.2.3). This sets out how environmental designations and constraints were considered as part of the site selection process.
Criteria for “good design” in energy infrastructure	4.7.1	The visual appearance of a building, structure, or piece of infrastructure, and how it relates to the landscape it sits within, is sometimes considered to be the most important factor in good design. But high quality and inclusive design goes far beyond aesthetic considerations. The functionality of an object - be it a building or other type of infrastructure - including fitness for purpose and sustainability, is equally important.	<p>The Design Approach Document (DAD) (Document Reference 7.2) sets out how the design of the Proposed Development has taken into account the criteria of the NPS in relation to good design. It sets out the local context in which the Proposed Development is situated and outlines the design response to that context in seeking to mitigate adverse impacts and integrate ‘good design’ principles. Recognising the constraints presented by some infrastructure, the DAD identifies how technical considerations have in some instances limited design choices. The DAD includes a list of design principles which underpin the Proposed Development and which would be required to be retained in the future detailed design, as secured via Requirement 3 of the DCO (Document Reference 3.1).</p>
	4.7.2	Applying “good design” to energy projects should produce sustainable infrastructure sensitive to place, including impacts on heritage, efficient in the use of natural resources, including land-use, and energy used in their construction and operation, matched by an appearance that demonstrates good aesthetic as far as possible. It is acknowledged, however that the nature of energy infrastructure development will often limit the extent to which it can contribute to the enhancement of the quality of the area.	
	4.7.3	Good design is also a means by which many policy objectives in the NPSs can be met, for example the impact sections show how good design, in terms of siting and use of appropriate technologies, can help mitigate adverse impacts such as noise. Projects should look to use modern methods of	

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		construction and sustainable design practices such as use of sustainable timber and low carbon concrete. Where possible, projects should include the reuse of material.	
	4.7.4	Given the benefits of “good design” in mitigating the adverse impacts of a project, applicants should consider how “good design” can be applied to a project during the early stages of the project lifecycle.	
	4.7.5	To ensure good design is embedded within the project development, a project board level design champion could be appointed, and a representative design panel used to maximise the value provided by the infrastructure. Design principles should be established from the outset of the project to guide the development from conception to operation.	
	4.7.6	Whilst the applicant may not have any or very limited choice in the physical appearance of some energy infrastructure, there may be opportunities for the applicant to demonstrate good design in terms of siting relative to existing landscape character, land form and vegetation. Furthermore, the design and sensitive use of materials in any associated development such as electricity substations will assist in ensuring that such development contributes to the quality of the area. Applicants should also, so far as is possible, seek to embed opportunities for nature inclusive design within the design process.	
	4.7.7	Applicants must demonstrate in their application documents how the design process was conducted and how the proposed design evolved. Where a number of different designs were considered, applicants should set out the reasons why the favoured choice has been selected.	The Design Approach Document (Document Reference 7.2) sets out how the design process was undertaken and the evolution of the design. ES Chapter 3 Alternatives and Design Iteration (Document Reference 6.2.3) provides an account of the alternatives considered in developing the design of the Proposed Development and the reasons why the selected option was chosen.
	4.7.8	Applicants should consider taking independent professional advice on the design aspects of a proposal. In particular, the Design Council can be asked to provide design review for nationally significant infrastructure projects and applicants are encouraged to use this service. Applicants should also consider any design guidance developed by the local planning authority.	The Applicant has not considered it necessary to engage the Design Council on the Proposed Development, however engagement with the local planning authorities has been undertaken and taken into consideration in developing the design of the Proposed Development, as documented in the Consultation Report (Document Reference 5.1).
	4.7.9	Further advice on what applicants should demonstrate by way of good design is provided in the technology specific NPSs where relevant.	Relevant sections of the technology specific NPSs EN-3 and EN-5 relating to good design are considered in this document.
	4.7.10	In the light of the above and given the importance which the Planning Act 2008 places on good design and sustainability, the Secretary of State needs to be satisfied that energy infrastructure developments are sustainable and, having regard to regulatory and other constraints, are as attractive, durable, and adaptable (including taking account of natural hazards such as flooding) as they can be.	The Design Approach Document (DAD) (Document Reference 7.2) sets out how the design of the Proposed Development has taken into account the criteria of the NPS in relation to good design. It sets out the local context in which the Proposed Development is situated and outlines the design response to that context in seeking to mitigate adverse impacts and integrate ‘good design’ principles, including ensuring that the design is as sustainable, attractive, durable and adaptable as it can be.
	4.7.11	In doing so, the Secretary of State should be satisfied that the applicant has considered both functionality (including fitness for purpose and sustainability) and aesthetics (including its contribution to the quality of the area in which it would be located, any potential amenity benefits, and visual impacts on the landscape or seascape) as far as possible.	The DAD sets out how understanding of the local context, and assessment of environmental effects, as well as iterative engagement, has influenced the design. Recognising the constraints presented by some infrastructure, the DAD identifies how technical considerations have in some instances limited design choices. The DAD includes a list of design principles which underpin the Proposed Development and which would be required to be retained in the future detailed design, as secured via Requirement 3 of the DCO (Document Reference 3.1).
	4.7.12	In considering applications, the Secretary of State should take into account the ultimate purpose of the infrastructure and bear in mind the operational, safety and security requirements which the design has to satisfy. Many of the wider impacts of a development, such as landscape and environmental impacts, will be important factors in the design process.	ES Chapter 4 Approach to EIA (Document Reference 6.2.4) confirms that the EIA has been undertaken on the basis of the construction period, a 40-year operational life and decommissioning.
	4.7.13	The Secretary of State should consider such impacts under the relevant policies in this NPS. Assessment of impacts must be for the stated design life of the scheme rather than a shorter time period.	It is noted that the SoS may consider taking independent professional advice on the design of the Proposed Development. Relevant sections of the technology specific NPSs EN-3 and EN-5 relating to good design are considered in this document.
	4.7.14	The Secretary of State should consider taking independent professional advice on the design aspects of a proposal. In particular, the Design Council can be asked to provide design review for nationally significant infrastructure projects.	
	4.7.15	Further advice on what the Secretary of State should expect applicants to demonstrate by way of good design is provided in the technology specific NPSs where relevant.	
Climate change adaptation and resilience	4.10.1	Whilst we must continue to accelerate efforts to end our contribution to climate change by reaching Net Zero greenhouse gas emissions, adaptation is also necessary to manage the impacts of current and future climate change. If new energy infrastructure is not sufficiently resilient against the possible	ES Chapter 5 Climate Change (Document Reference 6.2.5) of the DCO application provides an assessment of the Proposed Development in relation to its effects on climate, and its resilience to the effects of climate change. Relevant sections of the technology

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		impacts of climate change, it will not be able to satisfy the energy needs as outlined in Part 3 of this NPS.	specific NPSs EN-3 and EN-5 relating to climate change and related topics such as flood risk are considered in this document.	
	4.10.2	Climate change is already altering the UK's weather patterns and this will continue to accelerate depending on global carbon emissions. This means it is likely there will be more extreme weather events. As well as climatic and seasonal changes such as hotter, drier summers and warmer, wetter winters, there is also a likelihood of increased flooding, drought, heatwaves, and intense rainfall events, as well as rising sea levels, increased storms and coastal change. Adaptation is therefore necessary to deal with the potential impacts of these changes that are already happening.		
	4.10.3	To support planning decisions, the government produces a set of UK Climate Projections as well as hazard-specific tools and guidance like the Environment Agency's climate change allowances for flood risk assessments. In addition, the government's National Adaptation Programme and Adaptation Reporting Power will ensure that reporting authorities (a defined list of public bodies and statutory undertakers, including energy utilities) assess the risks to their organisation presented by climate change.		
	4.10.4	The generic impacts advice in this NPS and the technology specific advice on impacts in the other energy NPSs provide additional information on climate change adaptation and should be read alongside this section. (Section 5.3 on greenhouse gas emissions, Section 5.6 on coastal change and Section 5.8 on flood risk in particular provide relevant guidance for consideration).		
	4.10.5	In certain circumstances, measures implemented to ensure a scheme can adapt to climate change may give rise to additional impacts, for example as a result of protecting against flood risk, there may be consequential impacts on coastal change. In preparing measures to support climate change adaptation applicants should take reasonable steps to maximise the use of nature-based solutions alongside other conventional techniques.		ES Chapter 5 Climate Change (Document Reference 6.2.5) of the DCO application provides an assessment of the Proposed Development in relation to its effects on climate, and its resilience to the effects of climate change. ES Appendix 5.2 Climate Change Risk Assessment (Document Reference 6.4.5.2) specifically considers the resilience of the Proposed Development to extreme weather and projected future climate change impacts. It concludes that all risks identified are of a low or very low risk rating, resulting in no significant effects of the Proposed Development, taking into account proposed mitigation.
	4.10.6	Integrated approaches, such as looking across the water cycle, considering coordinated management of water storage, supply, demand, wastewater, and flood risk can provide further benefits to address multiple infrastructure needs, as well as carbon sequestration benefits.		As set out in ES Chapter 5 Climate Change (Document Reference 6.2.5) and ES Chapter 2 The Proposed Development (Document Reference 6.2.2), measures are embedded into the design of the Proposed Development to enable resilience to the effects of climate change during construction and operation. During operation, measures include: <ul style="list-style-type: none"> ▪ all critical infrastructure is located outside of the Flood Zones, and there are no permanent buildings within the Proposed Development; ▪ ES Appendix 10.1 Flood Risk Assessment (FRA) and Drainage Strategy (Document Reference 6.4.10.1) has included a number of adaptation measures that would be considered in the detailed design and operations management; ▪ there will be an 8m buffer around all mapped watercourses that cross the Proposed Development; ▪ monitoring weather forecasts and the news for Environment Agency flood warnings, relevant weather warnings, and water levels of the local waterways during maintenance activities; and ▪ ES Appendix 2.14 Outline LEMP (Document Reference 6.4.2.14) outlines mitigation for landscape and habitat features impacted by low rainfall.
	4.10.7	In addition to avoiding further GHG emissions when compared with more traditional adaptation approaches, nature-based solutions can also result in biodiversity benefits and net gain, as well as increasing absorption of carbon dioxide from the atmosphere.		The Proposed Development will contribute to delivery of nature-based solutions to climate adaptation by providing an anticipated 88% net gain in habitat biodiversity units and 108% net gain in hedgerow biodiversity units. This is reported in ES Appendix 6.6 Biodiversity Net Gain Report (Document Reference 6.4.6.6).
	4.10.8	New energy infrastructure will typically be a long-term investment and will need to remain operational over many decades, in the face of a changing climate. Consequently, applicants must consider the direct (e.g. site flooding, limited water availability, storms, heatwave and wildfire threats to infrastructure and operations) and indirect (e.g. access roads or other critical dependencies impacted		ES Chapter 5 Climate Change (Document Reference 6.2.5) of the DCO application provides an assessment of the Proposed Development in relation to its effects on climate, and its resilience to the effects of climate change. ES Appendix 5.2 Climate Change Risk Assessment (Document Reference 6.4.5.2) specifically considers the resilience of the Proposed Development to extreme weather and projected future climate change impacts. It concludes

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		by flooding, storms, heatwaves or wildfires) impacts of climate change when planning the location, design, build, operation and, where appropriate, decommissioning of new energy infrastructure.	that all risks identified are of a low or very low risk rating, resulting in no significant effects of the Proposed Development, taking into account proposed mitigation.
	4.10.9	The ES should set out how the proposal will take account of the projected impacts of climate change, using government guidance and industry standard benchmarks such as the Climate Change Allowances for Flood Risk Assessments, Climate Impacts Tool, and British Standards for climate change adaptation, in accordance with the EIA Regulations.	ES Chapter 5 Climate Change (Document Reference 6.2.5) of the DCO application provides an assessment of the Proposed Development in relation to its effects on climate, and its resilience to the effects of climate change. It confirms that the climate change risk assessment provided in ES Appendix 5.2 (Document Reference 6.4.5.2) is based on future projected climate conditions and extreme weather events based on the Met Office UK climate projections 2018 (UKCP18), the most recent and comprehensive climate change projections for the UK. A high emissions scenario Representative Concentrations Pathway 8.5 has been applied under the assessment methodology, in accordance with IEMA guidance.
	4.10.10	Applicants should assess the impacts on and from their proposed energy project across a range of climate change scenarios, in line with appropriate expert advice and guidance available at the time.	
	4.10.11	Applicants should demonstrate that proposals have a high level of climate resilience built-in from the outset and should also demonstrate how proposals can be adapted over their predicted lifetimes to remain resilient to a credible maximum climate change scenario. These results should be considered alongside relevant research which is based on the climate change projections.	ES Appendix 5.2 Climate Change Risk Assessment (Document Reference 6.4.5.2) specifically considers the resilience of the Proposed Development to extreme weather and projected future climate change impacts. It concludes that all risks identified are of a low or very low risk rating, resulting in no significant effects of the Proposed Development, taking into account proposed mitigation.
	4.10.12	Where energy infrastructure has safety critical elements, the applicant should apply a credible maximum climate change scenario. It is appropriate to take a risk-averse approach with elements of infrastructure which are critical to the safety of its operation.	ES Chapter 5 Climate Change (Document Reference 6.2.5) sets out that a high emissions scenario Representative Concentrations Pathway 8.5 has been applied under the assessment methodology.
	4.10.13	The Secretary of State should be satisfied that applicants for new energy infrastructure have taken into account the potential impacts of climate change using the latest UK Climate Projections and associated research and expert guidance (such as the EA's Climate Change Allowances for Flood Risk Assessments or the Welsh Government's Climate change allowances and flood consequence assessments) available at the time the ES was prepared to ensure they have identified appropriate mitigation or adaptation measures. This should cover the estimated lifetime of the new infrastructure, including any decommissioning period.	ES Chapter 5 Climate Change (Document Reference 6.2.5) sets out the methodology employed for assessing the likely significant effects of climate change on the construction, operational and decommissioning phases of the Proposed Development. It confirms that the climate change risk assessment provided in ES Appendix 5.2 (Document Reference 6.4.5.2) is based on future projected climate conditions and extreme weather events for the time periods 2020s to 2070s, covering the construction phase following the discharge of the DCO requirements and an operational phase of at least 40 years. These have been based on the Met Office UK climate projections 2018 (UKCP18), the most recent and comprehensive climate change projections for the UK.
	4.10.14	Should a new set of UK Climate Projections or associated research become available after the preparation of the ES, the Secretary of State (or the Examining Authority during the examination stage) should consider whether they need to request further information from the applicant.	This is noted. As set out above, the Met Office UK climate projections 2018 (UKCP18) have been used in the production of the ES, which are the most recent and comprehensive climate change projections for the UK at time of writing.
	4.10.15	The Secretary of State should be satisfied that there are not features of the design of new energy infrastructure critical to its operation which may be seriously affected by more radical changes to the climate beyond that projected in the latest set of UK climate projections, taking account of the latest credible scientific evidence on, for example, sea level rise (for example by referring to additional maximum credible scenarios – i.e. from the Intergovernmental Panel on Climate Change or EA) and that necessary action can be taken to ensure the operation of the infrastructure over its estimated lifetime.	ES Appendix 5.2 Climate Change Risk Assessment (Document Reference 6.4.5.2) specifically considers the resilience of the Proposed Development to extreme weather and projected future climate change impacts. It concludes that all risks identified are of a low or very low risk rating, resulting in no significant effects of the Proposed Development, taking into account proposed mitigation.
	4.10.16	If any adaptation measures give rise to consequential impacts (for example on flooding, water resources or coastal change) the Secretary of State should consider the impact of the latter in relation to the application as a whole and the impacts guidance set out in Part 5 of this NPS.	As set out in ES Chapter 5 Climate Change (Document Reference 6.2.5) and ES Chapter 2 The Proposed Development (Document Reference 6.2.2), measures are embedded into the design of the Proposed Development to enable resilience to the effects of climate change during construction and operation. During construction, these include:
	4.10.17	Any adaptation measures should be based on the latest set of UK Climate Projections, the government's latest UK Climate Change Risk Assessment, when available and in consultation with the EA's Climate Change Allowances for Flood Risk Assessments or the Welsh Government's Climate change allowances and flood consequence assessments.	<ul style="list-style-type: none"> ▪ using equipment's heating / cooling systems where necessary/adapting working practices and equipment used based on current weather conditions; ▪ protecting workers and resources from extreme weather conditions; and ▪ monitoring weather forecasts and the news for Environment Agency flood warnings, relevant weather warnings, and water levels of the local waterways.
	4.10.18	The Secretary of State may take into account reporting authorities' reports (see paragraph 4.10.4 above) to the Secretary of State when considering adaptation measures proposed by an applicant for new energy infrastructure.	During operation, measures include:
	4.10.19	Adaptation measures should be required to be implemented at the time of construction where necessary and appropriate to do so. However, where they are necessary to deal with the impact of climate change, and that measure would have an adverse effect on other aspects of the project and/or	<ul style="list-style-type: none"> ▪ BESS systems would include heating, ventilation and cooling (HVAC) systems and these would be contained within the individual equipment containers.

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		surrounding environment (for example coastal processes), the Secretary of State may consider requiring the applicant to keep the need for the adaptation measure under review, and ensure that the measure could be implemented should the need arise, rather than at the outset of the development (for example increasing height of existing, or requiring new, sea walls).	<ul style="list-style-type: none"> all critical infrastructure is located outside of the Flood Zones, and there are no permanent buildings within the Proposed Development; ES Appendix 10.1 Flood Risk Assessment (FRA) and Drainage Strategy (Document Reference 6.4.10.1) has included a number of adaptation measures that would be considered in the detailed design and operations management; there will be an 8m buffer around all mapped watercourses that cross the Proposed Development; monitoring weather forecasts and the news for Environment Agency flood warnings, relevant weather warnings, and water levels of the local waterways during maintenance activities; and ES Appendix 2.14 Outline LEMP (Document Reference 6.4.2.14) outlines mitigation for landscape and habitat features impacted by low rainfall. <p>It is noted that the SoS may take into account reporting authorities reports in considering adaptation measures proposed in Byers Gill Solar.</p>
Network connection	4.11.1	The connection of a proposed electricity generation plant to the electricity network is an important consideration for applicants wanting to construct or extend a generation plant.	The Applicant has secured a grid connection for Byers Gill Solar, as detailed in the Grid Connection Statement (Document Reference 7.5).
	4.11.2	In the market system and in the past, it has been for the applicant to ensure that there will be necessary infrastructure and capacity within an existing or planned transmission or distribution network to accommodate the electricity generated.	
	4.11.5	The applicant must liaise with National Grid who own and manage the transmission network in England and Wales or the relevant regional DNO or TSO to secure a grid connection.	
	4.11.7	The Planning Act 2008 aims to create a holistic planning regime so that the cumulative effect of different elements of the same project can be considered together. Co-ordinated applications typically bring economic efficiencies and reduced environmental impact. The government therefore envisages that wherever reasonably possible, applications for new generating stations and related infrastructure should be contained in a single application to the Secretary of State or in separate applications submitted in tandem which have been prepared in an integrated way, as outlined in EN-5. This is particularly encouraged to ensure development of more co-ordinated transmission overall.	The Byers Gill Solar application contains all infrastructure necessary to deliver and operate the project. As set out in ES Chapter 2 (Document Reference 6.2.2), National Grid Electricity Transmission (NGET) owns the land in Norton Substation, part of which is leased to Northern Power Grid (NPG) for their operations as the Distribution Network Operator (DNO). Byers Gill Solar has a connection agreement with NPG, which would require a new 132kV circuit breaker and associated switchgear equipment and cable to be installed at the Norton Substation. This will enable the connection between the substation and the Proposed Development. These works form part of the Proposed Development and are assessed as part of the ES. It is expected that NPG would carry out these works to connect the Proposed Development. NGET are proposing further reinforcement works at Norton Substation comprising of 400Kv/132 kV Super Grid Transformer and associated equipment. These works are part of a wider reinforcement of the NGET network and are not directly related to Byers Gill Solar. For this reason, they do not form part of the Proposed Development.
	4.11.8	On some occasions it may not be possible to coordinate applications. For example, different elements of a project may have different lead-in times and be undertaken by different legal entities subject to different commercial and regulatory frameworks (for example grid companies operate within OFGEM controls) making it inefficient from a delivery perspective to submit one application. Applicants may therefore decide to submit separate applications for each element. Where this is the case, the applicant should include information on the other elements and explain the reasons for the separate application confirming that there are no obvious reasons for why other elements are likely to be refused.	This paragraph is not applicable to the Proposed Development, as the Byers Gill Solar DCO application contains all infrastructure necessary to deliver and operate the project.
	4.11.9	If this option is pursued, the applicant accepts the implicit risks involved in doing so and must ensure they provide sufficient information to comply with the EIA Regulations including the indirect, secondary, and cumulative effects, which will encompass information on grid connections.	
	4.11.11	The Secretary of State should consider guidance contained within EN-5. The Secretary of State should be satisfied that appropriate network connection arrangements are/will be in place for a given project regardless of whether one or multiple (linked) applications are submitted.	

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	4.11.12	Where the Secretary of State has decided to grant consent for one project this should not in any way fetter the Secretary of State's ability to take subsequent decisions on any related projects.	
Pollution control and other environmental regulatory regimes	4.12.6	Many projects covered by this NPS will be subject to the Environmental Permitting Regulations , which also incorporates operational waste management requirements for certain activities. When an applicant applies for an Environmental Permit, the relevant regulator (usually the EA or NRW but sometimes the local authority) requires that the application demonstrates that processes are in place to meet all relevant Environmental Permitting Regulations requirements	Permits, consents and licenses required for the construction, operation and decommissioning of the Proposed Development, beyond those provided for through the DCO, are identified in Other Consents and Licenses (Document Reference 7.3). Engagement with the relevant regulator has been undertaken and is summarised in that document.
	4.12.7	Applicants should make early contact with relevant regulators, including EA or NRW and the MMO, to discuss their requirements for Environmental Permits and other consents, such as marine licences.	Pre-application engagement with Environment Agency and Natural England has been undertaken to discuss matters relevant to their regulatory function. This is reflected in the Other Consents and Licenses (Document Reference 7.3) and Potential Main Issues for Examination (PMIE) (Document Reference 7.6). At time of DCO application there are no principal areas of disagreement with either party.
	4.12.8	Wherever possible, applicants should submit applications for Environmental Permits and other necessary consents at the same time as applying to the Secretary of State for development consent.	The status of any permits, consents and licenses required is set out in Other Consents and Licenses (Document Reference 7.3).
	4.12.9	In considering an application for development consent the Secretary of State should focus on whether the development itself is an acceptable use of the land or sea, and the impact of that use, rather than the control of processes, emissions or discharges themselves.	Permits, consents and licenses required for the construction, operation and decommissioning of the Proposed Development, beyond those provided for through the DCO, are identified in Other Consents and Licenses (Document Reference 7.3). Engagement with the relevant regulator has been undertaken and is summarised in that document.
	4.12.10	The Secretary of State should work on the assumption that the relevant pollution control regime and other environmental regulatory regimes, including those on land drainage, water abstraction and biodiversity, will be properly applied and enforced by the relevant regulator. The Secretary of State should act to complement but not seek to duplicate them.	
	4.12.13	In considering the impacts of the project, the Secretary of State may wish to consult the regulator on any management plans that would be included in an Environmental Permit application.	Pre-application engagement with Environment Agency and Natural England has been undertaken to discuss matters relevant to their regulatory function. This is reflected in the Other Consents and Licenses (Document Reference 7.3) and Potential Main Issues for Examination (PMIE) (Document Reference 7.6).
	4.12.14	The Secretary of State should be satisfied that development consent can be granted taking full account of environmental impacts.	The Environmental Statement provided in Volume 6 of the DCO application provides an assessment of the likely environmental effects of the Proposed Development.
	4.12.15	Working in close cooperation with the EA or NRW and/or the pollution control authority, and other relevant bodies, such as the MMO, the SNCB, Drainage Boards, and water and sewerage undertakers, the Secretary of State should be satisfied, before consenting any potentially polluting developments, that: <ul style="list-style-type: none"> the relevant pollution control authority is satisfied that potential releases can be adequately regulated under the pollution control framework. the effects of existing sources of pollution in and around the site are not such that the cumulative effects of pollution when the proposed development is added would make that development unacceptable, particularly in relation to statutory environmental quality limits. 	Pre-application engagement with the Environment Agency and the local authorities including the Lead Local Flood Authority has been undertaken to discuss matters relevant to their regulatory function. This is reflected in the Potential Main Issues for Examination (PMIE) (Document Reference 7.6), in which there are no outstanding concerns identified relating to pollution. ES Appendix 2.9 Outline Pollution and Spillage Response Plan (Document Reference 6.4.2.9) is secured via the DCO and sets out the measures to be implemented to prevent and control pollution during construction and operation of the Proposed Development.
	4.12.16	The Secretary of State should not refuse consent on the basis of pollution impacts unless there is good reason to believe that any relevant necessary operational pollution control permits or licences or other consents will not subsequently be granted. On this basis, it is reasonable for the Secretary of State to consider residual amenity issues only when considering whether the development itself is an acceptable use of the land or sea, and on the impacts of that use.	
	Safety	4.13.2	Some technologies, for example major accident hazard pipelines, will be regulated by specific health and safety legislation. The application of these regulations is set out in the technology specific NPSs where relevant.
	4.13.3	Some energy infrastructure will be subject to the Control of Major Accident Hazards (COMAH) Regulations 2015. These Regulations aim to prevent major accidents involving dangerous substances and limit the consequences to people and the environment of any that do occur. COMAH regulations apply throughout the life cycle of the facility, i.e. from the design and build stage through to decommissioning. They are enforced by the Competent Authority comprising HSE or ONR (Office for Nuclear Regulation, for nuclear) and the EA acting jointly in England and by the HSE and NRW	As part of the statutory consultation carried out between May and June 2023, the Health and Safety Executive (HSE) were notified and invited to comment on the proposals for Byers Gill Solar. No response has been received. HSE did however provide a response to the Scoping Report and the comments made at that time have been taken into consideration in the preparation of ES Appendix 2.5 Major Accidents and Disasters

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		acting jointly in Wales, and the HSE and Scottish Environment Protection Agency (SEPA) acting jointly in Scotland.	Assessment (Document Reference 6.4.2.5), which provides an assessment of the potential for battery fire and damage to existing utilities through the Proposed Development.
	4.13.4	The same principles apply here as for those set out in the previous section on pollution control and other environmental permitting regimes.	ES Appendix 2.13 Outline Battery Fire Safety Plan (Document Reference 6.4.2.13) identifies the safety measures to be implemented to reduce risks related to battery and electrical safety. This has been developed in consultation with the local fire service. Pre-application engagement with the Environment Agency has been undertaken to discuss matters relevant to their regulatory function. This is reflected in the Potential Main Issues for Examination (PMIE) (Document Reference 7.6). No concerns have been raised in relation to the COMAH Regulations. ES Appendix 2.9 Outline Pollution and Spillage Response Plan (Document Reference 6.4.2.9) is secured via Requirement 7 of the draft DCO (Document Reference 3.1) and sets out the measures to be implemented to prevent and control pollution during construction and operation of the Proposed Development.
	4.13.5	Applicants should consult with the HSE on matters relating to safety.	
	4.13.6	Applicants seeking to develop infrastructure subject to the COMAH regulations should make early contact with the Competent Authority.	
	4.13.7	If a safety report is required it is important to discuss with the Competent Authority the type of information that should be provided at the design and development stage, and what form this should take. This will enable the Competent Authority to review as much information as possible before construction begins, in order to assess whether the inherent features of the design are sufficient to prevent, control and mitigate major accidents.	
	4.13.8	The Secretary of State should be satisfied that a safety assessment has been prepared, where required, and that the Competent Authority has raised no safety objections.	
Hazardous substances	4.14.1	All establishments wishing to hold stocks of certain hazardous substances above a threshold need 'Hazardous Substances Consent.	The Proposed Development does not require Hazardous Substances Consent. ES Appendix 2.9 Outline Pollution and Spillage Response Plan (Document Reference 6.4.2.9) is secured via Requirement 7 of the draft DCO (Document Reference 3.1) and sets out the measures to be implemented to prevent and control pollution during construction and operation of the Proposed Development.
	4.14.2	The Hazardous Substances Authority (HSA) has responsibility for deciding whether the risk of storing hazardous substances is tolerable for the community. The HSA will usually be the local planning authority. In some circumstances, the county council are the HSA.	
	4.14.3	HSE is a statutory consultee on applications for hazardous substances consent. HSE is required to undertake detailed assessment work before producing its public safety statutory advice and the supporting consultation distances. This involves HSE considering the compatibility of the proposal outlined in the application (e.g. to store defined quantities of each hazardous substance in specific locations on site) against the risks to the offsite population. HSE advice takes into account existing and potential developments in the area. The aim of HSE's advice is to mitigate the effects of a major accident on the populations around a major hazard site or pipeline.	
	4.14.4	Where HSE does not advise against the Secretary of State granting the consent, it will also recommend whether the consent should be granted subject to any requirements.	
	4.14.5	Applicants must consult the HSA and HSE at pre-application stage if the project is likely to need hazardous substances consent. Hazardous substances consents are a part of the planning regime which contributes to public safety.	
	4.14.6	HSE sets a consultation distance around every site with hazardous substances consent and notifies the relevant local planning authorities. The applicant should therefore consult the local planning authority at pre-application stage to identify whether its proposed site is within the consultation distance of any site with hazardous substances consent and, if so, should consult the HSE for its advice on locating the particular development on that site. Where a hazardous substance consent has been deemed to be granted, the developer is required to send the relevant HAS any information required by them for the purpose of a register.	
	-	4.14.7	
Common law nuisance and statutory nuisance	4.15.5/4.15.6	At the application stage of an energy NSIP, possible sources of nuisance under section 79(1) of the EPA 1990 and how they may be mitigated or limited should be considered by the Secretary of State so that appropriate requirements can be included in any subsequent order granting development consent (see Section 5.7 on Dust, odour, artificial light etc. and Section 5.12 on Noise and vibration).	A Statement of Statutory Nuisance (Document Reference 7.4) is provided with the DCO Application, which considers the potential for sources of nuisance under section 79(1) of the EPA 1990. It confirms that there would not be any sources of statutory nuisance as a result of the Proposed Development and embedded mitigation through the design of the Proposed Development coupled with the mitigation measures identified within the Environmental Statement (Volume 6 of the DCO), will prevent impacts which have a potential to result in statutory nuisance.
	4.15.7	The Secretary of State should note that the defence of statutory authority is subject to any contrary provision made by the Secretary of State in any particular case in a Development Consent Order (section 158(3) of the Planning Act 2008). Therefore, subject to Section 5.7 and Section 5.12, the Secretary of State can disapply the defence of statutory authority, in whole or in part, in any particular	

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		case, but in so doing should have regard to whether any particular nuisance is an inevitable consequence of the development.	
Security considerations	4.16.1-2	National security considerations apply across all national infrastructure sectors. DESNZ works closely with government security agencies including the National Protective Security Authority (NPSA) and the National Cyber Security Centre (NCSC) to provide advice to the most critical infrastructure assets on terrorism and other national security threats, as well as on risk mitigation.	As reported in the Consultation Report (Document Reference 5.1), the SoS for the Department for Energy, Security and Net Zero was notified at the launch of statutory consultation on 5 May 2023 under section 42(1)(a) of the Planning Act 2008. No response was received. The Proposed Development includes security measures such as CCTV and fencing. The Proposed Development is not considered to be 'critical infrastructure' likely to be subject to national security considerations.
	4.16.3	In the UK's civil nuclear industry, security is also independently regulated by the Office for Nuclear Regulation (ONR).	
	4.16.4	Government policy is to ensure that, where possible, proportionate protective security measures are designed into new infrastructure projects at an early stage in the project development. Where applications for development consent for infrastructure covered by this NPS relate to potentially 'critical' infrastructure, there may be national security considerations.	
	4.16.5	DESNZ will be notified at pre-application stage about every likely future application for energy NSIPs, so that any national security implications can be identified.	
	4.16.6	Where national security implications have been identified, the applicant should consult with relevant security experts from NPSA, ONR (for civil nuclear) and/or DESNZ to ensure security measures have been adequately considered in the design process and that adequate consideration has been given to the management of security risks.	
	4.16.7	The applicant should only include sufficient information in the application as is necessary to enable the Secretary of State to examine the development consent issues and make a properly informed decision on the application.	
	4.16.8	If NPSA, ONR (for civil nuclear) and/or DESNZ are satisfied that security issues have been adequately addressed in the project when the application is submitted to the Secretary of State, it will provide confirmation of this to the Secretary of State. The Secretary of State should not need to give any further consideration to the details of the security measures in its examination.	
	4.16.9	In exceptional cases, where examination of an application would involve public disclosure of information about defence or national security which would not be in the national interest, the examination of that evidence may take place in a closed session as set out under Examination Procedure Rules.	
	4.16.10	The Secretary of State must also consider duties under other legislation including duties under the Environment Act 2021 in relation to environmental targets and the Government's Environmental Improvement Plan 2023.	
Generic Impacts			
Introduction	5.1.5	Some of the impact sections in this NPS and the technology specific NPSs also refer to bodies whom the applicant or the Secretary of State should consult. The references to specific bodies are not intended to be exhaustive. The fact that in other impact sections no mention is made of such consultation does not mean that the applicant or the Secretary of State should not, where appropriate, engage in it. Applicants must also ensure they consult the relevant bodies about their proposed applications in accordance with section 42 to 44 of the Planning Act 2008 and the Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009.	The Consultation Report (Document Reference 5.1) sets out the consultation and engagement activities undertaken by the Applicant in developing its proposals for Byers Gill Solar. This includes statutory pre-application consultation undertaken in accordance with sections 42 to 44 of the Planning Act 2008 and the Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009. However, it also includes an overview of the wider engagement and consultation activities undertaken with the local community, the local planning authorities, relevant technical consultees and any other interested parties.
	5.1.6	Sufficient relevant information is crucial to good decision making, particularly where formal assessments are required. To avoid delay, if in any doubt applicants should discuss what information is needed with the Planning Inspectorate, statutory bodies, and other relevant organisations as early as possible. Any assessment should be based on the most up to date data and guidance.	Additionally, the Applicant has voluntarily participated in the Early Adopters Programme (EAP) to trial potential components of an enhanced pre-application service for nationally significant infrastructure projects. Through the EAP, the Applicant has regularly shared updates and documentation with the relevant statutory consultees and regulators, enabling feedback to be taken into account in developing the DCO application. A summary of the EAP activities is also provided in the Consultation Report (Document Reference 5.1).
Air Quality and emissions	5.2.1	Energy infrastructure development can have adverse effects on air quality. The construction, operation and decommissioning phases can involve emissions to air which could lead to adverse impacts on health, on protected species and habitats, or on the wider countryside and species. Air emissions	The Construction Dust Assessment identifies mitigation measures to avoid or minimise any potential for air pollution and these are secured via requirement 3 of the draft DCO (Document Reference 3.1).

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		include particulate matter (for example dust) up to a diameter of ten microns (PM10) and up to a diameter of 2.5 microns (PM2.5) as well as gases such as sulphur dioxide, carbon monoxide and nitrogen oxides (NOx).	
	5.2.2	Legal limits for pollutants in ambient air are set out in the Air Quality Standards Regulations 2010 and for England, national objectives set out in the Air Quality (England) Regulations 2000 reiterated in the Air Quality Strategy, or for Wales, the Air Quality (Wales) Regulations 2000 and the Clean Air Plan for Wales. In addition, two fine particulate matter (PM2.5) targets were set under the Environmental Act 2021 for England – an annual mean concentration target and a population exposure target. Internationally agreed emissions commitments are set in the National Emission Ceilings Regulations 2018 and establish limits for total UK emissions of key pollutants.	
	5.2.3	For many air pollutants there is not a threshold below which there is no health impact so it is important that energy infrastructure schemes consider not just how a scheme may impact statutory air quality limits, objectives or targets but also measures to mitigate all emissions in order to minimise human exposure to air pollution, especially for those who are more susceptible to the impacts of poor air quality.	The Construction Dust Assessment identifies mitigation measures to avoid or minimise any potential for air pollution and these are secured via requirement 3 of the draft DCO (Document Reference 3.1).
	5.2.4	In addition, a particular effect of air emissions from some energy infrastructure may be eutrophication, which is the excessive enrichment of nutrients in the environment. Eutrophication from air pollution results mainly from emissions of NOx and ammonia. The main emissions from energy infrastructure are from generating stations. Eutrophication can affect plant growth and functioning, altering the competitive balance of species and thereby damaging biodiversity. In aquatic ecosystems it can cause changes to algal composition and lead to algal blooms, which remove oxygen from the water, adversely affecting plants and fish. The effects on ecosystems can be short term or irreversible and can have a large impact on ecosystem services such as pollination, aesthetic services and water supply.	This is not considered to be of relevance to the Proposed Development. As set out in ES Chapter 4 Approach to EIA (Document Reference 6.2.4), the topic of air quality has been scoped out of the EIA due to the limited emissions anticipated during construction, operation and decommissioning of the Proposed Development.
	5.2.5	Operational emissions from combustion plant are controlled through Environmental Permits. The relationship between environmental permitting and planning systems is set out in Section 4.12. Emissions from combustion plants are generally released through exhaust stacks. Design of exhaust stacks, particularly height, is the primary driver for the delivery of optimal dispersion of emissions and is often determined by statutory requirements. The optimal stack height is dependent upon the local terrain and meteorological conditions, in combination with the emission characteristics of the plant. The EA or NRW will require the exhaust stack height of a thermal combustion generating plant, including fossil fuel generating stations and waste or biomass plant, to be optimised in relation to impact on air quality. The Secretary of State need not, therefore, be concerned with the exhaust stack height optimisation process in relation to air emissions, though the impact of stack heights on landscape and visual amenity will be a consideration (see Section 5.10).	This is not considered to be of relevance to the Proposed Development, which is not a combustion plant.
	5.2.7	Proximity to emission sources can have significant impacts on sensitive receptor sites for air quality, such as education or healthcare sites, residential use or sensitive or protected ecosystems. Projects near a sensitive receptor site for air quality should only be proposed in exceptional circumstances if no viable alternative site is available. In these instances, substantial mitigation of any expected emissions will be required (see para 5.2.12 below).	This is not considered to be of relevance to the Proposed Development, which would not be an emission source.
	5.2.8	Where the project is likely to have adverse effects on air quality the applicant should undertake an assessment of the impacts of the proposed project as part of the ES.	As set out in ES Chapter 4 Approach to EIA (Document Reference 6.2.4), the topic of air quality has been scoped out of the EIA due to the limited emissions anticipated during construction, operation and decommissioning of the Proposed Development. However, a separate Construction Dust Assessment is provided as Appendix 2.4 of the ES (Document Reference 6.4.2.4). The Construction Dust Assessment includes mitigation measures to avoid or minimise any potential for air pollution and these are secured via requirement 3 of the draft DCO (Document Reference 3.1).
	5.2.9	The ES should describe: <ul style="list-style-type: none"> ▪ existing air quality concentrations and the relative change in air quality from existing levels; ▪ any significant air quality effects, their mitigation action taken and any residual effects distinguishing between the project stages and taking account of any significant emissions from any road traffic generated by the project; ▪ the predicted absolute emissions, concentration change and absolute concentrations as a result of the proposed project, after mitigation methods have been applied; and ▪ any potential eutrophication impacts. 	

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	5.2.10	In addition, applicants should consider the Environment Targets (Fine Particulate Matter) (England) Regulations 2022 and associated Defra guidance.	
	5.2.11	Defra publishes future national projections of air quality based on estimates of future levels of emissions, traffic, and vehicle fleet. Projections are updated as the evidence base changes and the applicant should ensure these are current at the point of an application. The applicant's assessment should be consistent with this but may include more detailed modelling and evaluation to demonstrate local and national impacts. If an applicant believes they have robust additional supporting evidence, to the extent they could affect the conclusions of the assessment, they should include this in their representations to the Examining Authority along with the source.	
	5.2.12	Where a proposed development is likely to lead to a breach of any relevant statutory air quality limits, objectives or targets, or affect the ability of a noncompliant area to achieve compliance within the timescales set out in the most recent relevant air quality plan/strategy at the time of the decision, the applicant should work with the relevant authorities to secure appropriate mitigation measures to ensure that those statutory limits, objectives and targets are not breached.	As set out in ES Chapter 4 Approach to EIA (Document Reference 6.2.4), the topic of air quality has been scoped out of the EIA due to the limited emissions anticipated during construction, operation and decommissioning of the Proposed Development. The Proposed Development is not likely to lead to a breach of relevant statutory air quality limits.
	5.2.13	The Secretary of State should consider whether mitigation measures are needed both for operational and construction emissions over and above any which may form part of the project application. A construction management plan may help codify mitigation at this stage. In doing so the Secretary of State should have regard to the Air Quality Strategy in England, or the Clean Air Plan for Wales in Wales, or any successors to these and should consider relevant advice with Local Air Quality Management guidance and PM2.5 targets guidance.	As set out in ES Chapter 4 Approach to EIA (Document Reference 6.2.4), the topic of air quality has been scoped out of the EIA due to the limited emissions anticipated during construction, operation and decommissioning of the Proposed Development. However, a separate Construction Dust Assessment is provided as Appendix 2.4 of the ES (Document Reference 6.4.2.4). The Construction Dust Assessment includes mitigation measures to avoid or minimise any potential for air pollution and these are secured via requirement 3 of the draft DCO (Document Reference 3.1).
	5.2.14	The mitigations identified in Section 5.14 on traffic and transport impacts will help mitigate the effects of air emissions from transport.	
	5.2.15	Many activities involving air emissions are subject to pollution control. The considerations set out in Section 4.12 on the interface between planning and pollution control therefore apply. The SoS must also consider duties under other legislation including duties under the Environment Act 2021 in relation to environmental targets and have regard to policies set out in the Government's Environmental Improvement Plan 2023.	Permits, consents and licenses required to the construction, operation and decommissioning of the Proposed Development, beyond those provided for through the DCO, are identified in Other Consents and Licenses (Document Reference 7.3). Measures to control and mitigate potential sources of air pollution during the construction and decommissioning of the Proposed Development are secured via ES Appendix 2.6 Outline CEMP (Document Reference 6.4.2.6) and ES Appendix 2.7 Outline DEMP (Document Reference 6.4.2.7).
	5.2.16	The Secretary of State should give air quality considerations substantial weight where a project would lead to a deterioration in air quality. This could for example include where an area breaches any national air quality limits or statutory air quality objectives. However, air quality considerations will also be important where substantial changes in air quality levels are expected, even if this does not lead to any breaches of statutory limits, objectives, or targets.	This is not considered relevant to the Proposed Development. As stated above, the topic of air quality has been scoped out of the ES due to limited emissions anticipated during its lifetime. ES Appendix 2.4 Construction Dust Assessment (Document Reference 6.4.2.4) concludes that the Proposed Development would result in a negligible effect through dust-generating activities and that air quality and construction dust should not be a material consideration for the Proposed Development.
	5.2.17	The Secretary of State should give air quality considerations substantial weight where a project is proposed near a sensitive receptor site, such as an education or healthcare facility, residential use or a sensitive or protected habitat.	This is not considered relevant to the Proposed Development. As stated above, the topic of air quality has been scoped out of the ES due to limited emissions anticipated during its lifetime. ES Appendix 2.4 Construction Dust Assessment (Document Reference 6.4.2.4) concludes that the Proposed Development would result in a negligible effect through dust-generating activities and that air quality and construction dust should not be a material consideration for the Proposed Development.
	5.2.18	Where a project is proposed near to a sensitive receptor site for air quality, if the applicant cannot provide justification for this location, and a suitable mitigation plan, the Secretary of State should refuse consent.	
	5.2.19	In all cases, the Secretary of State must take account of any relevant statutory air quality limits, objectives, and targets. If a project will lead to non-compliance with a statutory limit, objective or target, the Secretary of State should refuse consent.	This is not considered relevant to the Proposed Development. As stated above, the topic of air quality has been scoped out of the ES due to limited emissions anticipated during its lifetime. ES Appendix 2.4 Construction Dust Assessment (Document Reference 6.4.2.4) concludes that the Proposed Development would result in a negligible effect through dust-generating activities and that air quality and construction dust should not be a material consideration for the Proposed Development.
Greenhouse gas emissions	5.3.1	Significant levels of energy infrastructure development are vital to ensure the decarbonisation of the UK economy. The construction, operation and decommissioning of that energy infrastructure will in itself, lead to GHG emissions.	The GHG emissions of the Proposed Development are assessed in ES Appendix 5.1 Greenhouse Gas Assessment (Document Reference 6.4.5.1). The production of low carbon

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	5.3.3	As discussed in Part 2, energy infrastructure plays a vital role in decarbonisation. While all steps should be taken to reduce and mitigate climate change impacts, it is accepted that there will be residual emissions from energy infrastructure, particularly during the economy wide transition to net zero, and potentially beyond.	energy during the operation of the Proposed Development is anticipated to a beneficial effect, which is significant.
	5.3.4	All proposals for energy infrastructure projects should include a GHG assessment as part of their ES (See Section 4.3). This should include: <ul style="list-style-type: none"> • A whole life GHG assessment showing construction, operational and decommissioning GHG impacts, including impacts from change of land use. • An explanation of the steps that have been taken to drive down the climate change impacts at each of those stages. • Measurement of embodied GHG impact from the construction stage. • How reduction in energy demand and consumption during operation has been prioritised in comparison with other measures. • How operational emissions have been reduced as much as possible through the application of best available techniques for that type of technology. • Calculation of operational energy consumption and associated carbon emissions. • Whether and how any residual GHG emissions will be (voluntarily) offset or removed using a recognised framework. • Where there are residual emissions, the level of emissions and the impact of those on national and international efforts to limit climate change, both alone and where relevant in combination with other developments at a regional or national level, or sector level, if sectoral targets are developed. 	The GHG emissions of the Proposed Development are assessed in ES Appendix 5.1 Greenhouse Gas Assessment (Document Reference 6.4.5.1). The production of low carbon energy during the operation of the Proposed Development is anticipated to a beneficial effect, which is significant. The GHG assessment scope includes the impacts arising during construction, operation and decommissioning of the Proposed Development. A summary of the existing or embedded mitigation measures proposed to reduce the climate change impacts are outlined in Tables 5-14, 5-15 and 5-16 of ES Chapter 5 Climate Change (Document Reference 6.2.5).
	5.3.5	A GHG assessment should be used to drive down GHG emissions at every stage of the proposed development and ensure that emissions are minimised as far as possible for the type of technology, taking into account the overall objectives of ensuring our supply of energy always remains secure, reliable and affordable, as we transition to net zero.	The Proposed Development has been designed, to avoid and prevent adverse environmental effects on climate change through the process of design development and consideration of good design principles. Embedded mitigation measures for climate change are reported in ES Chapter 2 The Proposed Development (Document Reference 6.2.2). ES Chapter 5 Climate Change (Document Reference 6.2.5) concludes that there would be no significant adverse effects arising from the Proposed Development, with a significant beneficial effect arising from the production of low carbon energy during operation.
	5.3.6	Applicants should look for opportunities within the proposed development to embed nature-based or technological solutions to mitigate or offset the emissions of construction and decommissioning.	
	5.3.7	Steps taken to minimise and offset emissions should be set out in a GHG Reduction Strategy, secured under the Development Consent Order. The GHG Reduction Strategy should consider the creation and preservation of carbon stores and sinks including through woodland creation, hedgerow creation and restoration, peatland restoration and through other natural habitats.	ES Chapter 5 concludes that there would be no significant adverse effects arising from the Proposed Development, with a significant beneficial effect arising from the production of low carbon energy during operation. Embedded measures to reduce greenhouse gas emissions are set out in ES Chapter 2 The Proposed Development (Document Reference 6.2.2) and secured via the DCO. The Proposed Development would also deliver a 108% net gain in hedgerow biodiversity units, contributing to the creation of carbon stores and sinks.
	5.3.8	The Secretary of State must be satisfied that the applicant has as far as possible assessed the GHG emissions of all stages of the development.	The GHG emissions of the Proposed Development relating to all stages of the Proposed Development are assessed in ES Appendix 5.1 Greenhouse Gas Assessment (Document Reference 6.4.5.1).
	5.3.9	The Secretary of State should be content that the applicant has taken all reasonable steps to reduce the GHG emissions of the construction and decommissioning stage of the development.	The Proposed Development has been designed, to avoid and prevent adverse environmental effects on climate change through the process of design development and consideration of good design principles. Embedded mitigation measures for climate change are reported as part of the description of the Proposed Development in ES Chapter 2 The Proposed Development (Document Reference 6.2.2).
	5.3.10	The Secretary of State should give appropriate weight to projects that embed nature based or technological processes to mitigate or offset the emissions of construction and decommissioning within the proposed development. However, in light of the vital role energy infrastructure plays in the process of economy wide decarbonisation, the Secretary of State must accept that there are likely to be some residual emissions from construction and decommissioning of energy infrastructure.	As reported in ES Appendix 5.1 Greenhouse Gas Assessment (Document Reference 6.4.5.1). GHG emissions from the Proposed Development are not anticipated to be significant during construction and decommissioning. The production of low carbon energy during the operation of the Proposed Development is anticipated to a beneficial effect, which is significant.
	5.3.11	Operational GHG emissions are a significant adverse impact from some types of energy infrastructure which cannot be totally avoided (even with full deployment of CCS technology). Given the characteristics of these and other technologies, as noted in Part 3 of this NPS, and the range of non-	The GHG emissions of the Proposed Development are assessed in ES Appendix 5.1 Greenhouse Gas Assessment (Document Reference 6.4.5.1). Based on the nature of the Proposed Development and experience with similar projects, it is not anticipated that

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		planning policies that can be used to decarbonise electricity generation, such as the UK ETS (see Section 2.4), government has determined that operational GHG emissions are not reasons to prohibit the consenting of energy projects or to impose more restrictions on them in the planning policy framework than are set out in the energy NPSs (e.g. the CCR requirements). Any carbon assessment will include an assessment of operational GHG emissions, but the policies set out in Part 2, including the UK ETS, can be applied to these emissions.	operational emissions to 2037 will contribute to be equal to or more than 1% of the annualised 4 th , 5 th or 6 th UK carbon budgets. Beyond 2037, it is anticipated that direct operational emissions will decrease over time as a result of continuing grid decarbonisation, and of machinery and vehicle electrification, in line with the UK's net-zero carbon emissions target for 2050.
	5.3.12	Operational emissions will be addressed in a managed, economy-wide manner, to ensure consistency with carbon budgets, net zero and our international climate commitments. The Secretary of State does not, therefore need to assess individual applications for planning consent against operational carbon emissions and their contribution to carbon budgets, net zero and our international climate commitments.	
Biodiversity and geological conservation: Habitats Regulations	5.4.4	The highest level of biodiversity protection is afforded to sites identified through international conventions. The Habitats Regulations set out sites for which an HRA will assess the implications of a plan or project, including Special Areas of Conservation and Special Protection Areas.	There are four internationally designated sites within 10 km of the Order Limits. These are: <ul style="list-style-type: none"> ▪ Teesmouth and Cleveland Coast Special Protection Area (SPA); ▪ Teesmouth and Cleveland Coast Ramsar; ▪ Teesmouth and Cleveland Coast proposed Ramsar; and ▪ Thrislington Special Area of Conservation (SAC).
	5.4.5	As a matter of policy, the following should be given the same protection as sites covered by the Habitats Regulations and an HRA will also be required: <ol style="list-style-type: none"> a. potential Special Protection Areas and possible Special Areas of Conservation; b. listed or proposed Ramsar sites; and c. sites identified, or required, as compensatory measures for adverse effects on any of the other sites covered by this paragraph. 	ES Appendix 6.5 Habitats Regulations Assessment No Significant Effects Report (Document Reference 6.4.6.5) has been prepared to carry out Stage 1 (Screening) of the HRA process. Stage 1 identifies the likely impacts upon a European site of a project (either alone or in combination). Mitigation cannot be taken into consideration at Stage 1 of the HRA. The HRA Screening Assessment concludes that No Likely Significant Effects can be determined, and therefore no further Habitats Regulations Assessment is required.
SSSIs	5.4.7	Many SSSIs are also designated as sites of international importance and will be protected accordingly. Those that are not, or those features of SSSIs not covered by an international designation, should be given a high degree of protection. Most National Nature Reserves are notified as SSSIs.	There are four SSSIs within 2km of the Order Limits. These are: <ul style="list-style-type: none"> ▪ Briarcroft Pasture sites of Special Scientific Interest (SSSI) ▪ Whitton Bridge Pasture SSSI; ▪ Redcar Field SSSI ▪ Newton Ketton Meadow SSSI ES Chapter 6 Biodiversity (Document Reference 6.2.6) concludes that there would be no significant effects on the four SSSI sites as a result of the Proposed Development.
	5.4.8	Development on land within or outside a SSSI, 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 (including need) 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 SSSIs.	ES Chapter 6 Biodiversity (Document Reference 6.2.6) concludes that any effects on the four SSSI sites as a result of the Proposed Development would be negligible and therefore not significant
Regional and Local Sites	5.4.12	Sites of regional and local biodiversity and geological interest, which include Regionally Important Geological Sites, Local Nature Reserves and Local Wildlife Sites, are areas of substantive nature conservation value and make an important contribution to ecological networks and nature's recovery. They can also provide wider benefits including public access (where agreed), climate mitigation and helping to tackle air pollution.	There are two Local Nature Reserves (LNR) within 2km of the Order Limits; Hardwick Dene and Elm Tree Woods LNR and Stillington Forest Park LNR. There are two Local Wildlife Sites (LWS) within 1 km of the Order Limits, Carr House Pond LWS and Wynyard Woodland Park Stockton LWS. ES Chapter 6 Biodiversity (Document Reference 6.2.6) concludes that there would be no significant effects on the LNRs or LWS as a result of the Proposed Development.
	5.4.13	National planning policy expects plans to identify and map Local Wildlife sites, and to include policies that not only secure their protection from harm or loss but also help to enhance them and their connection to wider ecological networks.	ES Figure 6.1 Designated Sites (Document Reference 6.3.6.1) depicts the LWS and LNRs considered in ES Chapter 6 Biodiversity (Document Reference 6.2.6)
	5.4.14	Irreplaceable habitats are habitats which would be technically very difficult (or take a very significant time) to restore, recreate or replace once destroyed, taking into account their age, uniqueness, species diversity or rarity.	Where veteran trees have been identified, a buffer of 15 times the stem diameter has been established as a construction exclusion zone around them. No veteran trees will be removed or encroached upon to facilitate the Proposed Development.
Ancient woodland, veteran trees and other irreplaceable habitats	5.4.15	Ancient woodland is a valuable biodiversity resource both for its diversity of species and for its longevity as woodland. Keepers of Time, the government's policy for ancient and native trees and woodland in England sets out the government's policy for ancient and native trees and woodlands in England sets out the government's commitment to maintain and enhance the existing area of ancient	As confirmed in ES Appendix 7.7 Arboricultural Impact Assessment (Document Reference 6.4.7.7), there is no ancient woodland with potential to be affected by the Proposed Development. Where veteran trees have been identified, a buffer of 15 times the stem diameter has been established as a construction exclusion zone around them. This is depicted

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		woodland, maintain and enhance the existing resource of known ancient and veteran trees, excluding natural losses from disease and death, and to increase the percentage of ancient woodland in active. Ancient or veteran trees found outside ancient woodland are also particularly valuable. Other types of irreplaceable habitats include blanket bog, limestone pavement, coastal sand dunes, spartina salt marsh swards, mediterranean saltmarsh, scrub, and lowland fen.	in Appendix B Tree Protection Plan of ES Appendix 7.7 Arboricultural Impact Assessment (Document Reference 6.4.7.7). In total 7 trees are required to be removed to facilitate the Proposed Development, none of which are veteran trees.
Protection of habitats and other species	5.4.16	Many individual wildlife species receive statutory protection under a range of legislative provisions. Other species and habitats have been identified as being of principal importance for the conservation of biodiversity in England and Wales, as well as for their continued benefit for climate mitigation and adaptation and thereby requiring conservation action. Certain plant and animal species, including all wild birds, are protected under the Wildlife and Countryside Act 1981. Certain plant and animal species are also protected under the Conservation of Habitats and Species Regulations 2017. Some other animals are protected under their own legislation, for example Protection of Badgers Act 1992.	ES Chapter 6 Biodiversity (Document Reference 6.2.6) sets out the surveys and site appraisal work that have been undertaken to identify species and habitats within the study area of the Proposed Development. This includes woodland and watercourse habitat, non-breeding (wintering) birds, breeding birds, bats and badgers. Taking into account mitigation measures, ES Chapter 6 Biodiversity (Document Reference 6.2.6) concludes that there would be no significant effects to any habitats or species identified in the assessment during the construction operation or decommissioning of the Proposed Development. Requirements for additional licenses or consents pursuant to separate legislation is set out in Other Consents and Licenses (Document Reference 7.3).
	5.4.17	Where the development is subject to EIA the applicant should ensure that the ES clearly sets out any effects on internationally, nationally, and locally designated sites of ecological or geological conservation importance (including those outside England), on protected species and on habitats and other species identified as being of principal importance for the conservation of biodiversity, including irreplaceable habitats.	ES Chapter 6 Biodiversity (Document Reference 6.2.6) provides an assessment of effects on internationally, nationally, and locally designated sites of ecological or geological conservation importance (including those outside England), on protected species and on habitats and other species identified as being of principal importance for the conservation of biodiversity, including irreplaceable habitats.
	5.4.18	The applicant should provide environmental information proportionate to the infrastructure where EIA is not required to help the Secretary of State consider thoroughly the potential effects of a proposed project.	This is not relevant, as an EIA is required for the Proposed Development.
	5.4.19	The applicant should show how the project has taken advantage of opportunities to conserve and enhance biodiversity and geological conservation interests.	ES Chapter 6 Biodiversity (Document Reference 6.2.6) and ES Chapter 2 The Proposed Development (Document Reference 6.2.2) identifies a range of enhancement measures that would be delivered through the Proposed Development. This includes: <ul style="list-style-type: none"> • habitat creation and management; • new and improved native-species-rich hedgerows and hedgerow trees; • reduced cutting along existing hedgerows to benefit nesting birds and invertebrates; • enhancement of field margins; and • sowing of land under and between Panel Areas with a legume rich mix or flower rich grassland mix.
	5.4.21	As set out in Section 4.7, the design process should embed opportunities for nature inclusive design. Energy infrastructure projects have the potential to deliver significant benefits and enhancements beyond Biodiversity Net Gain, which result in wider environmental gains (see Section 4.6 on Environmental and Biodiversity Net Gain). The scope of potential gains will be dependent on the type, scale, and location of each project.	ES Chapter 6 Biodiversity (Document Reference 6.2.6) and ES Chapter 2 The Proposed Development (Document Reference 6.2.2) identifies a range of enhancement measures that would be delivered through the Proposed Development, contributing to the delivery of substantial biodiversity net gain. This includes: <ul style="list-style-type: none"> ▪ habitat creation and management; ▪ new and improved native-species-rich hedgerows and hedgerow trees; ▪ reduced cutting along existing hedgerows to benefit nesting birds and invertebrates; ▪ enhancement of field margins; and ▪ sowing of land under and between Panel Areas with a legume rich mix or flower rich grassland mix.
	5.4.22	The design of Energy NSIP proposals will need to consider the movement of mobile / migratory species such as birds, fish and marine and terrestrial mammals and their potential to interact with infrastructure. As energy infrastructure could occur anywhere within England and Wales, both inland and onshore and offshore, the potential to affect mobile and migratory species across the UK and more widely across Europe (transboundary effects) requires consideration, depending on the location of development.	ES Chapter 6 Biodiversity (Document Reference 6.2.6) sets out the surveys and site appraisal work that have been undertaken to identify species and habitats within the study area of the Proposed Development. This includes non-breeding (wintering) birds and breeding birds. Surveys undertaken are reported in ES Appendix 6.1 Preliminary Ecological Appraisal Report (Document Reference 6.4.6.1).
	5.4.25	The applicant should seek the advice of the appropriate SNCB and provide the Secretary of State with such information as the Secretary of State may reasonably require, to determine whether an HRA Appropriate Assessment (AA) is required. Applicants can request and agree 'Evidence Plans' with	ES Appendix 6.5 Habitats Regulations Assessment No Significant Effects Report (Document Reference 6.4.6.5) has been prepared to carry out Stage 1 (Screening) of the HRA process. It concludes that No Likely Significant Effects can be determined, and therefore no further

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		SNCBs, which is a way to record upfront the information the applicant needs to supply with its application, so that the HRA can be efficiently carried out. If an AA is required, the applicant must provide the Secretary of State with such information as may reasonably be required to enable the Secretary of State to conduct the AA. This should include information on any mitigation measures that are proposed to minimise or avoid likely significant effects.	stages of the Habitats Regulations Assessment process are required, including an Appropriate Assessment. Pre-application engagement with Natural England has been undertaken to discuss matters relevant to their regulatory function, including the HRA Screening. No concerns have been raised by Natural England regarding the conclusions of the HRA screening exercise undertaken by the Applicant. This is reflected in the Potential Main Issues for Examination (PMIE) (Document Reference 7.6)
	5.4.26	If, during the pre-application stage, the SNCB indicate that the proposed development is likely to adversely impact the integrity of habitat sites, the applicant must include with their application such information as may reasonably be required to assess a potential derogation under the Habitats Regulations.	
	5.4.27	If the SNCB gives such an indication at a later stage in the development consent process, the applicant must provide this information as soon as is reasonably possible and before the close of the examination. This information must include assessment of alternative solutions, a case for Imperative Reasons of Overriding Public Interest (IROPI) and appropriate environmental compensation.	This is noted.
	5.4.28	Provision of such information will not be taken as an acceptance of adverse impacts and if an applicant disputes the likelihood of adverse impacts, it can provide this information as part of its application 'without prejudice' to the Secretary of State's final decision on the impacts of the potential development. If, in these circumstances, an applicant does not supply information required for the assessment of a potential derogation, there will be no expectation that the Secretary of State will allow the applicant the opportunity to provide such information following the examination.	This is noted.
	5.4.29	It is vital that applicants consider the need for compensation as early as possible in the design process as 'retrofitting' compensatory measures will introduce delays and uncertainty to the consenting process.	This is noted. Given the conclusions of ES Appendix 6.5 Habitats Regulations Assessment No Significant Effects Report (Document Reference 6.4.6.5) of No Likely Significant Effects, it is considered that compensation is not required.
	5.4.30	Applicants should work closely at an early stage in the pre-application process with SNCB and Defra/Welsh Government to develop a compensation plan for all protected sites adversely affected by the development. Applicants should engage with the relevant Local Planning Authority at an early stage regarding the proposed location of compensatory measures. Applicants should also take account of any strategic plan level compensation plans in developing project level compensation plans.	
	5.4.31	Before submitting an application, applicants should seek the views of the SNCB and Defra/Welsh Government as to the suitability, securability and effectiveness of the compensation plan to ensure the development will not hinder the achievement of the conservation objectives for the protected site. In cases where such views are provided, the applicant should include a copy of this information with the compensation plan in their application for further consideration by the Examining Authority.	
	5.4.32	Applicants should include measures to mitigate fully the direct and indirect effects of development on ancient woodland, ancient and veteran trees or other irreplaceable habitats during both construction and operational phase.	As confirmed in ES Appendix 7.7 Arboricultural Impact Assessment (Document Reference 6.4.7.7), there is no ancient woodland with potential to be affected by the Proposed Development.
	5.4.33	Applicants should consider any reasonable opportunities to maximise the restoration, creation, and enhancement of wider biodiversity, and the protection and restoration of the ability of habitats to store or sequester carbon as set out under Section 4.6.	ES Chapter 6 Biodiversity (Document Reference 6.2.6) and ES Chapter 2 The Proposed Development (Document Reference 6.2.2) identifies a range of enhancement measures that would be delivered through the Proposed Development, contributing to the delivery of substantial biodiversity net gain. This includes:
	5.4.34	Consideration should be given to improvements to, and impacts on, habitats and species in, around and beyond developments, for wider ecosystem services and natural capital benefits, beyond those under protection and identified as being of principal importance. This may include considerations and opportunities identified through Local Nature Recovery Strategies, and national goals and targets set through the Environment Act 2021 and the Environmental Improvement Plan 2023.	<ul style="list-style-type: none"> ▪ habitat creation and management; ▪ new and improved native-species-rich hedgerows and hedgerow trees; ▪ reduced cutting along existing hedgerows to benefit nesting birds and invertebrates; ▪ enhancement of field margins; and sowing of land under and between Panel Areas with a legume rich mix or flower rich grassland mix.
	5.4.35	Applicants should include appropriate avoidance, mitigation, compensation and enhancement measures as an integral part of the proposed development. In particular, the applicant should demonstrate that: <ul style="list-style-type: none"> ▪ during construction, they will seek to ensure that activities will be confined to the minimum areas required for the works ▪ the timing of construction has been planned to avoid or limit disturbance 	A range of mitigation measures have been included in the Proposed Development, comprising of both measures embedded within its design and as measures that would be implemented during construction, operation or decommissioning of the Proposed Development. The measures are detailed in ES Chapter 2 The Proposed Development (Document Reference 6.2.2) and ES Chapter 6 Biodiversity (Document Reference 6.2.6) and

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		<ul style="list-style-type: none"> during construction and operation best practice will be followed to ensure that risk of disturbance or damage to species or habitats is minimised, including as a consequence of transport access arrangements habitats will, where practicable, be restored after construction works have finished opportunities will be taken to enhance existing habitats rather than replace them, and where practicable, create new habitats of value within the site landscaping proposals. Where habitat creation is required as mitigation, compensation, or enhancement the location and quality will be of key importance. In this regard habitat creation should be focused on areas where the most ecological and ecosystems benefits can be realised. Mitigations required as a result of legal protection of habitats or species will be complied with. 	<p>would be secured via the draft DCO (Document Reference 3.1) under the following management plans:</p> <ul style="list-style-type: none"> ES Appendix 2.6 Outline CEMP (Document Reference 6.4.2.6) ES Appendix 2.14 Outline LEMP (Document Reference 6.4.2.14) ES Appendix 2.7 Outline DEMP (Document Reference 6.4.2.7) <p>In addition, requirement 3 of the draft DCO (Document Reference 3.1) would secure the detailed design of the Proposed Development to ensure it is in accordance with the proposals set out in the DCO application documentation.</p>
	5.4.36	Applicants should produce and implement a Biodiversity Management Strategy as part of their development proposals. This could include provision for biodiversity awareness training to employees and contractors so as to avoid unnecessary adverse impacts on biodiversity during the construction and operation stages.	<p>Measures to avoid unnecessary adverse impacts to biodiversity during construction, operation and decommissioning of the Proposed Development are secured via the draft DCO (Document Reference 3.1). The individual measures are set out within:</p> <ul style="list-style-type: none"> ES Appendix 2.6 Outline CEMP (Document Reference 6.4.2.6) ES Appendix 2.7 Outline DEMP (Document Reference 6.4.2.7) ES Appendix 2.14 Outline LEMP (Document Reference 6.4.2.14)
	5.4.37	In the design of any direct cooling system the locations of the intake and outfall should be sited to avoid or minimise adverse impacts on the receiving waters, including their ecology. There should also be specific measures to minimise impact to fish and aquatic biota by entrainment and impingement or by excessive heat or biocidal chemicals from discharges to receiving waters.	This is not considered relevant to the Proposed Development.
	5.4.38	To further minimise any adverse impacts on geodiversity, where appropriate applicants are encouraged to produce and implement a Geodiversity Management Strategy to preserve and enhance access to geological interest features, as part of relevant development proposals.	The measures to minimise or avoid adverse impacts on geodiversity are detailed in ES Appendix 2.11 Outline Soil Resources Management Plan (Document Reference 6.4.2.11) and secured via the draft DCO (Document Reference 3.1).
	5.4.39	The government's 25 Year Environment Plan and the Environment Act 2021 mark a step change in ambition for wildlife and the natural environment. The Secretary of State should have regard to the aims and goals of the government's Environmental Improvement Plan 2023, and in Wales the objectives of the Nature Recovery Plan, and any relevant measures and targets, including statutory targets set under the Environment Act or elsewhere.	The Applicant has had regard to the Environment Act in preparing the DCO Application. The Proposed Development will contribute to delivery of nature-based solutions to climate adaptation by providing an anticipated 88% net gain in habitat biodiversity units and 108% net gain in hedgerow biodiversity units. This is reported in ES Appendix 6.6 Biodiversity Net Gain Report (Document Reference 6.4.6.6)
	5.4.41	The benefits of nationally significant low carbon energy infrastructure development may include benefits for biodiversity and geological conservation interests and these benefits may outweigh harm to these interests. The Secretary of State may take account of any such net benefit in cases where it can be demonstrated.	
	5.4.43	If significant harm to biodiversity resulting from a development cannot be avoided (for example through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then the Secretary of State will give significant weight to any residual harm and consent may be refused.	ES Chapter 6 Biodiversity (Document Reference 6.2.6) concludes that there would be no significant adverse effects resulting from the Proposed Development.
	5.4.44	The Secretary of State should consider what appropriate requirements should be attached to any consent and/or in any planning obligations entered into, in order to ensure that any mitigation or biodiversity net gain measures, if offered, are delivered and maintained. Any habitat creation or enhancement delivered including linkages with existing habitats for compensation or biodiversity net gain should generally be maintained for a minimum period of 30 years, or for the lifetime of the project, if longer.	The ongoing maintenance of proposed planting and habitat creation is detailed in the Outline LEMP (Document Reference 6.4.2.14) and secured via requirement of the draft DCO (Document Reference 3.1). This would exceed the minimum 30-year requirement, providing maintenance for the full 40-year operation of the Proposed Development.
	5.4.45	The Secretary of State will need to take account of what mitigation measures may have been agreed between the applicant and the SNCB and the MMO/NRW (where appropriate). The Secretary of State will also need to consider whether the SNCB or the MMO/NRW has granted or refused, or intends to grant or refuse, any relevant licences, including protected species mitigation licences.	<p>Pre-application engagement with Natural England has been undertaken to discuss matters relevant to their regulatory function. This is reflected in the Potential Main Issues for Examination (PMIE) (Document Reference 7.6), in which it is identified that Natural England has no principal areas of disagreement with the Applicant at this time.</p> <p>The status of any permits, consents and licenses required is set out in Other Consents and Licenses (Document Reference 7.3). Natural England has not raised any concerns regarding the future granting of relevant consents and licenses.</p>

Policy area/topic	Designated NPS EN-1 (2024)		Compliance of Proposed Development with policy
	Relevant paragraph	Policy requirement	
	5.4.46	Development proposals provide many opportunities for building-in beneficial biodiversity or geological features as part of good design. The Secretary of State should give appropriate weight to environmental and biodiversity enhancements, although any weight given to gains provided to meet a legal requirement (for example under the Environment Act 2021) is likely to be limited.	Mitigation and enhancement measures have been incorporated into the Proposed Development, as set out in ES Chapter 6 Biodiversity (Document Reference 6.2.6) and secured through the draft DCO (Document Reference 3.1).
	5.4.47	When considering proposals, the Secretary of State should maximise such reasonable opportunities in and around developments, using requirements or planning obligations where appropriate. This can help towards delivering biodiversity net gain as part of or in addition to the approach set out at Section 4.6.	The ongoing maintenance of proposed planting and habitat creation is detailed in the Outline LEMP (Document Reference 6.4.2.14) and secured via requirement of the draft DCO (Document Reference 3.1). This would exceed the minimum 30-year requirement, providing maintenance for the full 40-year operation of the Proposed Development.
	5.4.48	In taking decisions, the Secretary of State should ensure that appropriate weight is attached to designated sites of international, national, and local importance; protected species; habitats and other species of principal importance for the conservation of biodiversity; and to biodiversity and geological interests within the wider environment.	ES Chapter 6 Biodiversity (Document Reference 6.2.6) sets out the assessment methodology employed for assessing the likely significant effects on biodiversity arising from the Proposed Development, taking into account the nature of the effect and receptor.
	5.4.49	The Secretary of State must consider whether the project may have a likely significant effect on a protected site which is part of the National Site Network (an habitat site), a protected marine site, or on any site to which the same protection is applied as a matter of policy, either alone or in combination with other plans or projects.	There are four internationally designated sites within 10 km of the Order Limits. These are: <ul style="list-style-type: none"> ▪ Teesmouth and Cleveland Coast Special Protection Area (SPA); ▪ Teesmouth and Cleveland Coast Ramsar; ▪ Teesmouth and Cleveland Coast proposed Ramsar; and ▪ Thrislington Special Area of Conservation (SAC)
	5.4.50	The Secretary of State should use requirements and/or planning obligations to mitigate the harmful aspects of the development and, where possible, to ensure the conservation and enhancement of the site's biodiversity or geological interest.	ES Appendix 6.5 Habitats Regulations Assessment No Significant Effects Report (Document Reference 6.4.6.5) has been prepared to carry out Stage 1 (Screening) of the HRA process. It concludes that No Likely Significant Effects can be determined, and therefore no further stages of the Habitats Regulations Assessment process are required, including an Appropriate Assessment.
	5.4.52	The Secretary of State should give due consideration to such regional or local designations. However, given the need for new nationally significant infrastructure, these designations should not be used in themselves to refuse development consent.	There are two Local Nature Reserves (LNR) within 2km of the Order Limits; Hardwick Dene and Elm Tree Woods LNR and Stillington Forest Park LNR. There are two Local Wildlife Sites (LWS) within 1 km of the Order Limits, Carr House Pond LWS and Wynyard Woodland Park Stockton LWS. ES Chapter 6 Biodiversity (Document Reference 6.2.6) concludes that there would be no significant effects on the LNRs or LWS as a result of the Proposed Development.
	5.4.53	The Secretary of State should not grant development consent for any development that would result in the loss or deterioration of any irreplaceable habitats, including ancient woodland, and ancient or veteran trees unless there are wholly exceptional reasons and a suitable compensation strategy exists.	As confirmed in ES Appendix 7.7 Arboricultural Impact Assessment (Document Reference 6.4.7.7), there is no ancient woodland with potential to be affected by the Proposed Development.
	5.4.54	The Secretary of State should ensure that species and habitats identified as being of importance for the conservation of biodiversity are protected from the adverse effects of development by using requirements, planning obligations, or licence conditions where appropriate.	Mitigation and enhancement measures proposed in the DCO application are secured via the draft DCO (Document Reference 3.1). This includes measures to protect species and habitats from adverse effects of development.
	5.4.55	The Secretary of State should refuse consent where harm or a protected species and relevant habitat would result, unless there is an overriding public interest and the other relevant legal tests are met. . In this context the Secretary of State should give substantial weight to any such harm to the detriment of biodiversity features of national or regional importance or the climate resilience and the capacity of habitats to store carbon, which it considers may result from a proposed development.	ES Chapter 6 Biodiversity (Document Reference 6.2.6) concludes that there would be no significant adverse effects resulting from the Proposed Development.
Civil and military aviation and defence interests	5.5.49	The Secretary of State should be satisfied that the effects on meteorological radars, civil and military aerodromes, aviation technical sites and other defence assets or operations have been addressed by the applicant and that any necessary assessment of the proposal on aviation, NSWWS or defence interests has been carried out.	A glint and glare assessment has been undertaken and is provided in ES Appendix 2.2. Solar Photovoltaic Glint and Glare Study (Document Reference 6.4.2.2). One active airfield has been identified for the assessment; this is Teesside International Airport, a licensed aerodrome located south of the Proposed Development area, within 10km. The assessment confirms that no impacts are predicted on aviation activity associated with Teesside International Airport because solar reflections are not geometrically possible towards the ATC Tower or the last two miles of the approach path toward runway 5 or 23.
	5.5.50	In particular, the Secretary of State should be satisfied that the proposal has been designed, where possible, to minimise adverse impacts on the operation and safety of aerodromes and that realistically achievable mitigation is carried out on existing surveillance systems such as radar / tracking technologies. It is incumbent on Operators of aerodromes to regularly review the possibility of agreeing to make reasonable changes to operational procedures.	

Policy area/topic	Designated NPS EN-1 (2024)		Compliance of Proposed Development with policy
	Relevant paragraph	Policy requirement	
Dust, odour, artificial light, smoke, steam, and insect infestation	5.7.1	During the construction, operation and decommissioning of energy infrastructure there is potential for the release of a range of emissions such as odour, dust, steam, smoke, artificial light and infestation of insects. All have the potential to have a detrimental impact on amenity or cause a common law nuisance or statutory nuisance under Part III, Environmental Protection Act 1990. However, they are not regulated by the environmental permitting regime, so mitigation of these impacts will need to be included in the Development Consent Order.	A Statement of Statutory Nuisance (Document Reference 7.4) has been prepared as part of the DCO application and sets out whether the Proposed Development engages one or more of the matters in section 79(1) (statutory nuisances and inspections therefor) of the Environmental Protection Act 1990. The statement also sets out how the Applicant proposes to mitigate or limit the effects for those that are engaged.
	5.7.2	Note that pollution impacts from some of these emissions (for example dust, smoke) are covered in the Section 5.2 on air emissions.	
	5.7.3	Because of the potential effects of these emissions and infestation, and in view of the availability of the defence of statutory authority against nuisance claims described in Section 4.15, it is important that the potential for these impacts is considered by the applicant and Secretary of State.	
	5.7.4	For energy NSIPs of the type covered by this NPS, some impact on amenity for local communities is likely to be unavoidable. The aim should be to keep impacts to a minimum, and at a level that is acceptable.	As detailed in the Statement of Statutory Nuisance (Document Reference 7.4), the Applicant has sought to avoid or minimise impacts on amenity through measures proposed in relation to each potential source of nuisance identified.
	5.7.5	The applicant should assess the potential for insect infestation and emissions of odour, dust, steam, smoke, and artificial light to have a detrimental impact on amenity, as part of the ES.	The Statement of Statutory Nuisance (Document Reference 7.4) identifies relevant potential sources of nuisance and how they have been assessed in the ES. The potential for insect infestation, steam, smoke or odour resulting from the Proposed Development is considered very low and is not identified in the Statement as potential source of statutory nuisance. Dust and artificial light are considered as below and subject to the controls proposed in the DCO, would not be a source of statutory nuisance. A construction dust assessment is provided as ES Appendix 2.4 (Document Reference 6.4.2.4) in line with the latest practice Institute of Air Quality Management (IAQM) Guidance. Measures for the control of dust during construction and decommissioning are secured via the Outline CEMP (Document Reference 6.4.2.6) and Outline DEMP (Document Reference 6.4.2.7) respectively. During the construction and decommissioning phases of the Proposed Development, it is envisaged that artificial lighting may be required to facilitate construction areas where there is limited natural light and during core working hours within winter months. The use of artificial lighting will be controlled by the Outline CEMP (Document Reference 6.4.2.6), adopting the necessary mitigation hierarchy to protect ecological and residential receptors. There is no permanent lighting proposed as part of the Proposed Development, except for the localised emergency security lighting in proximity to the substation and energy storage systems. Such lighting would be triggered by movement only or manually turned on, and so would not be active for all hours of darkness. CCTV to be installed along the security fencing associated with the onsite substation and energy storage system would utilise infrared technology. As outlined above, measures to mitigate potential sources of nuisance and reduce emissions as identified in the Statement of Statutory Nuisance (Document Reference 7.4) are secured via relevant management plans, comprising: <ul style="list-style-type: none"> ▪ Outline CEMP (Document Reference 6.4.2.6) ▪ Outline DEMP (Document Reference 6.4.2.7) These plans are secured via requirement 4 (CEMP) and requirement 5 (DEMP) of the draft DCO (Document Reference 3.1). Due to the nature of the Proposed Development, decommissioning would not require explosive demolition.
	5.7.6	In particular, the assessment provided by the applicant should describe: <ul style="list-style-type: none"> ▪ the type, quantity and timing of emissions ▪ aspects of the development which may give rise to emissions ▪ premises or locations that may be affected by the emissions ▪ effects of the emission on identified premises or locations ▪ measures to be employed in preventing or mitigating the emissions 	
	5.7.7	The applicant is advised to consult the relevant local planning authority and, where appropriate, the EA about the scope and methodology of the assessment.	
	5.7.8	Mitigation measures may include one or more of the following: <ul style="list-style-type: none"> • engineering: prevention of a specific emission at the point of generation; control, containment and abatement of emissions if generated • lay-out: adequate distance between source and sensitive receptors; reduced transport or handling of material • administrative: limiting operating times; restricting activities allowed on the site; implementing management plans 	
	5.7.9	Construction should be undertaken in a way that reduces emissions, for example the use of low emission mobile plant during the construction, and demolition phases as appropriate, and consideration should be given to making these mandatory in Development Consent Order requirements.	
	5.7.10	Demolition considerations should be embedded into designs at the outset to enable demolition techniques to be adopted that remove the need for explosive demolition.	
	5.7.11	A construction management plan may help clarify and secure mitigation.	
	5.7.12	The Secretary of State should satisfy itself that: <ul style="list-style-type: none"> ▪ an assessment of the potential for artificial light, dust, odour, smoke, steam and insect infestation to have a detrimental impact on amenity has been carried out ▪ that all reasonable steps have been taken, and will be taken, to minimise any such detrimental impacts 	
	5.7.13	If development consent is granted for a project, the Secretary of State should consider whether there is a justification for all of the authorised project (including any associated development) to be covered by a defence of statutory authority against nuisance claims. If the Secretary of State cannot conclude that this is justified, the Secretary of State should disapply in whole or in part the defence through a provision in the development consent order.	

Policy area/topic	Designated NPS EN-1 (2024)		Compliance of Proposed Development with policy
	Relevant paragraph	Policy requirement	
	5.7.14	Where the Secretary of State believes it appropriate, the Secretary of State may consider attaching requirements to the development consent, to secure certain mitigation measures.	As outlined above, measures to mitigate potential sources of nuisance as identified in the Statement of Statutory Nuisance (Document Reference 7.4) are secured via relevant management plans, comprising: <ul style="list-style-type: none"> Outline CEMP (Document Reference 6.4.2.6) Outline DEMP (Document Reference 6.4.2.7) These plans are secured via requirement 4 (CEMP) and requirement 5 (DEMP) of the draft DCO (Document Reference 3.1).
	5.7.15	In particular, the Secretary of State should consider whether to require the applicant to abide by a scheme of management and mitigation concerning insect infestation and emissions of odour, dust, steam, smoke, and artificial light from the development. The Secretary of State should consider the need for such a scheme to reduce any loss to amenity which might arise during the construction, operation and decommissioning of the development. A construction management plan may help codify mitigation at that stage.	
Flood risk	5.8.3	The government's Flood and Coastal Erosion Risk Management Policy Statement sets out our ambition to create a nation more resilient to future flood and coastal erosion risk. It outlines policies and actions which will accelerate progress to better protect and better prepare the country against flooding and coastal erosion. The industry should consider any updates to government policy and apply updated approaches as a matter of priority.	Relevant policy, legislation and guidance has been considered within ES Chapter 10 Hydrology and Flood Risk (Document Reference 6.2.10) and ES Appendix 10.1 Flood Risk Assessment and Drainage Strategy (Document Reference 6.4.10.1).
	5.8.4	All buildings in flood risk areas can improve their preparedness to reduce costs and disruption to key public services when a flood happens. Where infrastructure is not better protected as part of a wider community scale flood defence scheme, those who own and run infrastructure sites – whether in public or private hands – are expected to take action to keep water out, minimise the damage if water gets in through flood-resilient materials, and reduce the disruption caused. This includes effective contingency planning to mitigate the impacts of flooding on the delivery of important services.	ES Appendix 10.1 Flood Risk Assessment and Drainage Strategy (Document Reference 6.4.10.1) concludes that the Proposed Development will be safe for its lifetime and will not impact flood risk on site or off site.
	5.8.5	Climate change is already having an impact and is expected to have an increasing impact on the UK throughout this century. The UK Climate Projections 2018 show an increased chance of milder, wetter winters and hotter, drier summers in the UK, with more intensive rainfall causing flooding. Sea levels will continue to rise beyond the end of the century, increasing risks to vulnerable coastal communities. Within the lifetime of energy projects, these factors will lead to increased flood risks in areas susceptible to flooding, and to an increased risk of the occurrence of floods in some areas which are not currently thought of as being at risk. A robust approach to flood risk management is a vital element of climate change adaptation; the applicant and the Secretary of State should take account of the policy on climate change adaptation in Section 4.10.	ES Chapter 5 Climate Change (Document Reference 6.2.5) of the DCO application provides an assessment of the Proposed Development in relation to its effects on climate, and its resilience to the effects of climate change. Relevant sections of the technology specific NPSs EN-3 and EN-5 relating to climate change and related topics such as flood risk are considered in this document.
	5.8.6	The aims of planning policy on development and flood risk are to ensure that flood risk from all sources of flooding is taken into account at all stages in the planning process to avoid inappropriate development in areas at risk of flooding, and to steer new development to areas with the lowest risk of flooding.	ES Chapter 10 Hydrology and Flood Risk (Document Reference 6.2.10) describes the baseline conditions of the Order Limits in relation to hydrology and flood risk, and considers the potential impacts of the Proposed Development, and any essential mitigation that may be required. Embedded mitigation is included with ES Chapter 2 The Proposed Development (Document Reference 6.2.2).
	5.8.7	Where new energy infrastructure is, exceptionally, necessary in flood risk areas (for example where there are no reasonably available sites in areas at lower risk), policy aims to make it safe for its lifetime without increasing flood risk elsewhere and, where possible, by reducing flood risk overall. It should also be designed and constructed to remain operational in times of flood.	It is concluded that the Proposed Development will be safe for its lifetime and will not impact flood risk on site or off site. The infrastructure is positioned such as not to impede flow routes and will have a negligible impact on floodplain storage.
	5.8.8	Proposals that aim to facilitate the relocation of existing energy infrastructure from unsustainable locations which are or will be at unacceptable risk of flooding, should be supported where it would result in climate-resilient infrastructure.	This is not considered relevant to the Proposed Development.
	5.8.9	If, following application of the Sequential Test, it is not possible, (taking into account wider sustainable development objectives), for the project to be located in areas of lower flood risk the Exception Test can be applied, as defined in https://www.gov.uk/guidance/flood-risk-and-coastal-change#table2.215 . The test provides a method of allowing necessary development to go ahead in situations where suitable sites at lower risk of flooding are not available.	As set out in ES Chapter 3 Alternatives and Design Iteration (Document Reference 6.2.3), flood risk was a constraint considered in the siting of the Proposed Development. ES Appendix 10.1 Flood Risk Assessment and Drainage Strategy (Document Reference 6.4.10.1) is provided with the DCO application and identifies how critical infrastructure has been sited and designed to avoid flood risk impacts. This includes:
	5.8.10	The Exception Test is only appropriate for use where the Sequential Test alone cannot deliver an acceptable site. It would only be appropriate to move onto the Exception Test when the Sequential Test has identified reasonably available, lower risk sites appropriate for the proposed development where, accounting for wider sustainable development objectives, application of relevant policies would provide a clear reason for refusing development in any alternative locations identified. Examples could	<ul style="list-style-type: none"> no critical infrastructure has been placed inside of the fluvial or pluvial higher risk flood zones access tracks are at grade the crossing proposed over the Bishopton Beck will utilise an existing bridge crossing

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		include alternative site(s) that are subject to national designations such as landscape, heritage and nature conservation designations, for example Areas of Outstanding Natural Beauty (AONBs), SSSIs and World Heritage Sites (WHS) which would not usually be considered appropriate.	<ul style="list-style-type: none"> the solar PV modules will be 800mm above the ground, placing them above the 1.0% pluvial flood level used to approximate the fluvial flood level. <p>It is concluded that the Proposed Development will be safe for its lifetime and will not impact flood risk on site or off site. The infrastructure is positioned such as not to impede flow routes and will have a negligible impact on floodplain storage.</p> <p>In relation to the wider sustainability benefits, as referred to earlier in this table, EN-1 identifies the Critical National Priority (CNP) for the provision of nationally significant low carbon infrastructure. The Proposed Development would respond to the CNP and contribute to delivery of the Government’s net zero ambitions by generating 180MW of electricity, enough to power the equivalent of 70,000 homes. It would also provide additional benefits such as an 88% net gain in habitat biodiversity units and a 108% net gain in hedgerow biodiversity units, and sustainability benefits to the community through enhanced access to the countryside, improved wildlife corridors and a community orchard and sensory garden.</p>
	5.8.11	Both elements of the Exception Test will have to be satisfied for development to be consented. To pass the Exception Test it should be demonstrated that: <ul style="list-style-type: none"> the project would provide wider sustainability benefits to the community that outweigh flood risk; and the project will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible will reduce flood risk overall. 	
	5.8.12	Development should be designed to ensure there is no increase in flood risk elsewhere, accounting for the predicted impacts of climate change throughout the lifetime of the development. There should be no net loss of floodplain storage and any deflection or constriction of flood flow routes should be safely managed within the site. Mitigation measures should make as much use as possible of natural flood management techniques.	ES Appendix 10.1 Flood Risk Assessment and Drainage Strategy (Document Reference 6.4.10.1) concludes that the Proposed Development will be safe for its lifetime and will not impact flood risk on site or off site. The infrastructure is positioned such as not to impede flow routes and will have a negligible impact on floodplain storage.
	5.8.13	A site-specific flood risk assessment should be provided for all energy projects in Flood Zones 2 and 3 in England or Zones B and C in Wales. In Flood Zone 1 in England or Zone A in Wales, an assessment should accompany all proposals involving: <ul style="list-style-type: none"> sites of 1 hectare or more land which has been identified by the EA or NRW as having critical drainage problems land identified (for example in a local authority strategic flood risk assessment) as being at increased flood risk in future land that may be subject to other sources of flooding (for example surface water) where the EA or NRW, Lead Local Flood Authority, Internal Drainage Board or other body have indicated that there may be drainage problems. 	ES Chapter 10 Hydrology and Flood Risk (Document Reference 6.2.10) identifies that the majority of the Proposed Development is situated in Flood Zone 1, with small areas of the Order Limits located in Flood Zones 2 and 3. ES Appendix 10.1 Flood Risk Assessment and Drainage Strategy (Document Reference 6.4.10.1) includes a site-specific Flood Risk Assessment.
	5.8.14	This assessment should identify and assess the risks of all forms of flooding to and from the project and demonstrate how these flood risks will be managed, taking climate change into account.	ES Appendix 10.1 Flood Risk Assessment and Drainage Strategy (Document Reference 6.4.10.1) includes a site-specific Flood Risk Assessment. Changes in rainfall attributed to climate change have been incorporated into the assessment of flood risk. Resilience to impacts from climate change has been assessed within ES Appendix 5.2 Climate Change Resilience (CCR) Assessment (Document Reference 6.4.5.2). ES Appendix 10.1 Flood Risk Assessment and Drainage Strategy (Document Reference 6.4.10.1) includes a site-specific Flood Risk Assessment (FRA). It is considered that this assessment is proportionate to the scale, nature and location of the project and meets the minimum requirements of the NPS. It identifies how flood risk and surface water will be managed during the operational phases of the Proposed Development and provides an overview maintenance plan for the drainage mitigations proposed. The detailed design of drainage would be secured via requirement 3 of the draft DCO (Document Reference 3.1).
	5.8.15	The minimum requirements for Flood Risk Assessments (FRA) are that they should: <ul style="list-style-type: none"> be proportionate to the risk and appropriate to the scale, nature and location of the project; consider the risk of flooding arising from the project in addition to the risk of flooding to the project; take the impacts of climate change into account, across a range of climate scenarios, clearly stating the development lifetime over which the assessment has been made; be undertaken by competent people, as early as possible in the process of preparing the proposal; consider both the potential adverse and beneficial effects of flood risk management infrastructure, including raised defences, flow channels, flood storage areas and other artificial features, together with the consequences of their failure and exceedance; consider the vulnerability of those using the site, including arrangements for safe access and escape; consider and quantify the different types of flooding (whether from natural and human sources and including joint and cumulative effects) and include information on flood likelihood, speed-of-onset, depth, velocity, hazard and duration; 	The FRA is taken into account within the wider hydrology assessment provided in ES Chapter 10 Hydrology and Flood Risk (Document Reference 6.2.10), which concludes no significant effects resulting from the Proposed Development.

		<ul style="list-style-type: none"> ▪ identify and secure opportunities to reduce the causes and impacts of flooding overall, making as much use as possible of natural flood management techniques as part of an integrated approach to flood risk management; ▪ consider the effects of a range of flooding events including extreme events on people, property, the natural and historic environment and river and coastal processes; ▪ include the assessment of the remaining (known as ‘residual’) risk after risk reduction measures have been taken into account and demonstrate that these risks can be safely managed, ensuring people will not be exposed to hazardous flooding; ▪ consider how the ability of water to soak into the ground may change with development, along with how the proposed layout of the project may affect drainage systems. Information should include: <ul style="list-style-type: none"> - Describe the existing surface water drainage arrangements for the site - Set out (approximately) the existing rates and volumes of surface water run-off generated by the site. Detail the proposals for restricting discharge rates - Set out proposals for managing and discharging surface water from the site using sustainable drainage systems and accounting for the predicted impacts of climate change. If sustainable drainage systems have been rejected, present clear evidence of why their inclusion would be inappropriate - Demonstrate how the hierarchy of drainage options has been followed. - Explain and justify why the types of SuDS and method of discharge have been selected and why they are considered appropriate. - Explain how sustainable drainage systems have been integrated with other aspects of the development such as open space or green infrastructure, so as to ensure an efficient use of the site - Describe the multifunctional benefits the sustainable drainage system will provide - Set out which opportunities to reduce the causes and impacts of flooding have been identified and included as part of the proposed sustainable drainage system - Explain how run-off from the completed development will be prevented from causing an impact elsewhere - Explain how the sustainable drainage system been designed to facilitate maintenance and, where relevant, adoption. Set out plans for ensuring an acceptable standard of operation and maintenance throughout the lifetime of the development ▪ detail those measures that will be included to ensure the development will be safe and remain operational during a flooding event throughout the development’s lifetime without increasing flood risk elsewhere; ▪ identify and secure opportunities to reduce the causes and impacts of flooding overall during the period of construction; and ▪ be supported by appropriate data and information, including historical information on previous events. 	
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Policy area/topic	Designated NPS EN-1 (2024)		Compliance of Proposed Development with policy
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	5.8.16	Further guidance can be found in the Planning Practice Guidance Flood Risk and Coastal Change section which accompanies the NPPF, TAN15 for Wales or successor documents.	ES Appendix 10.1 Flood Risk Assessment and Drainage Strategy (Document Reference 6.4.10.1) has been informed by the PPG.
	5.8.17	Development (including construction works) will need to account for any existing watercourses and flood and coastal erosion risk management structures or features, or any land likely to be needed for future structures or features so as to ensure: <ul style="list-style-type: none"> Access, clearances and sufficient land are retained to enable their maintenance, repair, operation, and replacement, as necessary Their standard of protection is not reduced Their condition or structural integrity is not reduced. 	Mitigation measures to avoid or reduce impacts to existing watercourses and flood risk management features are identified in ES Chapter 10 Hydrology and Flood Risk (Document Reference 6.2.10) and secured via the draft DCO (Document Reference 3.1).
	5.8.18	Applicants for projects which may be affected by, or may add to, flood risk should arrange pre-application discussions before the official pre-application stage of the NSIP process with the EA or NRW, and, where relevant, other bodies such as Lead Local Flood Authorities, Internal Drainage Boards, sewerage undertakers, navigation authorities, highways authorities and reservoir owners and operators.	A record of stakeholder engagement with the Lead Local Flood Authority and the Environment Agency is included in Table 10-1 of ES Chapter 10 Hydrology and Flood Risk (Document Reference 6.2.10). This has included discussions on the scope and findings of the assessment and the proposed drainage strategy.
	5.8.19	Such discussions should identify the likelihood and possible extent and nature of the flood risk, help scope the FRA, and identify the information that will be required by the Secretary of State to reach a decision on the application when it is submitted. The Secretary of State should advise applicants to undertake these steps where they appear necessary but have not yet been addressed.	
	5.8.20	If the EA, NRW or another flood risk management authority has reasonable concerns about the proposal on flood risk grounds, the applicant should discuss these concerns with the EA or NRW and take all reasonable steps to agree ways in which the proposal might be amended, or additional information provided, which would satisfy the authority's concerns.	
	5.8.21	The Sequential Test ensures that a sequential, risk-based approach is followed to steer new development to areas with the lowest risk of flooding, taking all sources of flood risk and climate change into account. Where it is not possible to locate development in low-risk areas, the Sequential Test should go on to compare reasonably available sites with medium risk areas and then, only where there are no reasonably available sites in low and medium risk areas, within high-risk areas.	
	5.8.22	The technology specific NPSs set out some exceptions to the application of the Sequential Test. However, when seeking development consent on a site allocated in a development plan through the application of the Sequential Test, informed by a strategic flood risk assessment, applicants need not apply the Sequential Test, provided the proposed development is consistent with the use for which the site was allocated and there is no new flood risk information that would have affected the outcome of the test.	ES Chapter 10 Hydrology and Flood Risk (Document Reference 6.2.10) identifies that the majority of the Proposed Development is situated in Flood Zone 1, with small areas of the Order Limits located in Flood Zones 2 and 3. No critical infrastructure is located outside of Flood Zone 1. As set out in ES Chapter 3 Alternatives and Design Iteration (Document Reference 6.2.3), flood risk was a constraint considered in the siting of the Proposed Development.
	5.8.23	Consideration of alternative sites should take account of the policy on alternatives set out in Section 4.3 above. All projects should apply the Sequential Test to locating development within the site.	
	5.8.24	To satisfactorily manage flood risk, arrangements are required to manage surface water and the impact of the natural water cycle on people and property.	
	5.8.25	In this NPS, the term SuDS refers to the whole range of sustainable approaches to surface water drainage management including, where appropriate: <ul style="list-style-type: none"> source control measures including rainwater recycling and drainage infiltration devices to allow water to soak into the ground, that can include individual soakaways and communal facilities filter strips and swales, which are vegetated features that hold and drain water downhill mimicking natural drainage patterns filter drains and porous pavements to allow rainwater and run-off to infiltrate into permeable material below ground and provide storage if needed basins ponds and tanks to hold excess water after rain and allow controlled discharge that avoids flooding flood routes to carry and direct excess water through developments to minimise the impact of severe rainfall flooding 	As explained in ES Appendix 10.1 Flood Risk Assessment and Drainage Strategy (Document Reference 6.4.10.1), the overarching principle of the drainage strategy for the Proposed Development is to provide SuDS at source, ensuring that surface water run-off is managed as per existing site conditions. Formal SuDS features including engineered pipe runs, manholes and storage features are not proposed due to the nature of the development and the perceived minimal impact on surface water runoff. The proposed drainage scheme therefore comprises of grassland/wildflower mix under the solar PV panels; an apron of clean crushed stone for BESS and other supporting infrastructure; and permeable aggregate over geotextile membrane for access tracks, requiring no drainage.

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	5.8.26	Site layout and surface water drainage systems should cope with events that exceed the design capacity of the system, so that excess water can be safely stored on or conveyed from the site without adverse impacts.	ES Chapter 10 Hydrology and Flood Risk (Document Reference 6.2.10) identifies a future baseline taking into account more variable and extreme events resulting from climate change.
	5.8.27	The surface water drainage arrangements for any project should, accounting for the predicted impacts of climate change throughout the development's lifetime, be such that the volumes and peak flow rates of surface water leaving the site are no greater than the rates prior to the proposed project, unless specific off-site arrangements are made and result in the same net effect.	The overarching principle of the drainage strategy for the Proposed Development is to provide SuDS at source, ensuring that surface water run-off is managed as per existing site conditions. Further information can be found in ES Appendix 10.1 Flood Risk Assessment and Drainage Strategy (Document Reference 6.4.10.1).
	5.8.28	It may be necessary to provide surface water storage and infiltration to limit and reduce both the peak rate of discharge from the site and the total volume discharged from the site. There may be circumstances where it is appropriate for infiltration facilities or attenuation storage to be provided outside the project site, if necessary, through the use of a planning obligation.	As explained in ES Appendix 10.1 Flood Risk Assessment and Drainage Strategy (Document Reference 6.4.10.1), the overarching principle of the drainage strategy for the Proposed Development is to provide SuDS at source, ensuring that surface water run-off is managed as per existing site conditions. Formal SuDS features including engineered pipe runs, manholes and storage features are not proposed due to the nature of the development and the perceived minimal impact on surface water runoff. No infrastructure outside of the Order Limits is required.
	5.8.29	The sequential approach should be applied to the layout and design of the project. Vulnerable aspects of the development should be located on parts of the site at lower risk and residual risk of flooding. Applicants should seek opportunities to use open space for multiple purposes such as amenity, wildlife habitat and flood storage uses. Opportunities should be taken to lower flood risk by reducing the built footprint of previously developed sites and using SuDS.	ES Appendix 10.1 Flood Risk Assessment and Drainage Strategy (Document Reference 6.4.10.1) is provided with the DCO application and identifies how critical infrastructure has been sited and designed to avoid flood risk impacts. This includes: <ul style="list-style-type: none"> ▪ no critical infrastructure has been placed inside of the fluvial or pluvial higher risk flood zones ▪ access tracks are at grade ▪ the crossing proposed over the Bishopton Beck will utilise an existing bridge crossing ▪ the solar PV modules will be 800mm above the ground, placing them above the 1.0% pluvial flood level used to approximate the fluvial flood level.
	5.8.30	Where a development may result in an increase in flood risk elsewhere through the loss of flood storage, on-site level-for-level compensatory storage, accounting for the predicted impacts of climate change over the lifetime of the development, should be provided.	ES Appendix 10.1 Flood Risk Assessment and Drainage Strategy (Document Reference 6.4.10.1) concludes that the Proposed Development will be safe for its lifetime and will not impact flood risk on site or off site. The infrastructure is positioned such as not to impede flow routes and will have a negligible impact on floodplain storage.
	5.8.31	Where it is not possible to provide compensatory storage on site, it may be acceptable to provide it off-site if it is hydraulically and hydrologically linked. Where development may cause the deflection or constriction of flood flow routes, these will need to be safely managed within the site.	
	5.8.32	Where development may contribute to a cumulative increase in flood risk elsewhere, the provision of multifunctional sustainable drainage systems, natural flood management and green infrastructure can also make a valuable contribution to mitigating this risk whilst providing wider benefits.	It is not considered that the Proposed Development would contribute to a cumulative increase in flood risk elsewhere.
	5.8.33	The receipt of and response to warnings of floods is an essential element in the management of the residual risk of flooding. Flood Warning and evacuation plans should be in place for those areas at an identified risk of flooding.	The Proposed Development is not considered to significantly impact flood risk, and so it is not thought necessary to produce Flood Warning and evacuation plans.
	5.8.34	The applicant should take advice from the local authority emergency planning team, emergency services and, where appropriate, from the local resilience forum when producing an evacuation plan for a manned energy project as part of the FRA. Any emergency planning documents, flood warning and evacuation procedures that are required should be identified in the FRA.	This is not considered to be relevant to the Proposed Development.
	5.8.35	Flood resistant and resilient materials and design should be adopted to minimise damage and speed recovery in the event of a flood.	ES Appendix 10.1 Flood Risk Assessment and Drainage Strategy (Document Reference 6.4.10.1) outlines the use of permeable materials as part of the drainage strategy.
	5.8.36	In determining an application for development consent, the Secretary of State should be satisfied that where relevant: <ul style="list-style-type: none"> ▪ the application is supported by an appropriate FRA ▪ the Sequential Test has been applied and satisfied as part of site selection ▪ a sequential approach has been applied at the site level to minimise risk by directing the most vulnerable uses to areas of lowest flood risk ▪ the proposal is in line with any relevant national and local flood risk management strategy ▪ SuDS (as required in the next paragraph on National Standards) have been used unless there is clear evidence that their use would be inappropriate 	ES Appendix 10.1 Flood Risk Assessment and Drainage Strategy (Document Reference 6.4.10.1) is provided with the DCO application and identifies how critical infrastructure has been sited and designed to avoid flood risk impacts. This includes: <ul style="list-style-type: none"> ▪ no critical infrastructure has been placed inside of the fluvial or pluvial higher risk flood zones ▪ access tracks are at grade ▪ the crossing proposed over the Bishopton Beck will utilise an existing bridge crossing ▪ the solar PV modules will be 800mm above the ground, placing them above the 1.0% pluvial flood level used to approximate the fluvial flood level.

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		<ul style="list-style-type: none"> in flood risk areas the project is designed and constructed to remain safe and operational during its lifetime, without increasing flood risk elsewhere (subject to the exceptions set out in paragraph 5.8.42) the project includes safe access and escape routes where required, as part of an agreed emergency plan, and that any residual risk can be safely managed over the lifetime of the development land that is likely to be needed for present or future flood risk management infrastructure has been appropriately safeguarded from development to the extent that development would not prevent or hinder its construction, operation or maintenance 	It is concluded that the Proposed Development will be safe for its lifetime and will not impact flood risk on site or off site. The infrastructure is positioned such as not to impede flow routes and will have a negligible impact on floodplain storage.
	5.8.37	For energy projects which have drainage implications, approval for the project's drainage system, including during the construction period, will form part of the development consent issued by the Secretary of State. The Secretary of State will therefore need to be satisfied that the proposed drainage system complies with any National Standards published by Ministers under paragraph 5(1) of Schedule 3 to the Flood and Water Management Act 2010.	As explained in ES Appendix 10.1 Flood Risk Assessment and Drainage Strategy (Document Reference 6.4.10.1), the overarching principle of the drainage strategy for the Proposed Development is to provide SuDS at source, ensuring that surface water run-off is managed as per existing site conditions. Formal SuDS features including engineered pipe runs, manholes and storage features are not proposed due to the nature of the development and the perceived minimal impact on surface water runoff. The Proposed drainage scheme therefore comprises of grassland/wildflower mix under the solar PV panels; an apron of clean crushed stone for BESS and other supporting infrastructure; and permeable aggregate over geotextile membrane for access tracks, requiring no drainage.
	5.8.38	In addition, the development consent order, or any associated planning obligations, will need to make provision for appropriate operation and maintenance of any SuDS throughout the project's lifetime. Where this is secured through the adoption of any SuDS features, any necessary access rights to property will need to be granted.	The detailed design and implementation of drainage would be secured via requirement 3 of the draft DCO (Document Reference 3.1). ES Appendix 2.14 Outline LEMP (Document Reference 6.4.2.14) secures the operational maintenance measures for the Proposed Development.
	5.8.39	Where relevant, the Secretary of State should be satisfied that the most appropriate body is being given the responsibility for maintaining any SuDS, taking into account the nature and security of the infrastructure on the proposed site. Responsible bodies could include, for example the landowner, the relevant lead local flood authority or water and sewerage company (through the Ofwat-approved Sewerage Sector Guidance), or another body, such as an Internal Drainage Board.	The Applicant as operator of the Proposed Development would be responsible for maintaining drainage features, as identified in measures proposed within ES Appendix 2.14 Outline LEMP (Document Reference 6.4.2.14). There are no formal SUDS drainage features proposed requiring maintenance by another appropriate body.
	5.8.40	If the EA, NRW or another flood risk management authority continues to have concerns and objects to the grant of development consent on the grounds of flood risk, the Secretary of State can grant consent, but would need to be satisfied before deciding whether or not to do so that all reasonable steps have been taken by the applicant and the authority to try to resolve the concerns.	The EA and LLFA have not objected to the Proposed Development in principle on the basis of flood risk. As set out in the Potential Main Issues for Examination (PMIE) (Document Reference 7.6), there are no principal areas of disagreement with the EA and LLFA, however discussions regarding the use of localised pad foundations are to continue at the detailed design stage.
	5.8.41	Energy projects should not normally be consented within Flood Zone 3b, or Zone C2 in Wales, or on land expected to fall within these zones within its predicted lifetime. This may also apply where land is subject to other sources of flooding (for example surface water). However, where essential energy infrastructure has to be located in such areas, for operational reasons, they should only be consented if the development will not result in a net loss of floodplain storage, and will not impede water flows.	ES Chapter 10 Hydrology and Flood Risk (Document Reference 6.2.10) identifies that the majority of the Proposed Development is situated in Flood Zone 1, with small areas of the Order Limits located in Flood Zones 2 and 3. No critical infrastructure is located outside of Flood Zone 1. ES Appendix 10.1 Flood Risk Assessment and Drainage Strategy (Document Reference 6.4.10.1) includes a site-specific Flood Risk Assessment and concludes that concluded that the Proposed Development would not impede flow routes and will have a negligible impact on floodplain storage. As set out in ES Chapter 3 Alternatives and Design Iteration (Document Reference 6.2.3), flood risk was a constraint considered in the siting of the Proposed Development.
	5.8.42	Exceptionally, where an increase in flood risk elsewhere cannot be avoided or wholly mitigated, the Secretary of State may grant consent if they are satisfied that the increase in present and future flood risk can be mitigated to an acceptable and safe level and taking account of the benefits of, including the need for, nationally significant energy infrastructure as set out in Part 3 above. In any such case the Secretary of State should make clear how, in reaching their decision, they have weighed up the increased flood risk against the benefits of the project, taking account of the nature and degree of the risk, the future impacts on climate change, and advice provided by the EA or NRW and other relevant bodies.	As per the conclusions of ES Appendix 10.1 Flood Risk Assessment and Drainage Strategy, it is not considered that the Proposed Development would impact flood risk on or off site.

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Historic environment	5.9.1	The construction, operation and decommissioning of energy infrastructure has the potential to result in adverse impacts on the historic environment above, at and below the surface of the ground.	ES Chapter 8 Cultural Heritage and Archaeology (Document Reference 6.2.8) details the baseline conditions of the historic environment, potential impacts of the Proposed Development, and how heritage has been considered in the design, mitigation and enhancements measures proposed. Heritage assets in the vicinity of the Order Limits include Bishopton Conservation Village, a number of listed buildings, Bishopton Landing Ground (a World War One airfield), areas of known archaeological remains, and a motte and bailey castle. The chapter includes consideration of above ground impacts, such as the setting of heritage assets and Historic Landscape Character, and below ground impacts such as direct impacts to archaeological deposits.	
	5.9.2	The historic environment includes all aspects of the environment resulting from the interaction between people and places through time, including all surviving physical remains of past human activity, whether visible, buried or submerged, landscaped and planted or managed flora.		
	5.9.3	Those elements of the historic environment that hold value to this and future generations because of their historic, archaeological, architectural or artistic interest are called 'heritage assets'. Heritage assets may be buildings, monuments, sites, places, areas or landscapes, or any combination of these. The sum of the heritage interests that a heritage asset holds is referred to as its significance. Significance derives not only from a heritage asset's physical presence, but also from its setting.		
	5.9.4	Some heritage assets have a level of significance that justifies official designation. Categories of designated heritage assets are: <ul style="list-style-type: none"> ▪ World Heritage Sites ▪ Scheduled Monuments ▪ Protected Wreck Sites ▪ Protected Military Remains ▪ Listed Buildings ▪ Registered Parks and Gardens ▪ Registered Battlefields ▪ Conservation Areas ▪ Registered Historic Landscapes (Wales only). 		
	5.9.5	There are heritage assets that are not currently designated, but which have been demonstrated to be of equivalent significance to designated heritage assets of the highest significance. These are: <ul style="list-style-type: none"> ▪ those that the Secretary of State has recognised as being capable of being designated as a Scheduled Monument or Protected Wreck Site but has decided not to designate. ▪ those that the Secretary of State has recognised as being of equivalent significance to Scheduled Monuments or Protected Wreck Sites but are incapable of being designated by virtue of being outside the scope of the related legislation. ▪ Those that have yet to be formally assessed by the Secretary of State, but which have potential to demonstrate equivalent significance to Scheduled Monuments or Protected Wreck Sites. 		
	5.9.6	Non-designated heritage assets of archaeological interest that are demonstrably of equivalent significance to Scheduled Monuments or Protected Wreck Sites should be considered subject to the policies for designated heritage assets. The absence of designation for such heritage assets does not indicate lower significance.		
	5.9.7	The Secretary of State should also consider the impacts on other non-designated heritage assets (as identified either through the development plan making process by plan-making bodies, including 'local listing', or through the application, examination and decision making process). This is on the basis of clear evidence that such heritage assets have a significance that merits consideration in that process, even though those assets are of lesser significance than designated heritage assets.		
	5.9.8	Impacts on heritage assets specific to types of infrastructure are included in the technology specific NPSs.		This is noted and considered within relevant tables of this document.
	5.9.9	The applicant should undertake an assessment of any likely significant heritage impacts of the proposed development as part of the EIA and describe these along with how the mitigation hierarchy has been applied in the ES (see Section 4.3). This should include consideration of heritage assets above, at, and below the surface of the ground. Consideration will also need to be given to the possible impacts, including cumulative, on the wider historic environment. The assessment should include reference to any historic landscape or seascape character assessment and associated studies as a means of assessing impacts relevant to the proposed project.		ES Chapter 8 Cultural Heritage and Archaeology (Document Reference 6.2.8) provides an assessment of any likely significant heritage impacts of the proposed development and describes how the mitigation hierarchy has been applied. The chapter includes consideration of above ground impacts, such as the setting of heritage assets and Historic Landscape Character, and below ground impacts such as direct impacts to archaeological deposits. Cumulative effects are considered in ES Chapter 13 Cumulative Effects (Document Reference 6.2.13).
	5.9.10	As part of the ES the applicant should provide a description of the significance of the heritage assets affected by the proposed development, including any contribution made by their setting. The level of		ES Chapter 8 Cultural Heritage and Archaeology (Document Reference 6.2.8) and related appendices/figures provides a description of the heritage assets affected by the proposed

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		detail should be proportionate to the importance of the heritage assets and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum, the applicant should have consulted the relevant Historic Environment Record (or, where the development is in English or Welsh waters, Historic England or Cadw) and assessed the heritage assets themselves using expertise where necessary according to the proposed development's impact.	development, including any contribution made by their setting. The Historic Environment Record was consulted as part of this process and engagement undertaken with Historic England and the County Archaeologist.
	5.9.11	Where a site on which development is proposed includes, or the available evidence suggests it has the potential to include, heritage assets with an archaeological interest, the applicant should carry out appropriate desk-based assessment and, where such desk-based research is insufficient to properly assess the interest, a field evaluation. Where proposed development will affect the setting of a heritage asset, accurate representative visualisations may be necessary to explain the impact.	Details of the desk-based assessment undertaken are included in ES Appendix 8.1 Historic Environment Desk-based Assessment (HEDBA) (Document Reference 6.4.8.1), ES Appendix 8.3 Geophysical Survey Report (Document Reference 6.4.8.3) and ES Appendix 8.4 Phase 1 Evaluation Trenching Report (Document Reference 6.4.8.4). Based on the findings of the assessment undertaken, representative visualisations of heritage assets are not considered necessary and have not been requested by the Statutory Consultees.
	5.9.12	The applicant should ensure that the extent of the impact of the proposed development on the significance of any heritage assets affected can be adequately understood from the application and supporting documents. Studies will be required on those heritage assets affected by noise, vibration, light and indirect impacts, the extent and detail of these studies will be proportionate to the significance of the heritage asset affected.	ES Chapter 8 Cultural Heritage and Archaeology (Document Reference 6.2.8) details the potential impacts of the Proposed Development on heritage assets. It concludes that there would be no significant effects relating to cultural heritage as a result of the Proposed Development.
	5.9.13	The applicant is encouraged, where opportunities exist, to prepare proposals which can make a positive contribution to the historic environment, and to consider how their scheme takes account of the significance of heritage assets affected. This can include, where possible: <ul style="list-style-type: none"> ▪ enhancing, through a range of measures such a sensitive design, the significance of heritage assets or setting affected ▪ considering where required the development of archive capacity which could deliver significant public benefits ▪ considering how visual or noise impacts can affect heritage assets, and whether there may be opportunities to enhance access to, or interpretation, understanding and appreciation of, the heritage assets affected by the scheme 	Opportunities for enhancement of heritage assets are outlined in ES Chapter 8 Cultural Heritage and Archaeology (Document Reference 6.2.8). The Proposed Development offers the opportunity for heritage benefits to the local community of Bishopton through the enhancement of knowledge, understanding and engagement with the First World War airfield which is located within the Order Limits. The specific measures should be formulated in consultation with the local community and interested local stakeholders along with representatives from the LPA(s).
	5.9.14	Careful consideration in preparing the scheme will be required on whether the impacts on the historic environment will be direct or indirect, temporary, or permanent.	ES Chapter 8 Cultural Heritage and Archaeology (Document Reference 6.2.8) concludes that there would be no significant effects relating to cultural heritage as a result of the Proposed Development.
	5.9.15	Applicants should look for opportunities for new development within Conservation Areas and World Heritage Sites, and within the setting of heritage assets, to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably.	Opportunities for enhancement of heritage assets are outlined in ES Chapter 8 Cultural Heritage and Archaeology (Document Reference 6.2.8). The Proposed Development offers the opportunity for heritage benefits to the local community of Bishopton through the enhancement of knowledge, understanding and engagement with the First World War airfield which is located within the Order Limits. The specific measures should be formulated in consultation with the local community and interested local stakeholders along with representatives from the LPA(s).
	5.9.16	A documentary record of our past is not as valuable as retaining the heritage asset, and therefore the ability to record evidence of the asset should not be a factor in deciding whether such loss should be permitted, and whether or not consent should be given.	ES Chapter 8 Cultural Heritage and Archaeology (Document Reference 6.2.8) concludes that there would be no significant effects relating to designated heritage assets as a result of the Proposed Development.
	5.9.17	Where the loss of the whole or part of a heritage asset's significance is justified, the Secretary of State will require the applicant to record and advance understanding of the significance of the heritage asset before it is lost (wholly or in part). The extent of the requirement should be proportionate to the asset's importance and significance and the impact. The applicant should be required to publish this evidence and to deposit copies of the reports with the relevant Historic Environmental Record. They should also be required to deposit the archive generated in a local museum or other public repository willing to receive it.	
	5.9.18	The Secretary of State may add requirements to the development consent order to ensure that this is undertaken in a timely manner in accordance with a written scheme of investigation that meets the requirements of this Section and has been agreed in writing with the relevant Local Authority (or,	Mitigation for as yet unknown archaeological remains is outlined in ES Chapter 8 Cultural Heritage and Archaeology (Document Reference 6.2.8). This includes mitigation through design, removing potential for below ground impacts by using localised pad foundations in

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		where the development is in English waters, the MMO and Historic England, or where it is in Welsh waters, the MMO and Cadw) and that the completion of the exercise is properly secured.	areas identified through further site investigation work as having archaeological assets. These measures, and the use of preservation by record via a watching brief, are secured via ES Appendix 8.5: Archaeological Management Strategy (Document Reference 6.4.8.5) and requirement 18 of the draft DCO.
	5.9.19	Where the loss of significance of any heritage asset has been justified by the applicant on the merits of the new development and the significance of the asset in question, the Secretary of State should consider: <ul style="list-style-type: none"> imposing a requirement in the Development Consent Order requiring the applicant to enter into an obligation 	ES Chapter 8 Cultural Heritage and Archaeology (Document Reference 6.2.8) concludes that there would be no significant effects relating to cultural heritage as a result of the Proposed Development. Appendix 8.5: Archaeological Management Strategy (Document Reference 6.4.8.5) sets out how any archaeological remains would be mitigated through preservation by record. This is secured via requirement of the draft DCO (Document Reference 3.1).
	5.9.20	That will prevent the loss occurring until the relevant part of the development has commenced, or it is reasonably certain that the relevant part of the development is to proceed.	
	5.9.21	Where there is a high probability (based on an adequate assessment) that a development site may include, as yet undiscovered heritage assets with archaeological interest, the Secretary of State will consider requirements to ensure appropriate procedures are in place for the identification and treatment of such assets discovered during construction.	Mitigation for as yet unknown archaeological remains is outlined in ES Chapter 8 Cultural Heritage and Archaeology (Document Reference 6.2.8). This includes mitigation through design, removing potential for below ground impacts by using localised pad foundations in areas identified through further post-consent site investigation work as having archaeological assets. These measures, and the use of preservation by record via a watching brief, are secured via ES Appendix 8.5: Archaeological Management Strategy (Document Reference 6.4.8.5) and requirement 18 of the draft DCO.
	5.9.22	In determining applications, the Secretary of State should seek to identify and assess the particular significance of any heritage asset that may be affected by the proposed development, including by development affecting the setting of a heritage asset (including assets whose setting may be affected by the proposed development), taking account of: <ul style="list-style-type: none"> relevant information provided with the application and, where applicable, relevant information submitted during the examination of the application any designation records, including those on the National Heritage List for England, or included on Cof Cymru for Wales. historic landscape character records the relevant Historic Environment Record(s), and similar sources of information representations made by interested parties during the examination process expert advice, where appropriate, and when the need to understand the significance of the heritage asset demands it 	ES Chapter 8 Cultural Heritage and Archaeology (Document Reference 6.2.8), ES Appendix 8.1 Historic Environment Desk-based Assessment (HEDBA) (Document Reference 6.4.8.1), ES Appendix 8.3 Geophysical Survey Report (Document Reference 6.4.8.3) and ES Appendix 8.4 Phase 1 Evaluation Trenching Report (Document Reference 6.4.8.4) detail the baseline conditions of the Order Limits and potential impacts of the Proposed Development. ES Chapter 8 Cultural Heritage and Archaeology (Document Reference 6.2.8), supported by ES Appendix 8.2 Historic Environment Settings Assessment (Document Reference 6.4.8.2) concludes that there would be no significant effects relating to cultural heritage as a result of the Proposed Development.
	5.9.23	The Secretary of State must also comply with the requirements on listed buildings, conservation areas and scheduled monuments, set out in Regulation 3 of the Infrastructure Planning (Decisions) Regulations 2010.	The relevant legislation and policy are outlined in ES Chapter 8 Cultural Heritage and Archaeology (Document Reference 6.2.8).
	5.9.24	In considering the impact of a proposed development on any heritage assets, the Secretary of State should consider the particular nature of the significance of the heritage assets and the value that they hold for this and future generations. This understanding should be used to avoid or minimise conflict between their conservation and any aspect of the proposal.	The significance of heritage assets is outlined in ES Chapter 8 Cultural Heritage and Archaeology (Document Reference 6.2.8). The heritage assets assessed have either medium or low heritage significance. ES Chapter 8 Cultural Heritage and Archaeology (Document Reference 6.2.8) concludes that there would be no significant effects relating to cultural heritage as a result of the Proposed Development.
	5.9.25	The Secretary of State should consider the desirability of sustaining and, where appropriate, enhancing the significance of heritage assets, the contribution of their settings and the positive contribution that their conservation can make to sustainable communities, including to their quality of life, their economic vitality, and to the public's enjoyment of these assets.	
	5.9.26	The Secretary of State should also consider the desirability of the new development making a positive contribution to the character and local distinctiveness of the historic environment. The consideration of design should include scale, height, massing, alignment, materials, use and landscaping (for example, screen planting).	The Design Approach Document (Document Reference 7.2) sets out how the design of the Proposed Development has taken into account local characteristics and distinctiveness.
	5.9.27	When considering the impact of a proposed development on the significance of a designated heritage asset, the Secretary of State should give great weight to the asset's conservation. The more important the asset, the greater the weight should be. This is irrespective of whether any potential harm amounts to substantial harm, total loss, or less than substantial harm to its significance.	ES Chapter 8 Cultural Heritage and Archaeology (Document Reference 6.2.8) concludes that there would be no significant effects relating to cultural heritage as a result of the Proposed Development. ES Appendix 8.5 Archaeological Management Strategy (Document Reference

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	5.9.28	The Secretary of State should give considerable importance and weight to the desirability of preserving all heritage assets. Any harm or loss of significance of a designated heritage asset (from its alteration or destruction, or from development within its setting) should require clear and convincing justification.	6.4.8.5) sets out how any archaeological remains would be mitigated through preservation by record. This is secured via requirement of the draft DCO (Document Reference 3.1).
	5.9.28	The Secretary of State should give considerable importance and weight to the desirability of preserving all heritage assets. Any harm or loss of significance of a designated heritage asset (from its alteration or destruction, or from development within its setting) should require clear and convincing justification.	
	5.9.30	Substantial harm to or loss of significance of assets of the highest significance, including Scheduled Monuments; Protected Wreck Sites; Registered Battlefields; grade I and II* Listed Buildings; grade I and II* Registered Parks and Gardens; and World Heritage Sites, should be wholly exceptional.	ES Chapter 8 Cultural Heritage and Archaeology (Document Reference 6.2.8) concludes that there would be no significant effects relating to cultural heritage as a result of the Proposed Development.
	5.9.31	Where the proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset the Secretary of State should refuse consent unless it can be demonstrated that the substantial harm to, or loss of, significance is necessary to achieve substantial public benefits that outweigh that harm or loss, or all the following apply: <ul style="list-style-type: none"> ▪ the nature of the heritage asset prevents all reasonable uses of the site ▪ no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation ▪ conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible ▪ the harm or loss is outweighed by the benefit of bringing the site back into use 	
	5.9.32	Where the proposed development will lead to less than substantial harm to the significance of the designated heritage asset, this harm should be weighed against the public benefits of the proposal, including, where appropriate securing its optimum viable use.	
	5.9.33	In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.	ES Chapter 8 Cultural Heritage and Archaeology (Document Reference 6.2.8) concludes that there would be no significant effects relating to cultural heritage as a result of the Proposed Development, including designated assets.
	5.9.34	Not all elements of a Conservation Area or World Heritage Site will necessarily contribute to its significance. Loss of a building (or other element) which makes a positive contribution to the significance of the Conservation Area or World Heritage Site should be treated either as substantial harm or less than substantial harm under paragraph 5.9.30 or less than substantial harm under paragraph 5.9.30, as appropriate, considering the relative significance of the element affected and its contribution to the significance of the Conservation Area or World Heritage Site as a whole.	
	5.9.35	Where there is evidence of deliberate neglect of, or damage to, a heritage asset, the Secretary of State should not take its deteriorated state into account in any decision.	This is not considered relevant to the Proposed Development.
	5.9.36	When considering applications for development affecting the setting of a designated heritage asset, the Secretary of State should give appropriate weight to the desirability of preserving the setting such assets and treat favourably applications that preserve those elements of the setting that make a positive contribution to, or better reveal the significance of, the asset. When considering applications that do not do this, the Secretary of State should give great weight to any negative effects, when weighing them against the wider benefits of the application. The greater the negative impact on the significance of the designated heritage asset, the greater the benefits that will be needed to justify approval.	ES Chapter 8 Cultural Heritage and Archaeology (Document Reference 6.2.8) concludes that there would be no significant effects relating to designated heritage assets as a result of the Proposed Development.
Landscape and visual	5.10.1	The landscape and visual effects of energy projects will vary on a case-by-case basis according to the type of development, its location and the landscape setting of the proposed development. In this context, references to landscape should be taken as covering seascape and townscape where appropriate.	ES Chapter 7 Landscape and Visual (Document Reference 6.2.7) is provided with the DCO application and provides a landscape and visual impact assessment, a landscape character assessment and a cumulative assessment, taking into account local and national development plan policies.
	5.10.4	Landscape effects arise not only from the sensitivity of the landscape but also the nature and magnitude of change proposed by the development, whose specific siting and design make the assessment a case-by-case judgement.	The landscape and visual effects of the Proposed Development are outlined in ES Chapter 7 Landscape and Visual (Document Reference 6.2.7). The chapter outlines in section 7.4 the methodology applied to the assessment, including how sensitivity has been judged, and is

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			supported by a detailed methodology in ES Appendix 7.1 LVIA Methodology (Document Reference 6.4.7.1). Through engagement with Darlington Borough Council, the assessment reported in ES Chapter 7 Landscape and Visual (Document Reference 6.2.7) includes an assessment of village character, which has not generally been carried out for similar solar NSIPs.
	5.10.5	Virtually all nationally significant energy infrastructure projects will have adverse effects on the landscape, but there may also be beneficial landscape character impacts arising from mitigation.	The landscape and visual effects of the Proposed Development are presented in ES Chapter 7 Landscape and Visual (Document Reference 6.2.7). The Design Approach Document (Document Reference 7.2) provides a detailed account of the approach to design, taking into account the existing landscape context and any technical constraints relating to the construction and operation of the required infrastructure.
	5.10.6	Projects need to be designed carefully, taking account of the potential impact on the landscape. Having regard to siting, operational and other relevant constraints the aim should be to minimise harm to the landscape, providing reasonable mitigation where possible and appropriate.	
	5.10.12	Outside nationally designated areas, there are local landscapes that may be highly valued locally. Where a local development document in England or a local development plan in Wales has policies based on landscape or waterscape character assessment, these should be paid particular attention. However, locally valued landscapes should not be used in themselves to refuse consent, as this may unduly restrict acceptable development.	ES Chapter 7 Landscape and Visual (Document Reference 6.2.7) sets out how landscape character areas have been considered in the landscape and visual assessment. Whilst some significant adverse effects are identified, as per paragraph 5.10.12 of NPS EN-1, and as set out in the conclusions of the Planning Statement (Document Reference 7.1), this is not considered to result in a cause to refuse to consent for the Proposed Development.
	5.10.13	All proposed energy infrastructure is likely to have visual effects for many receptors around proposed sites.	ES Chapter 7 Landscape and Visual (Document Reference 6.2.7) is provided with the DCO application and provides a landscape and visual impact assessment, a landscape character assessment and a cumulative assessment, taking into account local and national planning policies. Significant adverse effects are identified during construction and operation and decommissioning of the Proposed Development, relating to (in summary): <ul style="list-style-type: none"> - the character of LCA Darlington 6, Great Stainton and Bishopton; - views at Great Stainton and Bishopton; - views from PRoW within 1km
	5.10.14	The Secretary of State will have to judge whether the visual effects on sensitive receptors, such as local residents, and other receptors, such as visitors to the local area, outweigh the benefits of the project.	
	5.10.16	The applicant should carry out a landscape and visual impact assessment and report it in the ES, including cumulative effects (see Section 4.4). Several guides have been produced to assist in addressing landscape issues.	
	5.10.17	The landscape and visual assessment should include reference to any landscape character assessment and associated studies as a means of assessing landscape impacts relevant to the proposed project. The applicant's assessment should also take account of any relevant policies based on these assessments in local development documents in England and local development plans in Wales.	All other sensitive receptors would not experience significant effects; however a range of minor and moderate adverse effects are identified in ES Chapter 7 Landscape and Visual (Document Reference 6.2.7). It should be noted that following pre-application engagement with Darlington Borough Council, the assessment reported in ES Chapter 7 Landscape and Visual (Document Reference 6.2.7) includes an assessment of village character, which has not generally been carried out for similar solar NSIPs. Some of the significant effects reported have arisen through this additional level of assessment. Most of the significant adverse effects would arise during operation, however, they would be reversible following decommissioning. After decommissioning, the Proposed Development would leave a positive legacy of improved landscape fabric and character due to the denser hedgerows and maturing trees which would be left after the lifetime of the operational development. This may result in the enclosure of currently open views, however after the operational lifetime of the project, hedges could be reverted to lower heights to allow outward views over them if that is judged desirable The Planning Statement (Document Reference 7.1) considers these effects within the overall planning balance, taking into account the position of the Proposed Development as critical national priority infrastructure. It is concluded that the benefits of and need for the Proposed Development outweigh the adverse landscape effects, in line with national policy.
	5.10.19	The applicant should consider landscape and visual matters in the early stages of siting and design, where site choices and design principles are being established. This will allow the applicant to demonstrate in the ES how negative effects have been minimised and opportunities for creating positive benefits or enhancement have been recognised and incorporated into the design, delivery and operation of the scheme.	ES Chapter 3 Alternatives and Design Iteration (Document Reference 6.2.3) provides an account of the alternatives that have been studied by the Applicant in developing the siting and design of the Proposed Development, including early consideration of matters such as landscape designation. It sets out how changes made to the design in sequential iterations have sought to reduce landscape and visual effects, such as reducing the height of the proposed panels, increasing setbacks and removing panel areas. The Design Approach Document (Document Reference 7.2) provides a detailed account of the approach to design,

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			taking into account the existing landscape context, and how this has informed the proposals for mitigation.
	5.10.20	The assessment should include the effects on landscape components and character during construction and operation. For projects which may affect a National Park, The Broads or an Areas of Outstanding Natural Beauty the assessment should include effects on the natural beauty and special qualities of these areas'.	The assessment reported in ES Chapter 7 Landscape and Visual (Document Reference 6.2.7) considers include impacts of the Proposed Development on character, visual receptors, landscape fabric, and designations during construction, operation and decommissioning. Light pollution has not been assessed as there is no permanent lighting proposed as part of the Proposed Development, except for infra-red nighttime security lighting and emergency lighting. ES Chapter 11 Noise and Vibration (Document Reference 6.2.11) considers the effects of the Proposed Development with regard to noise. Measures to avoid and reduce effects from construction and operational activities is outlined in ES Appendix 2.6 Outline CEMP (Document Reference 6.4.2.6) and ES Appendix 2.14 Outline LEMP (Document Reference 6.4.2.14).
	5.10.21	The assessment should include the visibility and conspicuousness of the project during construction and of the presence and operation of the project and potential impacts on views and visual amenity. This should include light pollution effects, including on dark skies, local amenity, and nature conservation.	
	5.10.22	The assessment should also address the landscape and visual effects of noise and light pollution, and other emissions (see Section 5.2 and Section 5.7), from construction and operational activities on residential amenity and on sensitive locations, receptors and views, how these will be minimised.	The landscape management proposals can be found in ES Appendix 2.14 Outline LEMP (Document Reference 6.4.2.14).
	5.10.24	Applicants should consider how landscapes can be enhanced using landscape management plans, as this will help to enhance environmental assets where they contribute to landscape and townscape quality.	
	5.10.25	In considering visual effects it may be helpful for applicants to draw attention, in the supporting evidence to their applications, to any examples of existing permitted infrastructure they are aware of with a similar magnitude of impact on equally sensitive receptors. This may assist the Secretary of State in judging the weight they should give to the assessed visual impacts of the proposed development.	The landscape and visual effects of the Proposed Development are outlined in ES Chapter 7 Landscape and Visual (Document Reference 6.2.7). The chapter outlines in section 7.4 the methodology applied to the assessment, including how magnitude has been defined, and is supported by a detailed methodology in ES Appendix 7.1 LVIA Methodology (Document Reference 6.4.7.1)
	5.10.26	Reducing the scale of a project can help to mitigate the visual and landscape effects of a proposed project. However, reducing the scale or otherwise amending the design of a proposed energy infrastructure project may result in a significant operational constraint and reduction in function - for example, electricity generation output. There may, however, be exceptional circumstances, where mitigation could have a very significant benefit and warrant a small reduction in function. In these circumstances, the Secretary of State may decide that the benefits of the mitigation to reduce the landscape and/or visual effects outweigh the marginal loss of function.	ES Chapter 3 Alternatives and Design Iteration (Document Reference 6.2.3) provides an account of the alternatives that have been studied by the Applicant in developing the siting and design of the Proposed Development. It sets out the main reasons for the Applicant's choices, including for the site layout and the scale of the Proposed Development, taking into account environmental, social and economic effects as well as technical and commercial feasibility. The Design Approach Document (Document Reference 7.2) additionally provides a detailed account of the approach to design, taking into account the existing landscape context and any technical constraints relating to the construction and operation of the required infrastructure.
	5.10.27	Adverse landscape and visual effects may be minimised through appropriate siting of infrastructure within its development site and wider setting. The careful consideration of colours and materials will support the delivery of a well-designed scheme, as will sympathetic landscaping and management of its immediate surroundings.	
	5.10.28	Depending on the topography of the surrounding terrain and areas of population it may be appropriate to undertake landscaping off site. For example, filling in gaps in existing tree and hedge lines would mitigate the impact when viewed from a more distant vista.	All landscaping proposals are contained within the Order Limits of the Proposed Development. Mitigation within the Order Limits includes infilling of existing tree and hedgerow gaps, with the majority of existing hedgerows and trees maintained and enhanced, as well as additional screening planting. This is depicted and secured via the Environmental Masterplan (Document Reference 2.5).
	5.10.29	The Secretary of State should take into consideration the level of detailed design which the applicant has provided and is secured in the Development Consent Order, and the extent to which design details are subject to future approvals.	Requirement 3 of the draft DCO (Document Reference 3.1) secures the further detailed design of the Proposed Development, in line with controls such as the approach and parameters detailed in the Design Approach Document (Document Reference 7.2). This will require that the local planning authority approves the detailed design of each phase of the Proposed Development prior to commencement of that phase.
	5.10.30	The Secretary of State should be satisfied that local authorities will have sufficient design content secured to ensure future consenting will meet landscape, visual and good design objectives.	
	5.10.32	When considering applications for development within National Parks, the Broads and AONBs the conservation and enhancement of the natural beauty should be given substantial weight by the Secretary of State in deciding on applications for development consent in these areas. The Secretary of State may grant development consent in these areas in exceptional circumstances. Such development should be demonstrated to be in the public interest and consideration of such applications should include an assessment of: <ul style="list-style-type: none"> ▪ the need for the development, including in terms of national considerations, and the impact of consenting or not consenting it upon the local economy; 	The Proposed Development is not located within a designated landscape. As such, paragraphs 5.10.32 – 5.10.34 of NPS EN-1 are not relevant.

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		<ul style="list-style-type: none"> the cost of, and scope for, developing all or part of the development elsewhere outside the designated area or meeting the need for it in some other way, taking account of the policy on alternatives set out in Section 4.3; and any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated. 	
	5.10.33	For development proposals located within designated landscapes the Secretary of State should be satisfied that measures which seek to further purposes of the designation are sufficient, appropriate and proportionate to the type and scale of the development. The Secretary of State should ensure that any projects consented in these designated areas should be carried out to high environmental standards, including through the application of appropriate requirements where necessary.	
	5.10.34	The duty to seek to further the purposes of nationally designated landscapes also applies when considering applications for projects outside the boundaries of these areas which may have impacts within them. The aim should be to avoid harming the purposes of designation or to minimise adverse effects on designated landscapes, and such projects should be designed sensitively given the various siting, operational, and other relevant constraints. The fact that a proposed project will be visible from within a designated area should not in itself be a reason for the Secretary of State to refuse consent.	
	5.10.35	The scale of energy projects means that they will often be visible across a very wide area. The Secretary of State should judge whether any adverse impact on the landscape would be so damaging that it is not offset by the benefits (including need) of the project.	The Planning Statement (Document Reference 7.1) considers these effects within the overall planning balance, taking into account the position of the Proposed Development as critical national priority infrastructure, in which the urgent need for such development is considered to outweigh residual effects, with specified exceptions relating to unacceptable risks posed by residual effects. It is concluded that the benefits of and need for the Proposed Development outweigh the adverse landscape effects, in line with national policy.
	5.10.36	In reaching a judgment, the Secretary of State should consider whether any adverse impact is temporary, such as during construction, and/or whether any adverse impact on the landscape will be capable of being reversed in a timescale that the Secretary of State considers reasonable.	As set out in ES Chapter 7 Landscape and Visual (Document Reference 6.2.7) most of the significant adverse effects would arise during operation, however, they would be reversible following decommissioning. The temporary, 40-year operational period of the Proposed Development is secured via the DCO. After decommissioning, the Proposed Development would leave a positive legacy of improved landscape fabric and character due to the denser hedgerows and maturing trees which would be left after the lifetime of the operational development. This may result in the enclosure of currently open views, however after the operational lifetime of the project, hedges could be reverted to lower heights to allow outward views over them if that is judged desirable.
	5.10.37	The Secretary of State should consider whether the project has been designed carefully, taking account of environmental effects on the landscape and siting, operational and other relevant constraints, to minimise harm to the landscape, including by appropriate mitigation.	The Design Approach Document (Document Reference 7.2) provides a detailed account of the approach to delivering 'good design', taking into account the existing landscape context and any technical constraints relating to the construction and operation of the required infrastructure. Measures to ensure that new planting and management of existing vegetation meets the design intent are secured via ES Appendix 2.14 Outline LEMP (Document Reference 6.4.2.14), whilst design parameters identified in the DAD are secured via requirement 3 of the draft DCO (Document Reference 3.1).
	5.10.38	The Secretary of State should consider whether requirements to the consent are needed requiring the incorporation of particular design details that are in keeping with the statutory and technical requirements for landscape and visual impacts.	
Land use	5.11.1	An energy infrastructure project will have a direct effect on the existing use of the proposed site and may have indirect effects on the use, or planned use, of land in the vicinity for other types of development. Given the likely locations of energy infrastructure projects there may be particular effects on open space including green and blue infrastructure.	The effects of the Proposed Development on land use are detailed in ES Chapter 9 Land use and Socioeconomics (Document Reference 6.2.9).
	5.11.2	Green Belts, defined in a local authority's development plan in England or regional strategic development plans in Wales, are situated around certain cities and large built-up areas. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and permanence. For further information on the purposes of Green Belt policy see chapter 13 of the NPPF, or any successor to it.	The Proposed Development is not situated within Green Belt land.
	5.11.3	Although the re-use of previously developed land for new development can make a major contribution to sustainable development by reducing the amount of countryside and undeveloped greenfield land that needs to be used, it may not be possible for many forms of energy infrastructure.	ES Chapter 3 Alternatives and Design Iteration (Document Reference 6.2.3) provides an account of the alternatives that have been studied by the Applicant in developing the siting and design of the Proposed Development.

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	5.11.4	Development of land will affect soil resources, including physical loss of and damage to soil resources, through land contamination and structural damage. Indirect impacts may also arise from changes in the local water regime, organic matter content, soil biodiversity and soil process.	The impact on soil is outlined in ES Chapter 9 Land use and Socioeconomics (Document Reference 6.2.9). There is predicted to be a moderate adverse effect on soil resources during construction, with a moderate beneficial effect on soil resources at decommissioning due to improved soil health. The management of soil resources is outlined in ES Appendix 12 Outline Soil Resources Management Plan (Document Reference 6.4.2.12).
	5.11.5	Where pre-existing land contamination is being considered within a development, the objective is to ensure that the site is suitable for its intended use. Risks would require consideration in accordance with the contaminated land statutory guidance as a minimum.	ES Appendix 2.1 Phase 1 Geoenvironmental and Geotechnical Desk Study (Document Reference 6.4.2.1) identifies that contamination potential is very low to low.
	5.11.6	The government's policy is to ensure there is adequate provision of high quality open space and sports and recreation facilities to meet the needs of local communities. Connecting people with open spaces, sports and recreational facilities all help to underpin people's quality of life and have a vital role to play in promoting healthy living.	The effects of the Proposed Development on land use are detailed in ES Chapter 9 Land use and Socioeconomics (Document Reference 6.2.9).
	5.11.7	Green and blue infrastructure can also enable developments to provide positive environmental, social, health and economic benefits. Green infrastructure includes green space such as parks and woodlands but also other environmental features such as street trees, hedgerows and green walls and roofs. It also includes blue infrastructure such as canals, rivers, streams, ponds lakes and their borders. Well designed and managed green and blue infrastructure provides multiple benefits at a range of scales. It can contribute to biodiversity recovery, sequester carbon, absorb surface water, cleanse pollutants, absorb noise and reduce high temperatures. The Green Infrastructure Framework -Principles and Standards for England can be used to consider green infrastructure in development and plan for good quality and targeted creation or improvement.	Impacts on green infrastructure alongside enhancements and mitigation are outlined in ES Chapter 6 Biodiversity (Document Reference 6.2.6) and ES Chapter 7 Landscape and Visual (Document Reference 6.2.7). The maintenance of these features is secured in ES Appendix 2.14 Outline LEMP (Document Reference 6.4.2.14).
	5.11.8	The ES (see Section 4.2) should identify existing and proposed land uses near the project, any effects of replacing an existing development or use of the site with the proposed project or preventing a development or use on a neighbouring site from continuing. Applicants should also assess any effects of precluding a new development or use proposed in the development plan. The assessment should be proportionate to the scale of the preferred scheme and its likely impacts on such receptors. For developments on previously developed land, the applicant should ensure that they have considered the risk posed by land contamination and how it is proposed to address this.	Existing and proposed land uses near the Proposed Development are considered in ES Chapter 9 Land use and Socioeconomics (Document Reference 6.2.9). No development plan allocations are located within the Order Limits.
	5.11.9	Applicants will need to consult the local community on their proposals to build on existing open space, sports or recreational buildings and land. Taking account of the consultations, applicants should consider providing new or additional open space including green and blue infrastructure, sport or recreation facilities, to substitute for any losses as a result of their proposal. When considering proposals for green infrastructure, Applicant's should refer to the Green Infrastructure Framework.	The Proposed Development is not situated on open space, sports or recreational buildings or land.
	5.11.10	Applicants should use any up-to-date local authority assessment or, if there is none, provide an independent assessment to show whether the existing open space, sports and recreational buildings and land is surplus to requirements.	
	5.11.11	During any pre-application discussions with the applicant the LPA should identify any concerns it has about the impacts of the application on land use, having regard to the development plan and relevant applications and including, where relevant, whether it agrees with any independent assessment that the land is surplus to requirements.	Consultation with the relevant local authorities is summarised in ES Chapter 9 Land use and Socioeconomics (Document Reference 6.2.9). No concerns regarding land use were raised.
	5.11.12	Applicants should seek to minimise impacts on the best and most versatile agricultural land (defined as land in grades 1, 2 and 3a of the Agricultural Land Classification) and preferably use land in areas of poorer quality (grades 3b, 4 and 5).	ES Appendix 9.1 Agricultural Land Classifications and Soil Resources (Document Reference 6.4.9.1) identifies that only 6.1% of land within the Order Limits is currently classified as best and most versatile land (BMV). ES Chapter 3 Alternatives and Design Iteration (Document Reference 6.2.3) provides an account of the alternatives that have been studied by the Applicant in developing the siting and design of the Proposed Development.
	5.11.13	Applicants should also identify any effects and seek to minimise impacts on soil health and protect and improve soil quality taking into account any mitigation measures proposed.	The impact on soil is outlined in ES Chapter 9 Land use and Socioeconomics (Document Reference 6.2.9). There is predicted to be a moderate adverse effect on soil resources during construction, with a moderate beneficial effect on soil resources at decommissioning due to improved soil health. The management of soil resources is outlined in ES Appendix 12 Outline Soil Resources Management Plan (Document Reference 6.4.2.12).

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	5.11.14	Applicants are encouraged to develop and implement a Soil Management Plan which could help minimise potential land contamination. The sustainable reuse of soils needs to be carefully considered in line with good practice guidance where large quantities of soils are surplus to requirements or are affected by contamination.	The management of soil resources is outlined in ES Appendix 12 Outline Soil Resources Management Plan (Document Reference 6.4.2.12).
	5.11.15	Developments should contribute to and enhance the natural and local environment by preventing new and existing developments 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.	The management of effects from construction and operational activities is outlined in ES Appendix 2.6 Outline CEMP (Document Reference 6.4.2.6) and ES Appendix 2.14 Outline LEMP (Document Reference 6.4.2.14).
	5.11.16	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.	ES Chapter 10 Hydrology and Flood Risk (Document Reference 6.2.10) considers the effects of the Proposed Development on the water environment, taking into account the river basin management plan. As set out in ES Chapter 4 Approach to EIA (Document Reference 6.2.4), the topic of air quality has been scoped out of the EIA due to the limited emissions anticipated during construction, operation and decommissioning of the Proposed Development. However, a separate Construction Dust Assessment is provided as Appendix 2.4 of the ES (Document Reference 6.4.2.4).
	5.11.17	Applicants should ensure that a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination.	ES Appendix 2.1 Phase 1 Geoenvironmental and Geotechnical Desk Study (Document Reference 6.4.2.1) identifies that contamination potential is very low to low.
	5.11.18	For developments on previously developed land, applicants should ensure that they have considered the risk posed by land contamination, and where contamination is present, applicants should consider opportunities for remediation where possible. It is important to do this as early as possible as part of engagement with the relevant bodies before the official pre-application stage.	
	5.11.19	Applicants should safeguard any mineral resources on the proposed site as far as possible, taking into account the long-term potential of the land use after any future decommissioning has taken place.	Detail regarding mineral resources can be found in ES Chapter 9 Land use and Socioeconomics (Document Reference 6.2.9). Part of Panel Areas C and D have the potential to affect a safeguarded limestone mineral resource. Construction of the Proposed Development would temporarily sterilise the mineral resource, although the resource would remain in situ for the duration of the Proposed Development and could be extracted following decommissioning. The magnitude of impact on the limestone mineral resource is therefore considered to be low, which when combined with a medium sensitivity would lead to a minor adverse effect which is not significant. Following a request at Scoping, the Applicant has engaged with Darlington Borough Council who have confirmed that they are not aware of any plans to extract the limestone resource during the Proposed Development and that there are no current or extant permissions to extract the resource within the Order Limits. They also agreed that given the temporary nature of the Proposed Development, this would not sterilise the resource which could still be extracted in the future.
	5.11.20	The general policies controlling development in the countryside apply with equal force in Green Belts but there is, in addition, a general presumption against inappropriate development within them. Such development should not be approved except in very special circumstances. Applicants should therefore determine whether their proposal, or any part of it, is within an established Green Belt and if it is, whether their proposal may be inappropriate development within the meaning of Green Belt policy (see paragraph 5.11.36 below).	The Proposed Development is not situated within Green Belt land.
	5.11.21	However, infilling or redevelopment of major developed sites in the Green Belt, if identified as such by the local planning authority, may be suitable for energy infrastructure. It may help to secure jobs and prosperity without further prejudicing the Green Belt or offer the opportunity for environmental improvement. Applicants should refer to relevant criteria on such developments in Green Belts.	
	5.11.22	Moreover, an applicant may be able to demonstrate that particular energy infrastructure, such as an underground pipeline, may be considered an “engineering operation” and regarded as not inappropriate in Green Belt. This is provided it preserves the openness of the Green Belt and does not conflict with the purposes of Green Belt designation. It may also be possible for an applicant to show that the physical characteristics of a proposed overhead line in a particular location would not	

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		have so harmful an impact as to conflict with the purposes of Green Belt designation, or with other protections of rural landscape.	
	5.11.23	Although in the case of most energy infrastructure there may be little that can be done to mitigate the direct effects of an energy project on the existing use of the proposed site (assuming that some of that use can still be retained post project construction) applicants should nevertheless seek to minimise these effects and the effects on existing or planned uses near the site by the application of good design principles, including the layout of the project and the protection of soils during construction.	The Proposed Development would be situated on agricultural land; there is a predicted to be a moderate adverse effect on soil resources during construction and a moderate beneficial effect on agricultural land and soil resources following decommissioning, as set out in ES Chapter 9 Land use and Socioeconomics (Document Reference 6.2.9).
	5.11.24	Where green infrastructure is affected, the Secretary of State should consider imposing requirements to ensure the functionality and connectivity of the green infrastructure network is maintained in the vicinity of the development and that any necessary works are undertaken, where possible, to mitigate any adverse impact and, where appropriate, to improve that network and other areas of open space including appropriate access to National Trails and other public rights of way and new coastal access routes.	Impacts on green infrastructure alongside enhancements and mitigation are outlined in ES Chapter 6 Biodiversity (Document Reference 6.2.6). The maintenance of these features is considered in ES Appendix 2.14 Outline LEMP (Document Reference 6.4.2.14), and implementation of these measures would be secured via requirement in the DCO (Document Reference 3.1).
	5.11.25	The Secretary of State should also consider whether any adverse effect on green infrastructure and other forms of open space is adequately mitigated or compensated by means of any planning obligations, for example exchange land and provide for appropriate management and maintenance agreements. Any exchange land should be at least as good in terms of size, usefulness, attractiveness and quality, and accessibility.	
	5.11.26	Alternatively, where sections 131 and 132 of the Planning Act 2008 apply, replacement land provided under those sections will need to conform to the requirements of those sections.	
	5.11.27	Existing trees and woodlands should be retained wherever possible. In the EIP, the Government committed to increase the tree canopy and woodland cover to 16.5% of total land area of England by 2050. The applicant should assess the impacts on, and loss of, all trees and woodlands within the project boundary and develop mitigation measures to minimise adverse impacts and any risk of net deforestation as a result of the scheme. Mitigation may include, but is not limited to, the use of buffers to enhance resilience, improvements to connectivity, and improved woodland management. Where woodland loss is unavoidable, compensation schemes will be required, and the long-term management and maintenance of newly planted trees should be secured.	Arboricultural surveys and assessment of the impact of the Proposed Development on trees and hedges have been undertaken and are reported in ES Appendix 7.7 Arboricultural Impact Assessment (AIA) (Document Reference 6.4.7.7). In total 1no B-quality tree and 6no U quality trees would need to be removed. Mitigation measures to minimise adverse effects on trees during construction are secured via the AIA and include the use of buffers and root protection zones (RPZs). ES Appendix 2.14 Outline LEMP (Document Reference 6.4.2.14) contains details of habitat creation and management to be undertaken during the operational phase of the development, which include new and improved native species rich hedgerows and hedgerow trees and reduced cutting along existing hedgerow. In total, the Proposed Development would deliver a net gain of 108% biodiversity units relating to hedgerows.
	5.11.28	Where a proposed development has an impact upon a Mineral Safeguarding Area (MSA), the Secretary of State should ensure that appropriate mitigation measures have been put in place to safeguard mineral resources.	As identified in, ES Chapter 9 Land use and Socioeconomics (Document Reference 6.2.9), parts of the Proposed Development are situated within Darlington Borough Council's Minerals Safeguarding zones for limestone (Shallow) as identified through the Joint Minerals and Waste Plan, and therefore has the potential to impact the identified resource. Part of Panel Areas C and D have the potential to affect a safeguarded limestone mineral resource. Construction of the Proposed Development would temporarily sterilise the mineral resource, although the resource would remain in situ for the duration of the Proposed Development and could be extracted following decommissioning. The magnitude of impact on the limestone mineral resource is therefore considered to be low, which when combined with a medium sensitivity would lead to a minor adverse effect which is not significant.
	5.11.29	Where a project has a sterilising effect on land use (for example in some cases under transmission lines) there may be scope for this to be mitigated through, for example, using or incorporating the land for nature conservation or wildlife corridors or for parking and storage in employment areas.	Following a request at Scoping, the Applicant has engaged with Darlington Borough Council who have confirmed that they are not aware of any plans to extract the limestone resource during the Proposed Development and that there are no current or extant permissions to extract the resource within the Order Limits. They also agreed that given the temporary nature of the Proposed Development, this would not sterilise the resource which could still be extracted in the future.
	5.11.30	Public Rights of way, National Trails, and other rights of access to land are important recreational facilities for example for walkers, cyclists and horse riders. The Secretary of State should expect	The impact, mitigation and enhancement of the Public Rights of Way network affected by the Proposed Development is considered in ES Chapter 9 Land use and Socioeconomics

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		applicants to take appropriate mitigation measures to address adverse effects on coastal access, National Trails, other rights of way and open access land and, where appropriate, to consider what opportunities there may be to improve or create new access. In considering revisions to an existing right of way, consideration should be given to the use, character, attractiveness, and convenience of the right of way.	(Document Reference 6.2.9). There would be a minor effect during construction and decommissioning. The Applicant has proposed an additional ~3600m of permissive paths in order to create an enhanced and better-connected network in the local area.
	5.11.31	The Secretary of State should consider whether the mitigation measures put forward by an applicant are acceptable and whether requirements or other provisions in respect of these measures should be included in any grant of development consent.	
	5.11.32	The Secretary of State should not grant consent for development on existing open space, sports and recreational buildings and land unless an assessment has been undertaken either by the local authority or independently, which has shown the open space or the buildings and land to be surplus to requirements or the Secretary of State determines that the benefits of the project (including need), outweigh the potential loss of such facilities, taking into account any positive proposals made by the applicant to provide new, improved or compensatory land or facilities.	The Proposed Development is not situated on open space, sports or recreational buildings or land.
	5.11.34	The Secretary of State should ensure that applicants do not site their scheme on the best and most versatile agricultural land without justification. Where schemes are to be sited on best and most versatile agricultural land the Secretary of State should take into account the economic and other benefits of that land. Where development of agricultural land is demonstrated to be necessary, areas of poorer quality land should be preferred to those of a higher quality.	ES Appendix 9.1 Agricultural Land Classifications and Soil Resources (Document Reference 6.4.9.1) identifies that only 6.1% of land within the Order Limits is currently classified as best and most versatile land (BMV). ES Chapter 3 Alternatives and Design Iteration (Document Reference 6.2.3) provides an account of the alternatives that have been studied by the Applicant in developing the siting and design of the Proposed Development.
Noise and vibration	5.12.1	Excessive noise can have wide-ranging impacts on the quality of human life and, health (such as annoyance or sleep disturbance), cardiovascular disease and mental ill-health. It can also have an impact on the environment, and the use and enjoyment of areas of value such as quiet places and areas with high landscape quality.	The impacts of noise and vibration, and the proposed mitigation and enhancement, of the Proposed Development are set out in ES Chapter 11 Noise and Vibration (Document Reference 6.2.11).
	5.12.2	The Government's policy on noise is set out in the Noise Policy Statement for England. It promotes good health and good quality of life through effective noise management. Similar considerations apply to vibration, which can also cause damage to buildings. In this section, in line with current legislation, references to "noise" below apply equally to the assessment of impacts of vibration.	
	5.12.4	Noise resulting from a proposed development can also have adverse impacts on wildlife and biodiversity. Noise effects of the proposed development on ecological receptors should be assessed by the Secretary of State in accordance with the Biodiversity and Geological Conservation section of this NPS at Section 5.4. This should consider underwater noise and vibration especially for marine developments. Underwater noise can be a significant issue in the marine environment, particularly in regard to energy production.	Details of the impact of the Proposed Development on biodiversity can be found in ES Chapter 6 Biodiversity (Document Reference 6.2.6). No significant effects are identified through the construction, operation and decommissioning of the Proposed Development.
	5.12.5	Factors that will determine the likely noise impact of a proposed development include: <ul style="list-style-type: none"> ▪ the inherent operational noise from the proposed development, and its characteristics ▪ the proximity of the proposed development to noise sensitive premises (including residential properties, schools and hospitals) and noise sensitive areas (including certain parks and open spaces) ▪ the proximity of the proposed development to quiet places and other areas that are particularly valued for their soundscape or landscape quality ▪ the proximity of the proposed development to sites where noise may have an adverse impact on protected species or other wildlife, including migratory species ▪ the potential presence of unexploded ordnance on the seabed 	ES Chapter 11 Noise and Vibration (Document Reference 6.2.11) identifies that the main sources of noise would be construction activities and related traffic during the construction and decommissioning phases, and road traffic and supporting infrastructure (such as BESS, inverters, the on-site substation) during the operational phase. It concludes a significant adverse effect would arise during construction and decommissioning activities, however this would be short-term and reversible.
	5.12.6	Where noise impacts are likely to arise from the proposed development, the applicant should include the following in the noise assessment: <ul style="list-style-type: none"> ▪ a description of the noise generating aspects of the development proposal leading to noise impacts, including the identification of any distinctive tonal characteristics, if the noise is impulsive, whether the noise contains particular high or low frequency content or any temporal characteristics of the noise ▪ identification of noise sensitive receptors and noise sensitive areas that may be affected 	ES Chapter 11 Noise and Vibration (Document Reference 6.2.11) provides an assessment which is in accordance with the requirements of the NPS and the scope as agreed through the EIA Scoping process, as well as through engagement with the relevant local planning authorities. It concludes that there would be a significant adverse effect during construction and decommissioning activities. This would be short-term and reversible. ES Appendix 2.6 Outline CEMP (Document Reference 6.4.2.6) outlines the mitigation and management measures to be implemented to manage any potential noise and vibration impacts.

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		<ul style="list-style-type: none"> ▪ the characteristics of the existing noise environment ▪ a prediction of how the noise environment will change with the proposed development <ul style="list-style-type: none"> - in the shorter term, such as during the construction period - in the longer term, during the operating life of the infrastructure - at particular times of the day, evening and night (and weekends) as appropriate, and at different times of year ▪ an assessment of the effect of predicted changes in the noise environment on any noise-sensitive receptors, including an assessment of any likely impact on health and quality of life / well-being where appropriate, particularly among those disadvantaged by others factors who are often disproportionately affected by noise-sensitive areas ▪ if likely to cause disturbance, an assessment of the effect of underwater or subterranean noise ▪ all reasonable steps taken to mitigate and minimise potential adverse effects on health and quality of life 	
	5.12.7	The nature and extent of the noise assessment should be proportionate to the likely noise impact.	ES Chapter 11 Noise and Vibration (Document Reference 6.2.11) provides as assessment proportionate to the likely noise impact of the Proposed Development.
	5.12.8	Applicants should consider the noise impact of ancillary activities associated with the development, such as increased road and rail traffic movements, or other forms of transportation.	Ancillary activities to the Proposed Development such as construction and operational traffic are considered in ES Chapter 11 Noise and Vibration (Document Reference 6.2.11).
	5.12.9	Operational noise, with respect to human receptors, should be assessed using the principles of the relevant British Standards and other guidance. Further information on assessment of particular noise sources may be contained in the technology specific NPSs. In particular, for renewables (EN-3) and electricity networks (EN-5) there is assessment guidance for specific features of those technologies. For the prediction, assessment and management of construction noise, reference should be made to any relevant British Standards and other guidance which also give examples of mitigation strategies.	British Standard 8233:2014 Guidance on Sound Insulation and Noise Reduction for Buildings – Code of Practice (BS8233) and British Standard 4142:2014+A1:2019 Methods for Rating and Assessing Industrial and Commercial Sound have informed the noise assessment reported in ES Chapter 11 Noise and Vibration (Document Reference 6.2.11)
	5.12.10	Some noise impacts will be controlled through environmental permits and parallel tracking is encouraged where noise impacts determined by an environmental permit interface with planning issues (i.e. physical design and location of development). The applicant should consult EA and/or the SNCB, and other relevant bodies, such the MMO or NRW, as necessary, and in particular regarding assessment of noise on protected species or other wildlife. The results of any noise surveys and predictions may inform the ecological assessment. The seasonality of potentially affected species in nearby sites may also need to be considered.	Other Consents and Licences (Document Reference 7.3) sets out the other potential consents, licenses and permits that may be required to deliver the works consented through the DCO. Due to the low predicted noise levels, it is not currently anticipated that further permits relating to noise specifically would be required.
	5.12.12	Applicants should submit a detailed impact assessment and mitigation plan as part of any development plan, including the use of noise mitigation and noise abatement technologies during construction and operation.	Potential noise impacts of the Proposed Development are detailed in ES Chapter 11 Noise and Vibration (Document Reference 6.2.11). This concludes that there would be a significant adverse effect during construction and decommissioning activities. This would be short-term and reversible. ES Appendix 2.6 Outline CEMP (Document Reference 6.4.2.6) outlines the mitigation and management measures to be implemented to manage any potential noise and vibration impacts.
	5.12.13	The Secretary of State should consider whether mitigation measures are needed both for operational and construction noise over and above any which may form part of the project application. In doing so the Secretary of State may wish to impose mitigation measures. Any such mitigation measures should take account of the NPPF or any successor to it and Planning Practice Guidance on Noise.	Due to the low predicted noise levels, noise monitoring during the operational phase of the Proposed Development is not considered necessary. This would not normally be a requirement for this type of development.
	5.12.14	<p>Mitigation measures may include one or more of the following:</p> <ul style="list-style-type: none"> ▪ engineering: reducing the noise generated at source and/or containing the noise generated ▪ lay-out: where possible, optimising the distance between the source and noise sensitive receptors and/or incorporating good design to minimise noise transmission through the use of screening by natural or purpose-built barriers, or other buildings ▪ administrative: using planning conditions/obligations to restrict activities allowed on the site at certain times and/or specifying permissible noise limits/noise levels, differentiating as appropriate between different times of day, such as evenings and late at night, and taking into account seasonality of wildlife in nearby designated sites 	A schedule of the mitigation measures relating to noise and how they are secured is provided in the Mitigation Route Map (Document Reference 7.8). This includes measures to be implemented to manage any potential noise and vibration impacts during construction and decommissioning via ES Appendix 2.6 Outline CEMP (Document Reference 6.4.2.6) and ES Appendix 2.7 Outline DEMP (Document Reference 6.4.2.7). Noise and vibration impacts during operation have been mitigated through design measures, with noise sources located as far as reasonably possible to a minimum of 300m from existing sensitive receptors, within the design, to minimise potential noise levels at the receptors. The inverters will also be housed within containers which will further reduce the noise levels at source. Such design principles are secured via requirement 3 of the DCO (Document Reference 3.1).

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		<ul style="list-style-type: none"> insulation: mitigating the impact on areas likely to be affected by noise including through noise insulation when the impact is on a building. 	
	5.12.15	The project should demonstrate good design through selection of the quietest or most acceptable cost-effective plant available; containment of noise within buildings wherever possible, taking into account any other adverse impacts that such containment might cause (e.g. on landscape and visual impacts; optimisation of plant layout to minimise noise emissions; and, where possible, the use of landscaping, bunds or noise barriers to reduce noise transmission).	The Applicant has sought to demonstrate good design in relation to noise. For example, as identified in the Design Approach Document (Document Reference 7.2), the inverters and other sources of noise will be located as far as reasonably possible to a minimum of 300m from existing sensitive receptors. This measure is secured via requirement 3 of the draft DCO (Document Reference 3.1).
	5.12.16	A development must be undertaken in accordance with statutory requirements for noise. Due regard must be given to the relevant sections of the Noise Policy Statement for England, the NPPF, and the government's associated planning guidance on noise. In Wales the relevant policy will be PPW and the TANs, as well as the Welsh Government's Noise and Soundscape Action Plan.	The relevant legislative and policy framework informing the assessment is set out in ES Chapter 11 Noise and Vibration (Document Reference 6.2.11) and ES Appendix 11.1 Noise and Vibration Guidance (Document Reference 6.4.11.1).
	5.12.17	The Secretary of State should not grant development consent unless they are satisfied that the proposals will meet the following aims, through the effective management and control of noise: <ul style="list-style-type: none"> avoid significant adverse impacts on health and quality of life from noise mitigate and minimise other adverse impacts on health and quality of life from noise where possible, contribute to improvements to health and quality of life through the effective management and control of noise 	ES Chapter 11 Noise and Vibration (Document Reference 6.2.11) identifies that the main sources of noise would be construction activities and related traffic during the construction and decommissioning phases, and road traffic and supporting infrastructure (such as BESS, inverters, the on-site substation) during the operational phase. It concludes a significant adverse effect would arise during construction and decommissioning activities, however this would be short-term and reversible. ES Appendix 2.6 Outline CEMP (Document Reference 6.4.2.6) outlines the mitigation and management measures to be implemented to manage any potential noise and vibration impacts.
	5.12.18	When preparing the Development Consent Order, the Secretary of State should consider including measurable requirements or specifying the mitigation measures to be put in place to ensure that noise levels do not exceed any limits specified in the development consent. These requirements or mitigation measures may apply to the construction, operation, and decommissioning of the energy infrastructure development.	A schedule of the mitigation measures relating to noise and how they are secured is provided in the Mitigation Route Map (Document Reference 7.8). This includes measures to be implemented to manage any potential noise and vibration impacts during construction and decommissioning via ES Appendix 2.6 Outline CEMP (Document Reference 6.4.2.6) and ES Appendix 2.7 Outline DEMP (Document Reference 6.4.2.7). It is not proposed to undertake noise and vibration monitoring during the construction phase due to the short-term impact of noise and no likely vibration impact.
Socio-economic impacts	5.13.1	The construction, operation and decommissioning of energy infrastructure may have socio-economic impacts at local and regional levels. Parts 2 and 3 of this NPS set out some of the national level socio-economic impacts.	ES Chapter 9 Land Use and Socioeconomics (Document Reference 6.2.9) provides an assessment of the Proposed Development in relation to its socio-economic effects. Where applicable it includes an assessment of the likely local and regional effects during construction, operation, and decommissioning.
	5.13.2	Where the project is likely to have socio-economic impacts at local or regional levels, the applicant should undertake and include in their application an assessment of these impacts as part of the ES (see Section 4.2).	
	5.13.3	The applicant is strongly encouraged to engage with relevant local authorities during early stages of project development so that the applicant can gain a better understanding of local or regional issues and opportunities.	Section 9.3 of ES Chapter 9 Land Use and Socioeconomics (Document Reference 6.2.9) of the DCO application outlines engagement has been undertaken with local authorities as part of the assessment.
	5.13.4	The applicant's assessment should consider all relevant socio-economic impacts, which may include: <ul style="list-style-type: none"> the creation of jobs and training opportunities. Applicants may wish to provide information on the sustainability of the jobs created, including where they will help to develop the skills needed for the UK's transition to Net Zero the contribution to the development of low-carbon industries at the local and regional level as well as nationally the provision of additional local services and improvements to local infrastructure, including the provision of educational and visitor facilities any indirect beneficial impacts for the region hosting the infrastructure, in particular in relation to use of local support services and supply chains effects (positive or negative) on tourism and other users of the area impacted the impact of a changing influx of workers during the different construction, operation and decommissioning phases of the energy infrastructure. This could change the local population dynamics and could alter the demand for services and facilities in the settlements nearest to the construction work (including community facilities and physical infrastructure such as energy, 	The scope of the socioeconomic impacts assessed in ES Chapter 9 Land Use and Socioeconomics (Document Reference 6.2.9) has been informed by the requirements of the NPS and the outcome of the EIA scoping exercise. This includes consideration of construction employment, effects of community facilities, the development of low carbon industries and the delivery of community benefits through the Proposed Development. Cumulative effects are considered in ES Chapter 13 Cumulative Effects (Document Reference 6.2.13)

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		<p>water, transport and waste). There could also be effects on social cohesion depending on how populations and service provision change as a result of the development</p> <ul style="list-style-type: none"> ▪ cumulative effects - if development consent were to be granted to for a number of projects within a region and these were developed in a similar timeframe, there could be some short-term negative effects, for example a potential shortage of construction workers to meet the needs of other industries and major projects within the region 	
	5.13.5	Applicants should describe the existing socio-economic conditions in the areas surrounding the proposed development and should also refer to how the development's socio-economic impacts correlate with local planning policies.	Section 9.7 of ES Chapter 9 Land Use and Socioeconomics (Document Reference 6.2.9) provides a description of the existing conditions in the study area and considers local planning policies.
	5.13.6	Socio-economic impacts may be linked to other impacts, for example visual impacts considered in Section 5.10 but may also have an impact on tourism and local businesses. Applicants are encouraged, where possible, to demonstrate that local suppliers have been considered in any supply chain.	ES Chapter 9 Land Use and Socioeconomics (Document Reference 6.2.9) identifies where socio-economic impacts are linked to other impacts, and where appropriate references the corresponding ES Chapter. Consideration is given in the assessment to opportunities for local supply chains during construction, for examples ground works and the supply of materials are likely to be sourced locally.
	5.13.7	Applicants should consider developing accommodation strategies where appropriate, especially during construction and decommissioning phases, that would include the need to provide temporary accommodation for construction workers if required.	The scale and temporal scope of the Proposed Development is considered insufficient to warrant the production of an accommodation strategy.
	5.13.8	The Secretary of State should consider whether mitigation measures are necessary to mitigate any adverse socio-economic impacts of the development. For example, high quality design can improve the visual and environmental experience for visitors and the local community alike.	Where possible, section 9.9 of ES Chapter 9 Land Use and Socioeconomics (Document Reference 6.2.9) of the DCO application has considered the inclusion of mitigation measures which have been embedded into the design and for the anticipated construction effects.
	5.13.9	The Secretary of State should have regard to the potential socio-economic impacts of new energy infrastructure identified by the applicant and from any other sources that the Secretary of State considers to be both relevant and important to its decision.	The socio-economic impacts of the Proposed Development have been considered within ES Chapter 9 Land Use and Socioeconomics (Document Reference 6.2.9), with supporting evidence provided as appropriate.
	5.13.10	The Secretary of State may conclude that limited weight is to be given to assertions of socio-economic impacts that are not supported by evidence (particularly in view of the need for energy infrastructure as set out in this NPS).	
	5.13.11	The Secretary of State should consider any relevant positive provisions the applicant has made or is proposing to make to mitigate impacts (for example through planning obligations) and any legacy benefits that may arise as well as any options for phasing development in relation to the socio-economic impacts.	ES Chapter 9 Land Use and Socioeconomics (Document Reference 6.2.9) identifies the legacy benefits of the Proposed Development such as the provision of a £1.5m Community Benefit Fund.
	5.13.12	The Secretary of State may wish to include a requirement that specifies the approval by the local authority of an employment and skills plan detailing arrangements to promote local employment and skills development opportunities, including apprenticeships, education, engagement with local schools and colleges and training programmes to be enacted.	ES Chapter 9 Land Use and Socioeconomics (Document Reference 6.2.9) identifies a beneficial (not significant) effect arising from the Proposed Development in relation to employment and supply chain opportunities.
Traffic and transport	5.14.1	The transport of materials, goods and personnel to and from a development during all project phases can have a variety of impacts on the surrounding transport infrastructure and potentially on connecting transport networks, for example through increased congestion. Impacts may include economic, social and environmental effects.	Section 12.8 of ES Chapter 12 Traffic and Transport (Document Reference 6.2.12) of the DCO application identifies the impacts on traffic and transport during construction, operation and decommissioning.
	5.14.2	Environmental impacts may result particularly from trips generated on roads which may increase noise and air pollution as well as greenhouse gas emissions.	The embodied emissions and proportion of total embodied emissions resulting from the transportation of products and materials to the Proposed Development can be found in Tables 5-9, 5-10 and 5-11 of Section 5.10 of ES Chapter 5 Climate Change (Document reference 6.2.5) of the DCO application. The noise impacts resulting from trips generated on roads has been considered within Section 11.10 of ES Chapter 11 Noise and Vibration (Document Reference 6.2.11) of the DCO application.
	5.14.3	Disturbance caused by traffic and abnormal loads generated during the construction phase will depend on the scale and type of the proposal.	The potential impacts on traffic and transport have been assessed based on the design of the Proposed Development and proposed construction activities and durations, as set out in ES Chapter 12 Traffic and Transport (Document reference 6.2.12) of the DCO application.
	5.14.4	The consideration and mitigation of transport impacts is an essential part of Government's wider policy objectives for sustainable development as set out in Section 2.6 of this NPS.	Mitigation of the likely transport impacts is reported in Section 12.9 of ES Chapter 12 Traffic and Transport (Document reference 6.2.12) of the DCO application. The embedded

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			mitigation associated with the likely transport impacts is reported within ES Chapter 2 The Proposed Development (Document Reference 6.2.2).
	5.14.5	If a project is likely to have significant transport implications, the applicant's ES (see Section 4.3) should include a transport appraisal. The DfT's Transport Analysis Guidance (TAG) and Welsh Governments WelTAG provides guidance on modelling and assessing the impacts of transport schemes.	As set out in ES Chapter 12 Traffic and Transport (Document reference 6.2.12), the Proposed Development is not expected to have significant transport implications, particularly within the operational period.
	5.14.6	National Highways and Highways Authorities are statutory consultees on NSIP applications including energy infrastructure where it is expected to affect the strategic road network and / or have an impact on the local road network, and applicants should consult with National Highways and Highways Authorities as appropriate on the assessment and mitigation to inform the application to be submitted.	Table 12-1 of ES Chapter 12 Traffic and Transport (Document reference 6.2.12) outlines the consultation with relevant stakeholders including National Highways.
	5.14.7	The applicant should prepare a travel plan including demand management and monitoring measures to mitigate transport impacts. The applicant should also provide details of proposed measures to improve access by active, public and shared transport to: <ul style="list-style-type: none"> ▪ reduce the need for parking associated with the proposal; ▪ contribute to decarbonisation of the transport network; and ▪ Improve user travel options by offering genuine modal choice. 	ES Appendix 12.1 Transport Statement (Document Reference 6.4.12.1) considers the suitability of the access arrangements during the construction and operational phases of the development, outlining the expected traffic movements from the proposed development and measures that will be put in place to manage any potential transport impacts. It identifies that staff trips will be mainly made by minibuses, while deliveries of construction materials and plant will mainly be made by HGVs.
	5.14.8	The assessment should also consider any possible disruption to services and infrastructure (such as road, rail and airports).	
	5.14.9	If additional transport infrastructure is proposed, applicants should discuss with network providers the possibility of co-funding by Government for any third-party benefits. Guidance has been issued which explains the circumstances where this may be possible, although the Government cannot guarantee in advance that funding will be available for any given uncommitted scheme at any specified time.	No additional transport infrastructure is required for the Proposed Development.
	5.14.10	Applicants should discuss with network providers the possibility of co-funding by government for any third-party benefits. Guidance has been issued ²⁶⁵ which explains the circumstances where this may be possible, although the government cannot guarantee in advance that funding will be available for any given uncommitted scheme at any specified time.	
	5.14.11	Where mitigation is needed, possible demand management measures must be considered. This could include identifying opportunities to: <ul style="list-style-type: none"> ▪ reduce the need to travel by consolidating trips ▪ locate development in areas already accessible by active travel and public transport ▪ provide opportunities for shared mobility ▪ re-mode by shifting travel to a sustainable mode that is more beneficial to the network ▪ retime travel outside of the known peak times ▪ reroute to use parts of the network that are less busy 	ES Chapter 12 Traffic and Transport (Document reference 6.2.12) concludes that there would be no significant effects arising from the Proposed Development in relation to traffic and transport. ES Appendix 12.1 Transport Statement (Document Reference 6.4.12.1) considers the suitability of the access arrangements during the construction and operational phases of the development, outlining the expected traffic movements from the proposed development and measures that will be put in place to manage any potential transport impacts. It identifies that staff trips will be mainly made by minibuses, while deliveries of construction materials and plant will mainly be made by HGVs. During the construction phase, it is expected that there would be approximately 45 staff trips per day made by minibuses and an average of 6 HGV deliveries per Panel Area (12 movements). It is considered that the scale of this development would not warrant use of rail or water-borne transport.
	5.14.12	If feasible and operationally reasonable, such mitigation should be required, before considering requirements for the provision of new inland transport infrastructure to deal with remaining transport impacts. All stages of the project should support and encourage a modal shift of freight from road to more environmentally sustainable alternatives, such as rail, cargo bike, maritime and inland waterways, as well as making appropriate provision for and infrastructure needed to support the use of alternative fuels including charging for electric vehicles.	There is no provision of new inland transport infrastructure proposed as part of the Proposed Development.
	5.14.13	Regard should always be given to the needs of freight at all stages in the construction and operation of the development including the need to provide appropriate facilities for HGV drivers as appropriate.	ES Appendix 2.8 Outline CTMP (Document Reference 6.4.2.8) identifies measures to manage HGV movements during construction. HGV drivers would be able to use welfare facilities within temporary construction compounds, with a compound located in each Panel Area.
	5.14.14	The Secretary of State may attach requirements to a consent where there is likely to be substantial HGV traffic that:	Section 5.1 of ES Appendix 2.8 Outline CTMP (Document reference 6.4.2.8) sets out the number of estimated construction trips per panel area per day. It has been assessed that is

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		<ul style="list-style-type: none"> control numbers of HGV movements to and from the site in a specified period during its construction and possibly on the routing of such movements make sufficient provision for HGV parking, and associated high quality drive facilities either on the site or at dedicated facilities elsewhere, to support driver welfare, avoid 'overspill' parking on public roads, prolonged queuing on approach roads and uncontrolled on-street HGV parking in normal operating conditions ensure satisfactory arrangements for reasonably foreseeable abnormal disruption, in consultation with network providers and the responsible police force. 	all Panel Areas were to be constructed simultaneously this would equate to a total of 36 construction (HGV) trips (72 movements) across the Order Limits per day. It is therefore anticipated that a maximum of three Panel Areas will be constructed at any given time, resulting in a maximum of 18 HGV trips (36 movements) generated per day. In terms of parking, it is expected that each panel area will provide sufficient parking for staff, and it is expected that 15 car parking spaces will be provided. The CTMP focuses on the management of construction traffic within the vicinity of the Proposed Development along the highway network during the construction period of the works, in order to limit any potential disruptions and implications on the transport network and local community.
	5.14.15	The Secretary of State should have regard to the cost-effectiveness of demand management measures compared to new transport infrastructure, as well as the aim to secure more sustainable patterns of transport development when considering mitigation measures.	ES Appendix 12.1 Transport Statement (Document Reference 6.4.12.1) considers the suitability of the access arrangements during the construction and operational phases of the development, outlining the expected traffic movements from the proposed development and measures that will be put in place to manage any potential transport impacts. New transport infrastructure is not required as part of the Proposed Development and water-based delivery of abnormal indivisible loads is not considered appropriate given the low number of AILs required and the local context.
	5.14.16	Applicants should consider the DfT policy guidance "Water Preferred Policy Guidelines for the movement of abnormal indivisible loads" when preparing their application.	
	5.14.17	If an applicant suggests that the costs of meeting any obligations or requirements would make the proposal economically unviable this should not in itself justify the relaxation by the Secretary of State of any obligations or requirements needed to secure the mitigation.	This is noted. It is considered that the traffic management measures proposed by the Applicant to be secured via the DCO are feasible and viable.
	5.14.18	A new energy NSIP may give rise to substantial impacts on the surrounding transport infrastructure and the Secretary of State should therefore ensure that the applicant has sought to mitigate these impacts, including during the construction phase of the development and by enhancing active, public and shared transport provision and accessibility.	ES Chapter 12 Traffic and Transport (Document reference 6.2.12) concludes that there would be no significant effects arising from the Proposed Development in relation to traffic and transport. Measures to mitigate or avoid effects are set out in ES Appendix 2.8 Outline CTMP (Document Reference 6.4.2.8) and are secured via the DCO.
	5.14.19	Where the proposed mitigation measures are insufficient to reduce the impact on the transport infrastructure to acceptable levels, the Secretary of State should consider requirements to mitigate adverse impacts on transport networks arising from the development, as set out below.	
	5.14.20	Development consent should not be withheld provided that the applicant is willing to enter into planning obligations for funding new infrastructure or requirements can be imposed to mitigate transport impacts. In this situation the Secretary of State should apply appropriately limited weight to residual effects on the surrounding transport infrastructure.	It is considered that no new infrastructure required to mitigate transport impacts. ES Chapter 12 Traffic and Transport (Document reference 6.2.12) concludes that there would be no significant effects arising from the Proposed Development.
	5.14.21	The Secretary of State should only consider refusing development on highways grounds if there would be an unacceptable impact on highway safety, residual cumulative impacts on the road network would be severe, or it does not show how consideration has been given to the provision of adequate active public or shared transport access and provision.	ES Chapter 12 Traffic and Transport (Document reference 6.2.12) concludes that there would be no significant effects arising from the Proposed Development in relation to traffic and transport. ES Chapter 13 Cumulative Effects (Document Reference 6.2.13) outlines the cumulative impacts on the road network including the diversion or closure of PRoW. It is concluded that there are no significant combined effects resulting from traffic and transport.
Resource and waste management	5.15.1	Government policy on hazardous and non-hazardous waste is intended to protect human health and the environment by producing less waste and by using it as a resource wherever possible. Where this is not possible and disposal is required as a last resort, waste management regulation ensures that waste is disposed of in a way that is least damaging to the environment and to human health.	ES Appendix 2.3 Assessment of Likely Waste Arisings (Document Reference 6.4.2.3) assesses the waste likely to be produced as a result of the Proposed Development. ES Appendix 2.11 Outline Site Waste Management Plan (Document Reference 6.4.2.11) sets out how waste will be managed efficiently and effectively, with opportunities to reduce, reuse and recycle waste materials considered and optimised wherever possible, and to promote best practice and environmental awareness. ES Appendix 2.3 Assessment of Likely Waste Arisings (Document Reference 6.4.2.3) concludes the effect of the Proposed Development in relation to waste would be negligible.
	5.15.2	Sustainable waste management is implemented through the waste hierarchy, which sets out the priorities that must be applied when managing waste. These are (in order): <ul style="list-style-type: none"> prevention preparing for reuse recycling other recovery, including energy recovery disposal 	ES Appendix 2.11 Outline Site Waste Management Plan (Document Reference 6.4.2.11) sets out how waste will be managed efficiently and effectively, with opportunities to reduce, reuse and recycle waste materials considered and optimised wherever possible, and to promote best practice and environmental awareness.

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	Relevant paragraph	Policy requirement	
	5.15.3	Disposal of waste should only be considered where other waste management options are not available or where it is the best overall environmental outcome.	ES Appendix 2.3 Assessment of Likely Waste Arisings (Document Reference 6.4.2.3) sets out how different waste streams will be managed. Much will be reused or recycled. For the solar PV modules, the aim is to ensure they are disposed of responsibly and as much of the materials as possible are recycled. The Applicant will ensure that suppliers of solar PV modules for the Proposed Development are registered with a producer compliance scheme that has an industry managed take-back and recycling scheme.
	5.15.4	All large infrastructure projects are likely to generate some hazardous and non-hazardous waste. The EA's Environmental Permit regime incorporates operational waste management requirements for certain activities. When an applicant applies to the EA for an Environmental Permit, the EA will require the application to demonstrate that processes are in place to meet all relevant Environmental Permit requirements.	Permits, consents and licenses required to the construction, operation and decommissioning of the Proposed Development, beyond those provided for through the DCO, are identified in Other Consents and Licenses (Document Reference 7.3). Engagement with the relevant regulator has been undertaken and is summarised in that document.
	5.15.5	Specific considerations with regard to radioactive waste are set out in Section 2.11 and Annex B of EN-6. The present section will apply to non-radioactive waste for nuclear infrastructure as for other energy infrastructure.	This is not considered relevant to the Proposed Development.
	5.15.6	Applicants must demonstrate that development proposals are in line with Defra's policy position on the role of energy from waste in treating municipal waste.	ES Appendix 2.3 Assessment of Likely Waste Arisings (Document Reference 6.4.2.3) assesses the waste likely to be produced as a result of the Proposed Development. ES Appendix 2.11 Outline Site Waste Management Plan (Document Reference 6.4.2.11) sets out how waste will be managed efficiently and effectively, with opportunities to reduce, reuse and recycle waste materials considered and optimised wherever possible, and to promote best practice and environmental awareness. ES Appendix 2.3 Assessment of Likely Waste Arisings (Document Reference 6.4.2.3) concludes the effect of the Proposed Development in relation to waste would be negligible.
	5.15.7	The proposed plant must not compete with greater waste prevention, re-use, or recycling, or result in over-capacity of EfW or similar processes for the treatment of residual waste at a national or local level.	
	5.15.8	The applicant should set out the arrangements that are proposed for managing any waste produced and prepare a report that sets out the sustainable management of waste and use of resources throughout any relevant demolition, excavation and construction activities.	
	5.15.9	The arrangements described and a report setting out the sustainable management of waste and use of resources should include information on how re-use and recycling will be maximised in addition to the proposed waste recovery and disposal system for all waste generated by the development. They should also include an assessment of the impact of the waste arising from development on the capacity of waste management facilities to deal with other waste arising in the area for at least five years of operation.	ES Appendix 2.11 Outline Site Waste Management Plan (Document Reference 6.4.2.11) sets out the arrangements for waste management, including minimising waste through the supply chain and maximising the reuse and recycling of materials. Local waste management facilities are assessed in ES Appendix 2.3 Assessment of Likely Waste Arisings (Document Reference 6.4.2.3). It identifies that the Proposed Development would utilise 0.004% of available inert landfill capacity in 2026, and concludes the effect of the Proposed Development in relation to waste would be negligible.
	5.15.10	The applicant is encouraged to refer to the 'Waste Prevention Programme for England' and 'Towards Zero Waste: Our Waste Strategy for Wales' and should seek to minimise the volume of waste produced and the volume of waste sent for disposal unless it can be demonstrated that this is the best overall environmental outcome.	
	5.15.12	The UK is committed to moving towards a more 'circular economy'. Where possible, applicants are encouraged to source materials from recycled or reused sources and use low carbon materials, sustainable sources and local suppliers. Construction best practices should be used to ensure that material is reused or recycled onsite where possible.	ES Appendix 2.11 Outline Site Waste Management Plan (Document Reference 6.4.2.11) sets out how to preserve the stock of material resources by minimising waste, promoting resource efficiency and moving towards a circular economy. The SWMP would be progressed during the design phase and managed by the contractor during the construction phase to direct an effective circular economy approach to the management of resources and waste materials.
	5.15.13	Applicants are also encouraged to use construction best practices in relation to storing materials in an adequate and protected place on site to prevent waste, for example, from damage or vandalism. The use of Building Information Management tools (or similar) to record the materials used in construction can help to reduce waste in future decommissioning of facilities, by identifying materials that can be recycled or reused.	ES Appendix 2.10 Outline Materials Management Plan (Document Reference 6.4.2.10) sets out how materials would be stored on-site and how waste would be separated to ensure reuse and recycling.
	5.15.14	The Secretary of State should consider the extent to which the applicant has proposed an effective system for managing hazardous and non-hazardous waste arising from the construction, operation and decommissioning of the proposed development.	There is no hazardous waste predicted to be produced by the Proposed Development. The systems for managing non-hazardous waste are outlined in ES Appendix 2.3 Assessment of Likely Waste Arisings (Document Reference 6.4.2.3) and ES Appendix 2.11 Outline Site Waste Management Plan (Document Reference 6.4.2.11). The waste will be managed responsibly both on-site and off-site. For the solar PV modules, the aim is to ensure they are disposed of responsibly and as much of the materials as possible are recycled. There is a new industry emerging for recycling solar PV modules. This would be explored, in addition to any
	5.15.15	The Secretary of State should be satisfied that: <ul style="list-style-type: none"> any such waste will be properly managed, both on-site and off-site. 	

Policy area/topic	Designated NPS EN-1 (2024)		Compliance of Proposed Development with policy
	Relevant paragraph	Policy requirement	
		<ul style="list-style-type: none"> the waste from the proposed facility can be dealt with appropriately by the waste infrastructure which is, or is likely to be, available. Such waste arisings should not have an adverse effect on the capacity of existing waste management facilities to deal with other waste arisings in the area. adequate steps have been taken to minimise the volume of waste arisings, and of the volume of waste arisings sent for recovery or disposal, except where that is the best overall environmental outcome. 	resale of any operational panels. ES Appendix 2.3 Assessment of Likely Waste Arisings (Document Reference 6.4.2.3) concludes the effect of the Proposed Development in relation to waste would be negligible.
	5.15.16	Where necessary, the Secretary of State should use requirements or obligations to ensure that appropriate measures for waste management are applied.	A Site Waste Management Plan will be prepared in accordance with the Outline Site Waste Management Plan (Document Reference 6.4.2.11), secured via requirement of the draft DCO (Document Reference 3.1).
	5.15.17	The Secretary of State may wish to include a condition on revision of waste management plans at reasonable intervals when giving consent.	
	5.15.18	Where the project will be subject to the Environmental Permit regime, waste management arrangements during operations will be covered by the permit and the considerations set out in Section 4.12 will apply.	Permits, consents and licenses required to the construction, operation and decommissioning of the Proposed Development, beyond those provided for through the DCO, are identified in Other Consents and Licenses (Document Reference 7.3).
	5.15.19	The Secretary of State should have regard to any potential impacts on the achievement of resource efficiency and waste reduction targets set under the Environment Act 2021 or wider goals set out in the government's Environmental Improvement Plan 2023.	The relevant legislation is considered in ES Appendix 2.3 Assessment of Likely Waste Arisings (Document Reference 6.4.2.3) and ES Appendix 2.11 Outline Site Waste Management Plan (Document Reference 6.4.2.11).
Water quality and resources	5.16.1	Infrastructure development can have adverse effects on the water environment, including groundwater, inland surface water, transitional waters coastal and marine waters.	ES Chapter 10 Hydrology and Flood Risk (Document Reference 6.2.10) describes the baseline conditions of the Order Limits in relation to hydrology and flood risk, and considers the potential impacts of the Proposed Development, and any mitigation that may be required. It concludes no significant effects resulting from the Proposed Development.
	5.16.2	During the construction, operation, and decommissioning phases, development can lead to increased demand for water, involve discharges to water and cause adverse ecological effects resulting from physical modifications to the water environment. There may also be an increased risk of spills and leaks of pollutants to the water environment. These effects could lead to adverse impacts on health or on protected species and habitats (see Section 4.3) and could result in surface waters, groundwaters or protected areas failing to meet environmental objectives established under the Water Environment (Water Framework Directive) (England and Wales) Regulations 2017 and the Marine Strategy Regulations 2010.	
	5.16.3	Where the project is likely to have effects on the water environment, the applicant should undertake an assessment of the existing status of, and impacts of the proposed project on, water quality, water resources and physical characteristics of the water environment, and how this might change due to the impact of climate change on rainfall patterns and consequently water availability across the water environment, as part of the ES or equivalent (see Section 4.3 and 4.10).	The baseline and impacts of the Proposed Development are assessed in ES Chapter 10 Hydrology and Flood Risk (Document Reference 6.2.10) and consideration of rainfall patterns due to climate change is considered in ES Appendix 10.1 Flood Risk Assessment and Drainage Strategy (Document Reference 6.4.10.1). No significant effects on the water environment and flood risk are predicted to arise from the Proposed Development.
	5.16.4	The applicant should make early contact with the relevant regulators, including the local authority, the Environment Agency and Marine Management Organisation, where appropriate, for relevant licensing and environmental permitting requirements.	Consultation held with the relevant regulators is outlined in ES Chapter 10 Hydrology and Flood Risk (Document Reference 6.2.10).
	5.16.5	Where possible, applicants are encouraged to manage surface water during construction by treating surface water runoff from exposed topsoil prior to discharging and to limit the discharge of suspended solids e.g. from car parks or other areas of hard standing, during operation.	ES Chapter 10 Hydrology and Flood Risk (Document Reference 6.2.10) sets out that a Construction Surface Water Management Plan (CSWMP) would be produced prior to construction as secured by ES Appendix 2.6 Outline CEMP (Document Reference 6.4.2.6). ES Appendix 2.9 Outline Pollution and Spillage Response Plan (Document Reference 6.4.2.9) also sets out how pollution risks would be mitigated during construction. Implementation of these measures is secured via requirement 7 of the draft DCO (Document Reference 3.1).
	5.16.6	Applicants are encouraged to consider protective measures to control the risk of pollution to groundwater beyond those outlined in River Basin Management Plans and Groundwater Protection Zones - this could include, for example, the use of protective barriers.	
		5.16.7	<p>The ES should in particular describe:</p> <ul style="list-style-type: none"> the existing quality of waters affected by the proposed project and the impacts of the proposed project on water quality, noting any relevant existing discharges, proposed new discharges and proposed changes to discharges existing water resources²⁸⁰ affected by the proposed project and the impacts of the proposed project on water resources, noting any relevant existing abstraction rates, proposed new abstraction rates and proposed changes to abstraction rates (including any impact on or use of mains supplies and reference to Abstraction Licensing Strategies) and also demonstrate how proposals minimise the use of water resources and water consumption in the first instance

Policy area/topic	Designated NPS EN-1 (2024)		Compliance of Proposed Development with policy
	Relevant paragraph	Policy requirement	
		<ul style="list-style-type: none"> ▪ existing physical characteristics of the water environment (including quantity and dynamics of flow) affected by the proposed project and any impact of physical modifications to these characteristics ▪ any impacts of the proposed project on water bodies or protected areas (including shellfish protected areas) under the Water Environment (Water Framework Directive) (England and Wales) Regulations 2017 and source protection zones (SPZs) around potable groundwater abstractions ▪ how climate change could impact any of the above in the future ▪ any cumulative effects 	
	5.16.8	The Secretary of State should consider whether mitigation measures are needed over and above any which may form part of the project application. A construction management plan may help codify mitigation at that stage.	ES Appendix 2.6 Outline CEMP (Document Reference 6.4.2.6) includes measures to be secured via requirement 4 of the DCO (Document Reference 3.1).
	5.16.9	The risk of impacts on the water environment can be reduced through careful design to facilitate adherence to good pollution control practice. For example, designated areas for storage and unloading, with appropriate drainage facilities, should be clearly marked.	Mitigation measures have been designed into the Proposed Development to reduce effects in relation to hydrology and flood risk, and a number construction and operation mitigation measures have been considered. Proposed embedded measures which will be secured via the Outline CEMP (Document Reference 6.4.2.6) includes measures that are considered standard good practice to be implemented by the contractor to reduce the likelihood of impacts or their magnitude, if they were to occur. These measures, and the proposed supporting monitoring plans, are outlined in ES Chapter 2 The Proposed Development (Document Reference 6.2.2).
	5.16.10	The impact on local water resources can be minimised through planning and design for the efficient use of water, including water recycling. If a development needs new water infrastructure, significant supplies or impacts other water supplies, the applicant should consult with the local water company and the EA or NRW.	
	5.16.11	Activities that discharge to the water environment are subject to pollution control. The considerations set out in Section 4.12 on the interface between planning and pollution control therefore apply. These considerations will also apply in an analogous way to the abstraction licensing regime regulating activities that take water from the water environment, and to the control regimes relating to works to, and structures in, on, or under controlled waters.	Compliance with these considerations is considered within the assessment of Section 4.10 (2011 NPS) and Section 4.12 (2023 NPS) in this document.
	5.16.12	The Secretary of State will need to give impacts on the water environment more weight where a project would have an adverse effect on the achievement of the environmental objectives established under the Water Environment (Water Framework Directive) (England and Wales) Regulations 2017.	An assessment under the Water Framework Directive is included within ES Appendix 10.2 Water Framework Directive Assessment (Document Reference 6.4.10.2).
	5.16.13	The SoS must also consider duties under other legislation including duties under the Environment Act 2021 in relation to environmental targets and have regard to the policies set out in the Government's Environmental Improvement Plan 2023.	The relevant legislative framework is set out in ES Chapter 10 Hydrology and Flood Risk (Document Reference 6.2.10). ES Chapter 10 concludes no significant effects resulting from the Proposed Development.
	5.16.14	The Secretary of State should be satisfied that a proposal has regard to current River Basin Management Plans and meets the requirements of the Water Environment (Water Framework Directive) (England and Wales) Regulations 2017 (including regulation 19). The specific objectives for particular river basins are set out in River Basin Management Plans. The Secretary of State must refuse development consent where a project is likely to cause deterioration of a water body or its failure to achieve good status or good potential, unless the requirements set out in Regulation 19 are met. A project may be approved in the absence of a qualifying Overriding Public Interest test only if there is sufficient certainty that it will not cause deterioration or compromise the achievement of good status or good potential.	An assessment under the Water Framework Directive is included within ES Appendix 10.2 Water Framework Directive Assessment (Document Reference 6.4.10.2). Regard is had to the relevant River Basin Management Plans in ES Chapter 10 Hydrology and Flood Risk (Document Reference 6.2.10). ES Chapter 10 concludes no significant effects resulting from the Proposed Development.
	5.16.15	The Secretary of State should also consider the interactions of the proposed project with other plans such as Water Resources Management Plans and Shoreline Management Plans.	
	5.16.16	The Secretary of State should consider proposals to mitigate adverse effects on the water environment and any enhancement measures put forward by the applicant and whether appropriate requirements should be attached to any development consent and/or planning obligations are necessary.	Impacts on the water environment will be managed through ES Appendix 2.6 Outline EMP (Document Reference 6.4.2.6) and ES Appendix 2.9 Outline Pollution and Spillage Response Plan (Document Reference 6.4.2.9). These will be secured via requirement 7 of the DCO (Document Reference 3.1).

3. National Policy Statement EN-3: Policy compliance

Table 3-1 NPS EN-3 Compliance Table

Policy Area/Topic	Published NPS EN-3 (2023)		Compliance of Proposed Development with policy
	Relevant Paragraph	Policy Requirement	
General Assessment and Technology Specific Information			
Factors influencing site selection and design	2.3.4	The choices which applicants make in selecting sites reflect their assessment of the risk that the Secretary of State, following the general points set out in Section 4.1 of EN-1, will not grant consent in any given case.	It is noted that the location for new renewable energy infrastructure is not generally directed by the Government. ES Chapter 3 Alternatives and Design Iteration (Document Reference 6.2.3) details the site selection process undertaken by the Applicant in relation to the Proposed Development.
	2.3.5	It is for applicants to decide what applications to bring forward. In general, the government does not seek to direct applicants to particular sites for renewable energy infrastructure. In the specific circumstances it may be appropriate to provide some direction or guidance, for example in areas of search or areas to avoid through Marine Plans, Strategic Environmental Assessments (SEAs) or The Crown Estate Leasing Rounds, in respect of marine renewable technology. All of the examples given consider marine specific aspects of many of the assessment principles set out in Part 4 of EN-1.	
National designations	2.3.6	When considering applications for CNP Infrastructure in sites with nationally recognised designations (such as SSSIs, National Nature Reserves, National Parks, the Broads, Areas of Outstanding Natural Beauty, Registered Parks and Gardens, and World Heritage Sites), the Secretary of State will take as the starting point that the relevant tests in Sections 5.4 and 5.10 of EN-1 have been met and any significant adverse effects on the qualities for which the area has been designated are clearly outweighed by the urgent need for this type of infrastructure.	The Proposed Development is CNP infrastructure, however it is not located within the boundaries of a national designation. ES Chapter 3 Alternatives and Design Iteration (Document Reference 6.2.3) details the site selection process undertaken by the Applicant in relation to the Proposed Development.
	2.3.7	The Secretary of State should have regard to the aims, goals and targets (including targets set under the Environment Act 2021) of the government’s Environmental Improvement Plan (of which the 25 Year Environment Plan is the first), and other existing and future measures and targets in England, as well as Welsh policy, such as the Wales National Marine Plan, Planning Policy Wales and Technical Advice Note (TAN) 5, the Wellbeing of Future Generations Wales Act and comply with the Environment Act 2021.	It is considered that the Proposed Development contributes to the delivery of the Environmental Improvement Plan. In addition to generating clean, renewable solar energy, the Proposed Development will contribute to delivery of the legally binding targets of the Environment Act through providing an anticipated 88% net gain in habitat biodiversity units and a 108% net gain in hedgerow biodiversity units. This is reported in ES Appendix 6.6 Biodiversity Net Gain Report (Document Reference 6.4.6.6)
	2.3.8	In considering the impact on the historic environment as set out in Section 5.9 of EN-1 and whether the Secretary of State is satisfied that the substantial public benefits would outweigh any loss or harm to the significance of a designated heritage asset, the Secretary of State should take into account the positive role that large-scale renewable projects play in the mitigation of climate change, the delivery of energy security and the urgency of meeting the net zero target.	An assessment of the effects of the Proposed Development on the historic environment is provided in ES Chapter 8 Cultural Heritage and Archaeology (Document Reference 6.2.8). It concludes that there would be no significant effects in relation to the historic environment.
Other locational designations	2.3.9	As most renewable energy resources can only be developed where the resource exists and where economically feasible, and because there are no limits on the need established in Part 3 of EN-1, the Secretary of State should not use a consecutive approach in the consideration of renewable energy projects (for example, by giving priority to the re-use of previously developed land for renewable technology developments).	ES Chapter 3 Alternatives and Design Iteration (Document Reference 6.2.3) details the site selection process undertaken by the Applicant in relation to the Proposed Development. This identifies that factors such as economic feasibility and grid connection availability informed initial site selection.
Climate change adaptation	2.4.1	Part 2 of EN-1 covers the government’s energy and climate change strategy, including policies for mitigating climate change.	Noted. Please refer to Table 2-1 of this document which sets out in detail the compliance of the Proposed Development with relevant sections of EN-1, including those on climate change and adaptation

Policy Area/Topic	Published NPS EN-3 (2023)		Compliance of Proposed Development with policy
	Relevant Paragraph	Policy Requirement	
	2.4.2	Section 4.10 of EN-1 sets out generic considerations that applicants and the Secretary of State should take into account to help ensure that renewable energy infrastructure is safe and resilient to climate change, and that necessary action can be taken to ensure the operation of the infrastructure over its estimated lifetime.	to climate change. ES Chapter 5 Climate Change (Document Reference 6.2.5) of the DCO application provides an assessment of the Proposed Development in relation to its effects on climate, and its resilience to the effects of climate change.
	2.4.3	Section 4.10 of EN-1 advises that the resilience of the project to climate change should be assessed in the Environmental Statement (ES) accompanying an application. For example, the impact of increased risk of drought as a result of higher temperatures should be covered in the water quality and resources section of the ES.	
Solar photovoltaic	2.4.11	<p>Solar photovoltaic (PV) sites may also be proposed in low lying exposed sites. For these proposals, applicants should consider, in particular, how plant will be resilient to:</p> <ul style="list-style-type: none"> increased risk of flooding; and impact of higher temperatures. 	<p>As set out in ES Chapter 10 Hydrology and Flood Risk (Document Reference 6.2.10), two areas within the Order Limits are located within Flood Zone 3 and the cable route crosses Flood Zone 3 at two additional locations. The solar panels in these areas will be raised sufficiently above the 1.0% AEP flood level, will remain operational in times of flood, and not impede overland flow routes. The cables would be underground with no ground raising proposed. Therefore, these will not impact flood risk at these locations.</p> <p>ES Appendix 5.2 Climate Change Risk Assessment (Document Reference 6.4.5.2) specifically considers the resilience of the Proposed Development to extreme weather and projected future climate change impacts. It concludes that all risks identified are of a low or very low risk rating for the Proposed Development, taking into account proposed mitigation.</p>
Criteria for “good design” for energy infrastructure	2.5.1	Section 4.7 of EN-1 sets out the criteria for good design that should be applied to all energy infrastructure.	Please refer to Table 2-1 of this document which sets out in detail the compliance of the Proposed Development with relevant sections of EN-1, including those on good design. The Design Approach Document (Document Reference 7.2) sets out how the design of the Proposed Development has taken into account the criteria of the NPS in relation to good design.
	2.5.2	Proposals for renewable energy infrastructure should demonstrate good design, particularly in respect of landscape and visual amenity, opportunities for co-existence/co-location with other marine and terrestrial uses, and in the design of the project to mitigate impacts such as noise and effects on ecology and heritage.	
Flexibility in the project details	2.6.1	Where details are still to be finalised applicants should explain in the application which elements of the proposal have yet to be finalised, and the reason why this is the case.	Not all aspects of the Proposed Development have been settled in precise detail. ES Chapter 4 Approach to EIA (Document Reference 6.2.4) confirms that any flexibility in design has been considered through the application of a ‘Rochdale Envelope’ approach, in which the maximum parameters of the Proposed Development have been defined and assessed as a likely worst-case scenario.
	2.6.2	Where flexibility is sought in the consent as a result, applicants should, to the best of their knowledge, assess the likely worst-case environmental, social and economic effects of the proposed development to ensure that the impacts of the project as it may be constructed have been properly assessed.	
	2.6.3	Full guidance on how applicants and the Secretary of State should manage flexibility is set out in Section 4.3 of EN-1.	
Solar Photovoltaic Generation			
	2.10.11	The Powering Up Britain: Energy Security Plan states that government seeks large scale ground-mount solar deployment across the UK, looking for development mainly on brownfield, industrial and low and medium grade agricultural land. It sets out that solar and farming can be complementary, supporting each other financially, environmentally and through shared use of land and encourages deployment of solar technology that delivers environmental benefits, with consideration for ongoing food production or environmental improvement.	Chapter 3 Alternatives and Design Iteration (Document Reference 6.2.3) provides an account of the alternatives that have been studied by the Applicant in developing the siting and design of the Proposed Development, which included consideration of agricultural land classification and the brownfield register. ES Appendix 9.1 Agricultural Land Classifications and Soil Resources (Document Reference 6.4.9.1) identifies that only 6.1% of land within the Order Limits is currently classified as best and most versatile land (BMV).

Policy Area/Topic	Published NPS EN-3 (2023)		Compliance of Proposed Development with policy
	Relevant Paragraph	Policy Requirement	
Irradiance and site topography	2.10.19	Irradiance will be a key consideration for the applicant in identifying a potential site as the amount of electricity generated on site is directly affected by irradiance levels. Irradiance of a site will in turn be affected by surrounding topography, with an uncovered or exposed site of good elevation and favourable south-facing aspect more likely to increase year-round irradiance levels. This in turn affects the carbon emission savings and the commercial viability of the site.	ES Chapter 3 Alternatives and Design Iteration (Document Reference 6.2.3) details the site selection process undertaken by the Applicant in relation to the Proposed Development. This included consideration of irradiance. The north-east region has suitable levels of irradiance to gain a viable yield from current solar panel technology. For this reason, the north-east region was identified as a potential location for solar development by the Applicant within the initial stage of site selection.
	2.10.20	In order to maximise irradiance, applicants may choose a site and design its layout with variable and diverse panel types and aspects, and panel arrays may also follow the movement of the sun in order to further maximise the solar resource.	As detailed in ES Chapter 2 The Proposed Development (Document Reference 6.2.2), the solar PV panels would be a maximum height of 3.5m and would be arranged in East-West rows with panels facing South. They would be fixed rather than tracking panels.
	2.10.21	Applicants should consider important issues relating to network connection at Section 4.11 of EN-1 and in EN-5. In particular, and where appropriate, applicants should proceed in a manner consistent with the regulatory regime for offshore transmission networks established by Ofgem, details of which are set out in EN-5.	Relevant sections of EN-1 and EN-5 are considered in Table 2-1 and Table 4-1 of this document. The Applicant has secured a grid connection for Byers Gill Solar, as detailed in the Grid Connection Statement (Document Reference 7.5).
	2.10.22	Many solar farms are connected into the local distribution network. The capacity of the local grid network to accept the likely output from a proposed solar farm is critical to the technical and commercial feasibility of a development proposal.	ES Chapter 3 Alternatives and Design Iteration (Document Reference 6.2.3) details the site selection process undertaken by the Applicant in relation to the Proposed Development. This identifies that factors such as economic feasibility and grid connection availability informed initial site selection. A grid connection was secured by the Applicant at the existing Norton substation and the feasible distance of a connection from the substation to a solar farm was a consideration in identifying the 'area of search' within with land for the Proposed Development was initially evaluated.
	2.10.23	Larger developments may seek connection to the transmission network if there is available network capacity and/or supportive infrastructure.	
	2.10.24	In either case the connection voltage, availability of network capacity, and the distance from the solar farm to the existing network can have a significant effect on the commercial feasibility of a development proposal.	
	2.10.25	To maximise existing grid infrastructure, minimise disruption to existing local community infrastructure or biodiversity and reduce overall costs applicants may choose a site based on nearby available grid export capacity.	
2.10.26	Where this is the case, applicants should consider the cumulative impacts of situating a solar farm in proximity to other energy generating stations and infrastructure.	Cumulative impacts have been considered as evidenced through ES Chapter 13 Cumulative Effects (Document Reference 6.2.13).	
Proximity of a site to dwellings	2.10.27	Utility-scale solar farms are large sites that may have a significant zone of visual influence. The two main impact issues that determine distances to sensitive receptors are therefore likely to be visual amenity and glint and glare. These are considered in Landscape, Visual and Residential Amenity (paragraphs 2.10.84- 2.10.92) and Glint and Glare (paragraphs 2.10.93 – 2.10.97) impact sections below ¹ .	The potential impact of large-scale solar farms to sensitive receptors via visual amenity, or through glint and glare, is recognised. A detailed account of the compliance of the Proposed Development with the NPS EN-3 paragraphs referenced in paragraph 2.10.27 is provided against the relevant paragraphs in this table.
Agriculture land classification and land type	2.10.29	While land type should not be a predominating factor in determining the suitability of the site location applicants should, where possible, utilise suitable previously developed land, brownfield land, contaminated land and industrial land. Where the proposed use of any agricultural land has been shown to be necessary, poorer quality land should be preferred to higher quality land (avoiding the use of "Best and Most Versatile" agricultural land where possible).	ES Chapter 3 Alternatives and Design Iteration (Document Reference 6.2.3) details the site selection process undertaken by the Applicant in relation to the Proposed Development. Once an initial 'area of search' was identified based on grid connection capacity and irradiance and yield, land within that area was analysed in relation to environmental and planning designations, including the brownfield land register (previously developed land) and Agricultural Land Classification. There was no suitable brownfield land within the area of search. Whilst there is agricultural land, ES Appendix 9.1 Agricultural Land Classifications and Soil Resources (Document Reference 6.4.9.1) identifies that only 6.1% of land within the Order Limits is best and most versatile land (BMV).
	2.10.30	Whilst the development of ground mounted solar arrays is not prohibited on Best and Most Versatile agricultural land, or sites designated for their natural beauty, or recognised for ecological or archaeological importance, the impacts of such are	

¹ Please note that the original references in the draft NPS EN-3 are incorrect and have been amended in this paragraph to the correct ones to aid the reader.

Policy Area/Topic	Published NPS EN-3 (2023)		Compliance of Proposed Development with policy
	Relevant Paragraph	Policy Requirement	
		expected to be considered and are discussed under paragraphs 2.10.66 – 2.10.83 and 2.10.98 – 2.10.110 ² .	
	2.10.31	It is recognised that at this scale, it is likely that applicants' developments may use some agricultural land. Applicants should explain their choice of site, noting the preference for development to be on suitable brownfield, industrial and low and medium grade agricultural land.	
	2.10.32	Where sited on agricultural land, consideration may be given as to whether the proposal allows for continued agricultural use and/or can be co-located with other functions (for example, onshore wind generation,, storage, hydrogen electrolyzers) to maximise the efficiency of land use.	The Proposed Development comprises of co-located energy generation and storage to maximise the efficiency of the land use and enable a flexible supply of electricity to the grid.
	2.10.33	The Agricultural Land Classification (ALC) is the only approved system for grading agricultural quality in England and Wales and, if necessary, field surveys should be used to establish the ALC grades in accordance with the current, or any successor to it, grading criteria and identify the soil types to inform soil management at the construction, operation, and decommissioning phases in line with the Defra Construction Code.	ES Appendix 9.1 Agricultural Land Classifications and Soil Resources (Document Reference 6.4.9.1) establishes the ALC grades of land within the Order Limits.
	2.10.34	Applicants are encouraged to develop and implement a Soil Resources and Management Plan which could help to use and manage soils sustainably and minimise adverse impacts on soil health and potential land contamination. This should be in line with the ambition set out in the Environmental Improvement Plan to bring at least 40% of England's agricultural soils into sustainable management by 2028 and increase thus up to 60% by 2030.	ES Appendix 2.12 Outline Soil Resources Management Plan (Document Reference 6.4.2.12) sets out a framework for management of soil resources during construction of the Proposed Development. It is secured via a requirement of the draft DCO (Document Reference 3.1)
Accessibility	2.10.35	Applicants will need to consider the suitability of the access routes to the proposed site for both the construction and operation of the solar farm with the former likely to raise more issues.	The Applicant recognises the rural nature of the surroundings of the Proposed Development. Vehicular access to the site during construction and operation has been considered carefully in the design evolution of the Proposed Development, taking into account technical assessment and feedback received during statutory consultation and other engagement activities. The Consultation Report (Document Reference 5.1) identifies how access routes were amended following concerns raised at statutory consultation.
	2.10.36	Given that potential solar farm sites are largely in rural areas, access for the delivery of solar arrays and associated infrastructure during construction can be a significant consideration for solar farm siting.	ES Figure 2.21 Construction Compounds and Access Routes (Document Reference 6.3.2.21) depicts the identified vehicular access routes for construction of the Proposed Development. ES Chapter 12 Traffic and Transport (Document Reference 6.2.12) assesses the effects of the Proposed Development and identifies no significant effects arising during all phases of the development in relation to the highway network. ES Appendix 2.8 Outline CTMP (Document Reference 6.4.2.8) and ES Appendix 2.15 Outline Public Rights of Way (PRoW) Management Plan (Document Reference 6.4.2.15) identifies measures which would be implemented during construction in order to limit any potential disruptions and implications on the transport network and local community. It is secured via requirement of the draft DCO (Document Reference 3.1)
	2.10.37	Developers will usually need to construct on-site access routes for operation and maintenance activities, such as footpaths, earthworks, or landscaping.	The design of the Proposed Development includes the access tracks required for maintenance during operation. These are depicted on the Works Plans (Document Reference 2.2) and the General

² As above.

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	2.10.38	In addition, sometimes access routes will need to be constructed to connect solar farms to the public road network.	Arrangement Plans (ES Figures 2.2. to 2.8, Document Reference 6.3.2.2-8). ES Chapter 12 Traffic and Transport (Document Reference 6.2.12) reports that during operation, the Proposed Development is expected to produce a negligible amount of additional traffic (one trip per month) during operation, resulting in no significant effects or a requirement for mitigation.
	2.10.39	Applications should include the full extent of the access routes necessary for operation and maintenance and an assessment of their effects.	
Public rights of ways	2.10.41	Public rights of way may need to be temporarily closed or diverted to enable construction, however, applicants should keep, as far as is practicable and safe, all public rights of way that cross the proposed development site open during construction and protect users where a public right of way borders or crosses the site.	ES Chapter 9 Land Use and Socioeconomics (Document Reference 6.2.9) sets out how any temporary impacts to public rights of way would be mitigated in terms of diversion or temporary closure. An outline PRoW Management Plan is provided with the DCO application as ES Appendix 2.15 (Document Reference 6.4.2.15). This sets out the principles as to how public rights of way would be managed during construction. Temporary closures or diversions to allow for maintenance activities will be subject to agreement with the LPA through the provision of an updated Public Rights of Way Management Plan, to be developed prior to construction, and secured via requirement of the DCO (Document Reference 3.1)
	2.10.42	Applicants are encouraged to design the layout and appearance of the site to ensure continued recreational use of public rights of way, where possible during construction, and in particular during operation of the site.	As reported in ES Chapter 9 Land Use and Socioeconomics (Document Reference 6.2.9), it is proposed that a total of ~3600m of permissive paths will be implemented during the construction stage of the Proposed Development in order to create an enhanced and better-connected network in the local area.
	2.10.43	Applicants are encouraged where possible to minimise the visual impacts of the development for those using existing public rights of way, considering the impacts this may have on any other visual amenities in the surrounding landscape.	It is proposed that these permissive routes are provided during the operational phase of the Proposed Development, to minimise impact during the construction phase, and result in a reduced need for temporary diversions to allow for construction activities.
	2.10.44	Applicants should consider and maximise opportunities to facilitate enhancements to the public rights of way and the inclusion, through site layout and design of access, of new opportunities for the public to access and cross proposed solar development sites (whether via the adoption of new public rights of way or the creation of permissive paths), taking into account where appropriate the views of landowners.	ES Chapter 7 Landscape and Visual (Document Reference 6.2.7) assesses the visual effects of the Proposed Development on visual receptors including users of rights of way. As set out in the Design Approach Document (Document Reference 7.2), the design of the Proposed Development has sought to protect and enhance public rights of way through new planting or improvement to existing sparse hedgerows. However, ES Chapter 7 Landscape and Visual (Document Reference 6.2.7) has identified that there would be some significant adverse effects to views from PROW as a result of the Proposed Development. Most of the significant adverse effects would arise during operation, however, they would be reversible following decommissioning. The temporary, 40-year operational period of the Proposed Development is secured via the DCO (Document Reference 3.1)..
	2.10.45	Applicants should set out detail on how public rights of way would be managed to ensure they are safe to use is set out in an outline Public Rights of Way Management Plan.	An outline PRoW Management Plan is provided with the DCO application as ES Appendix 2.15 (Document Reference 6.4.2.15).
Security and lighting	2.10.46	Security of the site is a key consideration for developers. Applicants may wish to consider not only the availability of natural defences such as steep gradients, hedging and rivers but also perimeter security measures such as fencing, electronic security, CCTV and lighting, with the measures proposed on a site-specific basis.	As detailed in ES Chapter 2 The Proposed Development (Document Reference 6.2.2), security features are included in the design such as CCTV poles of up to 3m; infrared security lighting; and a perimeter security fence of up to 2m. These aspects of the design have been assessed as part of the EIA where relevant. In relation to visual effects specifically, as reported in ES Chapter 7 Landscape and Visual (Document Reference 6.2.7) the CCTV cameras would be no taller than the solar panels and included within the panel fields. It is therefore considered that they would not have markedly different effects on views and character to those of the other elements (panels, inverters, storage) of similar height within the panel areas. This detailed design information is not deemed necessary to inform the judgements of landscape and visual effects
	2.10.47	Applicants should assess the visual impact of these security measures, as well as the impacts on local residents, including for example issues relating to intrusion from CCTV and light pollution in the vicinity of the site.	
	2.10.48	Applicants should consider the need to minimise the impact on the landscape and the visual impact of security measures.	
Network connection	2.10.21	Applicants should consider important issues relating to network connection at Section 4.11 of EN-1 and in EN-5. In particular, and where appropriate, applicants should	The Applicant has secured a grid connection for Byers Gill Solar, as detailed in the Grid Connection Statement (Document Reference 7.5). As set out in ES Chapter 3 Alternatives and Design Iteration

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		proceed in a manner consistent with the regulatory regime for offshore transmission networks established by Ofgem, details of which are set out in EN-5.	(Document Reference 6.2.3), a secured grid connection has been integral to the early siting and feasibility considerations for the Proposed Development.
	2.10.22	Many solar farms are connected into the local distribution network. The capacity of the local grid network to accept the likely output from a proposed solar farm is critical to the technical and commercial feasibility of a development proposal.	
	2.10.23	Larger developments may seek connection to the transmission network if there is available network capacity and/or supportive infrastructure.	
	2.10.24	In either case the connection voltage, availability of network capacity, and the distance from the solar farm to the existing network can have a significant effect on the commercial feasibility of a development proposal.	
	2.10.25	To maximise existing grid infrastructure, minimise disruption to existing local community infrastructure or biodiversity and reduce overall costs applicants may choose a site based on nearby available grid export capacity.	
	2.10.26	Where this is the case, applicants should consider the cumulative impacts of siting a solar farm in proximity to other energy generating stations and infrastructure.	An assessment of the cumulative impacts of the Proposed Development, alongside other development including other energy-related development, is provided in ES Chapter 13 Cumulative Effects (Document Reference 6.2.13). It concludes that there would be no significant effects, however the cumulative effect of renewable energy production development is a notable beneficial effect which could be significant in EIA terms given its potential national influence.
Technical Considerations	2.10.49	Applications for solar farms are likely to comprise a number of elements including solar panel arrays, piling, inverters, mounting structures, cabling, earthworks, and measures associated with site security, and may also include associated infrastructure such as energy storage and electrolyzers associated with the production of low carbon hydrogen.	A full description of the Proposed Development is provided in ES Chapter 2 The Proposed Development (Document Reference 6.2.2).
Capacity of a site	2.10.50	Solar panels generate electricity in direct current (DC) form. A number of panels feed an external inverter, which is used to convert the electricity to alternating current (AC). After inversion a transformer will step-up the voltage for export to the grid. Because the inverter is separate from the panels, the total capacity of a solar farm can be measured either in terms of the combined capacity of installed solar panels (measured in DC) or in terms of combined capacity of installed inverters (measured in AC).	The update provided by draft NPS EN-3 on the measurement of generating capacity for solar farms is acknowledged. As identified in the DCO Application Cover Letter (Document Reference 1.1), the Proposed Development is classified as a Nationally Significant Infrastructure Project (NSIP) pursuant to sub-sections 14(1)(a) and 15(1) and (2) of the Act, as an onshore generating station in England with a capacity exceeding 50 megawatts (MW). For the avoidance of doubt, the Proposed Development exceeds both 50MW AC and 50MW direct current (DC).
	2.10.51	For the purposes of determining the capacity thresholds in Section 15 of the 2008 Act, all forms of generation other than solar are currently assessed on an AC basis, while a practice has developed where solar farms are assessed on their DC capacity.	
	2.10.52	Having reviewed this matter, the Secretary of State is now content that this disparity should end, particularly as electricity from some other forms of generation is switched between DC and AC within a generator before it is measured.	
	2.10.53	From the date of designation of this NPS, for the purposes of Section 15 of the Planning Act 2008, the maximum combined capacity of the installed inverters (measured in alternating current (AC)) should be used for the purposes of determining solar site capacity.	
	2.10.54	The capacity threshold is 50MW (AC) in England and 350MW (AC) in Wales.	

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	2.10.55	The installed generating capacity of a solar farm will decline over time in correlation with the reduction in panel array efficiency., that developers need to consider when deciding on a solar panel technology to be used. Applicants may account for this by overplanting solar panel arrays.	Appropriate “overplanting” has been applied proportionately to the Proposed Development. This accommodates any changes to the efficiency of the panels over the life of the project. Overplanting also increases the efficiency of the project in differing weather conditions.
	2.10.56	AC installed export capacity should not be seen as an appropriate tool to constrain the impacts of a solar farm. Applicants should use other measurements, such as panel size, total area and percentage of ground cover to set the maximum extent of development when determining the planning impacts of an application.	ES Chapter 4 Approach to EIA (Document Reference 6.2.4) confirms the application of a ‘Rochdale Envelope’ approach in the EIA, in which the maximum parameters of the Proposed Development have been defined and assessed as a likely worst-case scenario. This has included factors such as maximum panel size, siting and layout and has not been based on AC installed export capacity.
	2.10.57	Nothing in this section should be taken to change any development consent or other planning permission granted prior to the designation of this NPS. Any such permission should be interpreted on the basis upon which it was examined and granted.	This is noted. NPS EN-3 was designated on 17 January 2024.
	2.10.58	In particular, any permissions granted on the basis of a DC installed generating capacity should be built on that basis, unless an amendment is made to that permission and the difference in impacts is considered.	
Site layout design, and appearance	2.10.59	Applicants should consider the criteria for good design set out in EN-1 Section 4.7 at an early stage when developing projects.	Please refer to Table 2-1 of this document which sets out in detail the compliance of the Proposed Development with relevant sections of NPS EN-1 in relation to good design.
	2.10.60	As set out above applicants will consider several factors when considering the design and layout of sites, including, proximity to available grid capacity to accommodate the scale of generation, orientation, topography, previous land – use and ability to mitigate environmental impacts and flood risk.	ES Chapter 3 Alternatives and Design Iteration (Document Reference 6.2.3) provides an account of the alternatives considered in selecting the site of the Proposed Development taking into account factors such as grid connection; site context and surroundings; and potential to mitigate effects. The Design Approach Document (Document Reference 7.2) sets out how the overall approach and evolution of the design and how they were influenced by such factors.
	2.10.61	For a solar farm to generate electricity efficiently the panel array spacing should seek to maximise the potential power output of the site. The type, spacing and aspect of panel arrays will depend on the physical characteristics of the site such as site elevation.	The layout of the Proposed Development has sought to maximise the potential power output of the site whilst seeking to avoid and reduce effects on the environment. For example, at the point of statutory consultation in May 2023, the maximum extent of the Proposed Development comprised of tracking solar PV panels of a maximum height of 4.35m, oriented east to west. In considering the feedback received in response to consultation, and further technical assessment, the design of the Proposed Development was changed to comprise of fixed solar PV panels to a maximum height of 3.5m and oriented south. Modelling of the energy output has been undertaken at each design iteration to understand and ensure the efficiency and viability of the Proposed Development.
	2.10.62	In terms of design and layout, applicants may favour a south-facing arrangement of panels to maximise output although other orientations may be chosen. For example, an east-west layout, whilst likely to result in reduced output compared to south-facing panels on a panel by-panel basis, may allow for a greater density of panels to compensate and therefore for generation to be spread more evenly throughout the day.	
	2.10.63	It is likely that underground and overhead cabling will be required to connect the electrical assets of the site, such as from the substation to the panel arrays or storage facilities.	As described in ES Chapter 2 The Proposed Development (Document Reference 6.2.2), all cabling for the Proposed Development would comprise of underground cabling. It is anticipated that underground cables would be installed using a cable plough, wherever possible. This is considered to be the most efficient and least impactful method of cable installation, causing minimal disruption to the ground, by cutting, installing and back-filling in one operation. Only in instances where the cable plough cannot be used, alternative methods, such as horizontal directional drilling (HDD), will be used in more constrained locations such as going underneath water courses and roads. Operational maintenance measures are secured via the DCO through ES Appendix 2.14 Outline LEMP (Document Reference 6.2.3.14).
	2.10.64	In the case of underground cabling, applicants are expected to provide a method statement describing cable trench design, installation methodology, as well as details of the operation and maintenance regime.	
Project lifetime	2.10.65	Applicants should consider the design life of solar panel efficiency over time when determining the period for which consent is required. An upper limit of 40 years is typical, although applicants may seek consent without a time-period or for differing time-periods of operation.	The design life of the Proposed Development is expected to be 40 years, as secured via the draft DCO (Document Reference 3.1)..

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	2.10.66	Time limited consent, where granted, is described as temporary because there is a finite period for which it exists, after which the project would cease to have consent and therefore must seek to extend the period of consent or be decommissioned and removed.	
	2.10.67	Solar panel efficiency deteriorates over time and applicants may elect to replace panels during the lifetime of the site.	
Decommissioning	2.10.68	Solar panels can be decommissioned relatively easily and cheaply. The nature and extent of decommissioning of a site can vary. Generally, it is expected that the panel arrays and mounting structures will be decommissioned, and underground cabling dug out to ensure that prior use of the site can continue.	The process of decommissioning would involve the removal of all solar infrastructure, including the solar PV modules, cabling within the Panel Areas and on-site supporting equipment, from the site to be recycled or disposed of in accordance with good practice and processes at that time. Any requirements to leave certain infrastructure, for example access tracks, would be discussed and agreed with landowners as part of the decommissioning process. ES Appendix 2.7 Outline DEMP (Document Reference 6.4.2.7) sets out the general principles to be followed in the decommissioning of the Proposed Development. The production of a detailed DEMP and agreement with relevant authorities prior to commencing decommissioning, is secured via the draft DCO (Document Reference 3.1).
	2.10.69	Applicants should set out what would be decommissioned and removed from the site at the end of the operational life of the generating station, considering instances where it may be less harmful for the ecology of the site to keep or retain certain types of infrastructure, for example underground cabling, and where there may be socio-economic benefits in retaining site infrastructure after the operational life, such as retaining pathways through the site or a site substation.	
Flexibility in the project details	2.10.70	In many cases, not all aspects of the proposal may have been settled in precise detail at the point of application. Such aspects may include: <ul style="list-style-type: none"> the type, number and dimensions of the panels; layout and spacing; the type of inverter or transformer; and whether storage will be installed (with the option to install further panels as a substitute). 	Not all aspects of the Proposed Development have been settled in precise detail. ES Chapter 4 Approach to EIA (Document Reference 6.2.4) confirms that any flexibility in design has been considered through the application of a 'Rochdale Envelope' approach, in which the maximum parameters of the Proposed Development have been defined and assessed as a likely worst-case scenario. The parameters of the Proposed Development are secured through the DCO via the Design Approach Document (Document Reference 7.2)
	2.10.71	Applicants should set out a range of options based on different panel numbers, types and layout, with and without storage.	
	2.10.72	Guidance on how applicants should manage flexibility is set out at Section 2.6 of this NPS.	
	2.10.73	The impacts identified in Part 5 of EN-1 and below, are not intended to be exhaustive.	
Impacts	2.10.74	Applicants should provide information on relevant impacts as directed by this NPS and the Secretary of State.	This is noted. Please refer to Table 2-1 of this document which sets out in detail the compliance of the Proposed Development with Part 5 of EN-1.
Biodiversity and ecological conservation	2.10.75	Generic environmental, biodiversity, ecology, geological and water management impacts are covered in Section 4.3 (Environmental Principles), Section 4.6 (Environmental and Biodiversity Net Gain) and Section 5.5 (Biodiversity and Geological Conservation) and section 5.9 (Flood Risk) of EN-1.	Please refer to Table 2-1 of this document which sets out in detail the compliance of the Proposed Development with Section 4.2, Section 4.5 and Section 5.4 of EN-1.
	2.10.76	The applicant's ecological assessments should identify any ecological risk from developing on the proposed site.	An assessment of the ecological effects of the Proposed Development has been undertaken by competent experts from RSK Biocensus on behalf of the Applicant and is reported in ES Chapter 6 Biodiversity (Document Reference 6.2.6) and related figures and appendices. The assessment and the design of the Proposed Development have been informed by desk-based data analysis and site surveys, including a UK habitat survey, wintering and breeding bird surveys and bat surveys. The full scope of the assessment is reported in ES Chapter 6 Biodiversity (Document Reference 6.2.6). Mitigation and enhancement has been developed in an iterative process taking into account the results of the
	2.10.77	Issues that need assessment may include habitats, ground nesting birds, wintering and migratory birds, bats, dormice, reptiles, great crested newts, water voles and badgers.	
	2.10.78	The applicant should use an advising ecologist during the design process to ensure that adverse impacts are avoided, minimised or mitigated in line with the mitigation hierarchy, and biodiversity enhancements are maximised.	

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	2.10.79	The assessment may be informed by a 'desk study' of existing ecological records, an evaluation of the likely impacts of the solar farm upon ecological features and should specify mitigation to avoid or minimise these impacts, and any further surveys required.	environmental assessment, with ecologists informing and advising on the design of the Proposed Development.
	2.10.80	Applicants should consider earthworks associated with construction compounds, access roads and cable trenching.	The Proposed Development is not anticipated to require substantial earthworks. ES Appendix 2.12 Outline Soil Resources Management Plan (Document 6.4.2.12) sets out how soils would be managed during construction of the Proposed Development to minimise impacts on soil and is secured via the draft DCO (Document Reference 3.1).
	2.10.81	Where soil stripping occurs topsoil and subsoil should be stripped, stored, and replaced separately to minimise soil damage and to provide optimal conditions for site restoration. Further details on minimising impacts on soil and soil handling are above at paragraphs 3.10.18 and 3.10.19 ³ .	
	2.10.82	Applicants should consider how security and lighting installations may impact on the local ecology. Where pole mounted CCTV facilities are proposed the location of these facilities should be carefully considered to minimise impact. If lighting is necessary, it should be minimised and directed away from areas of likely habitat.	CCTV to be installed along the security fencing associated with the onsite substation and energy storage system would utilise infrared technology. The CCTV cameras would be no taller than the solar panels and included within the panel fields. There is no permanent lighting proposed as part of the Proposed Development, except for the localised emergency security lighting in proximity to the substation and energy storage systems. Such lighting would be triggered by movement only or manually turned on, and so would not be active for all hours of darkness.
	2.10.83	Applicants should consider how site boundaries are managed. If any hedges/scrub are to be removed, further surveys may be necessary to account for impacts. Buffer strips between perimeter fencing and hedges may be proposed, and the construction and design of any fencing should account for enabling mammal, reptile and other fauna access into the site if required to do so in the ecological report.	As reported in ES Chapter 6 Biodiversity (Document Reference 6.2.6), construction activities are predicted to result in the potential for the loss of 0.15km of hedgerow as a result of grid connection cables and access routes. Whilst the extent of any loss of this habitat is currently unknown, the majority of hedgerows across the Proposed Development will be avoided with the hedgerows to be affected of poor quality. Sections of hedgerow to be removed will be reinstated and replanted with native species elsewhere within the Order Limits. This will result in a hedgerow creation forecast of 11.73 km and hedgerow enhancement of 28.89 km. ES Appendix 2.6 Outline Construction Environmental Plan (Document Reference 6.4.2.6) (CEMP) secures pre-construction surveys to reconfirm the ecological baseline conditions and identify any potential new ecological risk prior to commencing works. A buffer of a minimum of 8m between Panel Areas and boundary features would be provided and is secured via the DCO. In total, the Proposed Development would deliver an anticipated net gain of 108% biodiversity units relating to hedgerows.
	2.10.84	Where a Flood Risk Assessment has been carried out this must be submitted alongside the applicant's ES. This will need to consider the impact of drainage. As solar PV panels will drain to the existing ground, the impact will not, in general, be significant.	ES Appendix 10.1 Flood Risk Assessment and Drainage Strategy (Document Reference 6.4.10.1) includes a site-specific Flood Risk Assessment.
	2.10.85	Where access tracks need to be provided, permeable tracks should be used, and localised Sustainable Drainage Systems (SuDS), such as swales and infiltration trenches, should be used to control any run-off where recommended.	As explained in ES Appendix 10.1 Flood Risk Assessment and Drainage Strategy (Document Reference 6.4.10.1), formal SuDS features including engineered pipe runs, manholes and storage features are not proposed due to the nature of the development and the perceived minimal impact on surface water runoff. The Proposed drainage scheme therefore comprises of grassland/wildflower mix under the solar PV panels; an apron of clean crushed stone for BESS and other supporting infrastructure; and permeable aggregate over geotextile membrane for access tracks, requiring no drainage.
	2.10.86	Given the temporary nature of solar PV farms, sites should be configured or selected to avoid the need to impact on existing drainage systems and watercourses.	
	2.10.87	Culverting existing watercourses/drainage ditches should be avoided.	

³ Please note that the original references in the draft NPS EN-3 are incorrect and have been amended in this paragraph to the correct ones to aid the reader.

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	2.10.88	Where culverting for access is unavoidable, applicants should demonstrate that no reasonable alternatives exist and where necessary it will only be in place temporarily for the construction period.	As reported in ES Chapter 10 Hydrology and Flood Risk (Document Reference 6.2.10), the proposed layout of access tracks would result in 2 new crossings over watercourses (minor tributaries of the River Skerne and Little Stainton Brook) and the adoption of 7 existing crossings. The design of new watercourse crossings will be agreed with the Lead Local Flood Authority prior to construction. Guidance on the sizing, design and construction of the crossings will be taken from the CIRIA Culvert Design and Operation Guide. The crossings will be designed to ensure they do not disconnect the watercourses at times of low flow and will be designed with appropriate freeboard for flood flow capacity. They will be designed to ensure fish and mammal movement is not restricted, increased erosion will not occur and have a buried invert so the natural bed formation remains in situ.
	2.10.89	Solar farms have the potential to increase the biodiversity value of a site, especially if the land was previously intensively managed. In some instances, this can result in significant benefits and enhancements beyond Biodiversity Net Gain, which result in wider environmental gains which is encouraged.	The Applicant has had regard to the Environment Act in preparing the DCO Application. The Proposed Development will contribute to delivery of the legally binding targets through providing an anticipated 88% net gain in habitat biodiversity units and 108% net gain in hedgerow biodiversity units. This is reported in ES Appendix 6.6 Biodiversity Net Gain Report (Document Reference 6.4.6.6)
	2.10.90	For projects in England, applicants should consider enhancement, management, and monitoring of biodiversity in line with the ambition set out in the Environmental Improvement Plan and any relevant measures and targets, including statutory targets set under the Environment Act or elsewhere.	
	2.10.92	Applicants should consider whether they need to provide geotechnical and hydrological information (such as identifying the presence of peat at each site) including the risk of landslide connected to any development work.	ES Appendix 2.1 Phase 1 Geoenvironmental and Geotechnical Desk Study (Document Reference 6.4.2.1) and ES Chapter 10 Hydrology and Flood Risk (Document Reference 6.2.10) are provided with the DCO application.
Landscape, visual and residential amenity	2.10.93	Generic landscape and visual impacts are covered in Section 5.10 of EN-1.	Please refer to Table 2-1 of this document which sets out in detail the compliance of the Proposed Development with Section 5.10 of EN-1.
	2.10.94	The approach to assessing cumulative landscape and visual impact of large-scale solar farms is likely to be the same as assessing other onshore energy infrastructure. Solar farms are likely to be in low lying areas of good exposure and as such may have a wider zone of visual influence than other types of onshore energy infrastructure.	The Zone of Theoretical Visibility studies for the Proposed Development are in ES Figures 7.2, 7.3 and 7.8 (Document References 6.3.7.2, 6.3.7.3 and 6.3.7.8).
	2.10.95	However, whilst it may be the case that the development covers a significant surface area, in the case of ground-mounted solar panels it should be noted that with effective screening and appropriate land topography, the area of a zone of visual influence could be appropriately minimised.	Screening of the Panel Areas is being proposed, as secured via the Environmental Masterplan (Document Reference 2.5). Measures to ensure that new planting and management of existing vegetation meets the design intent are secured via ES Appendix 2.14 Outline LEMP (Document Reference 6.4.2.14).
	2.10.96	Landscape and visual impacts should be considered carefully preapplication. Potential impacts on the statutory purposes of nationally designated landscapes should form a part of the pre application process.	The Proposed Development has been designed, to avoid and prevent adverse environmental effects on landscape and visual receptors through the process of design development and consideration of good design principles. This is explained in the Design Approach Document (Document Reference 7.2). The landscape and visual effects of the Proposed Development are assessed in ES Chapter 7 Landscape and Visual (Document Reference 6.2.7). There are no nationally designated landscapes within the Order Limits or assessment study area. ES Figure 7.9 Visualisations (Document Reference 6.3.7.9) provides visualisations of the Proposed Development at baseline, Year 1 and Year 15 to demonstrate the visual effects from identified viewpoints which are analysed in detail in ES Appendix 7.4 Viewpoint Analysis (Document Reference 6.4.7.4) and Table 7.7 of the ES. Significant adverse effects are identified during construction and operation and decommissioning of the Proposed Development, most of which would arise during operation; however, they would be reversible following decommissioning. The temporary, 40-year operational period of the Proposed Development is secured via the DCO.
	2.10.97	Applicants should carry out a landscape and visual assessment and report it in the ES. Visualisations may be required to demonstrate the effects of a proposed solar farm on the setting of heritage assets and any nearby residential areas or viewpoints.	
	2.10.98	Applicants should follow the criteria for good design set out in Section 4.7 of EN-1 when developing projects and will be expected to direct considerable effort towards minimising the landscape and visual impact of solar PV arrays especially within nationally designated landscapes.	
	2.10.99	Whilst there is an acknowledged need to ensure solar PV installations are adequately secured, required security measures such as fencing should consider the need to	

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		minimise the impact on the landscape and visual impact (see paragraphs 2.10.31 – 2.10.33 above).	
	2.10.100	The applicant should consider as part of the design, layout, construction, and future maintenance plans how to protect and retain, wherever possible, the growth of vegetation on site boundaries, as well as the growth of existing hedges, established vegetation, including mature trees within boundaries. Applicants should also consider opportunities for individual trees within the boundaries to grow on to maturity.	Measures to ensure that new planting and management of existing vegetation meets the design intent are set out in ES Appendix 2.14 Outline LEMP (Document Reference 6.4.2.14) and secured via requirement of the draft DCO (Document Reference 3.1).
	2.10.101	The impact of the proposed development on established trees and hedges should be informed by a tree survey and arboricultural/hedge assessment as appropriate.	Arboricultural surveys and assessment of the impact of the Proposed Development on trees and hedges have been undertaken and are reported in ES Appendix 7.7 Arboricultural Impact Assessment (Document Reference 6.4.7.7).
Glint and glare	2.10.102	Solar panels are specifically designed to absorb, not reflect, irradiation. However, solar panels may reflect the sun's rays at certain angles, causing glint and glare. Glint is defined as a momentary flash of light that may be produced as a direct reflection of the sun in the solar panel. Glare is a continuous source of excessive brightness experienced by a stationary observer located in the path of reflected sunlight from the face of the panel. The effect occurs when the solar panel is stationed between or at an angle of the sun and the receptor.	A glint and glare assessment has been undertaken and is provided in ES Appendix 2.2. Solar Photovoltaic Glint and Glare Study (Document Reference 6.4.2.2).
	2.10.103	Applicants should map receptors to qualitatively identify potential glint and glare issues and determine if a glint and glare assessment is necessary as part of the application.	A glint and glare assessment was determined as necessary at the EIA Scoping Stage and is provided in the DCO application in ES Appendix 2.2. Solar Photovoltaic Glint and Glare Study (Document Reference 6.4.2.2)
	2.10.104	When a quantitative glint and glare assessment is necessary, applicants are expected to consider the geometric possibility of glint and glare affecting nearby receptors and provide an assessment of potential impact and impairment based on the angle and duration of incidence and the intensity of the reflection.	ES Appendix 2.2. Solar Photovoltaic Glint and Glare Study (Document Reference 6.4.2.2) considers the potential impacts of the Proposed Development towards the identified receptors by undertaking geometric calculations and intensity calculations where required. Glint and glare modelling has been undertaken at several points in the design process such that the findings of the assessment have informed the design of the Proposed Development, including measures such as screening. It identifies that a moderate impact is predicted on three sections of road and ten dwellings, however with the planting and operational maintenance of that planting, as secured via the DCO, the impact would be reduced to low/none.
	2.10.105	The extent of reflectivity analysis required to assess potential impacts will depend on the specific project site and design. This may need to account for 'tracking' panels if they are proposed as these may cause differential diurnal and/or seasonal impacts.	
	2.10.106	When a glint and glare assessment is undertaken, the potential for solar PV panels, frames and supports to have a combined reflective quality may need to be assessed, although the glint and glare of the frames and supports is likely to be significantly less than the panels.	
Cultural heritage	2.10.107	The impacts of solar PV developments on the historic environment will require expert assessment in most cases and may have effect both above and below ground.	The effect of the Proposed Development on the historic environment is provided in ES Chapter 8 Cultural Heritage and Archaeology (Document Reference 6.2.8). This includes consideration of above ground impacts, such as the setting of heritage assets and Historic Landscape Character, and below ground impacts such as direct impacts to archaeological deposits.
	2.10.108	Above ground impacts may include the effects on the setting of Listed Buildings and other designated heritage assets as well as on Historic Landscape Character.	
	2.10.109	Below ground impacts, although generally limited, may include direct impacts on archaeological deposits through ground disturbance associated with trenching, cabling, foundations, fencing, temporary haul routes etc.	
	2.10.110	Equally solar PV developments may have a positive effect, for example archaeological assets may be protected by a solar PV farm as the site is removed from regular ploughing and shoes or low-level piling is stipulated.	

Policy Area/Topic	Published NPS EN-3 (2023)		Compliance of Proposed Development with policy
	Relevant Paragraph	Policy Requirement	
	2.10.111	Generic historic environment impacts are covered in Section 5.9 of EN-1.	Please refer to Table 2-1 of this document which sets out in detail the compliance of the Proposed Development with Section 5.9 of draft EN-1.
	2.10.112	Applicant assessments should be informed by information from Historic Environment Records (HERs) or the local authority.	ES Chapter 8 Cultural Heritage and Archaeology (Document Reference 6.2.8) identifies that the assessment has been informed by the HER and engagement with the local authority.
	2.10.113	Where a site on which development is proposed includes, or has the potential to, include heritage assets with archaeological interest, the applicant should submit an appropriate desk-based assessment and, where necessary, a field evaluation. These should be carried out, using expertise where necessary and in consultation with the local planning authority, and should identify archaeological study areas and propose appropriate schemes of investigation, and design measures, to ensure the protection of relevant heritage assets.	To inform the assessment reported in ES Chapter 8 Cultural Heritage and Archaeology (Document Reference 6.2.8), the Applicant has carried out desk-based assessment and field evaluation. Details of the desk-based assessment undertaken are included in ES Appendix 8.1 Historic Environment Desk-based Assessment (HEDBA) (Document Reference 6.4.8.1). Geophysical survey has been undertaken and is reported in ES Appendix 8.3 Detailed Gradiometer Survey Report (Document Reference 6.4.8.3), whilst an initial phase of trial trenching has been carried out and is reported in ES Appendix 8.4 Phase 1 Evaluation Trenching Report (Document Reference 6.4.8.4).
	2.10.114	In some instances, field studies may include investigative work (and may include trial trenching beyond the boundary of the proposed site) to assess the impacts of any ground disturbance, such as proposed cabling, substation foundations or mounting supports for solar panels on archaeological assets.	Appendix 8.5 Archaeological Management Strategy (Document Reference 6.4.8.5) sets out the approach to further investigative work post-consent and the mitigation measures that would be implemented at the detailed design stage where necessary, such as use of pad foundations in some localised areas. This is secured via requirement 18 of the draft DCO (Document Reference 3.1).
	2.10.115	The extent of investigative work should be proportionate to the sensitivity of, and extent of proposed ground disturbance in, the associated study area.	
	2.10.116	Applicants should take account of the results of historic environment assessments in their design proposal.	
	2.10.117	Applicants should consider what steps can be taken to ensure heritage assets are conserved in a manner appropriate to their significance, including the impact of proposals on views important to their setting.	The effect of the Proposed Development on the historic environment is provided in ES Chapter 8 Cultural Heritage and Archaeology (Document Reference 6.2.8), including consideration of the setting of heritage assets and Historic Landscape Character. It concludes that there would be no significant effects to heritage assets during construction, operation or decommissioning of the Proposed Development.
	2.10.118	As the significance of a heritage asset derives not only from its physical presence but also from its setting, careful consideration should be given to the impact of large-scale solar farms which depending on their scale, design and prominence, may cause substantial harm to the significance of the asset.	
	2.10.119	Applicants may need to include visualisations to demonstrate the effects of a proposed solar farm on the setting of heritage assets.	
Construction including traffic and transport noise and vibration	2.10.120	Modern solar farms are large sites that are mainly comprised of small structures that can be transported separately and constructed on-site, with developers designating a compound on-site for the delivery and assemblage of the necessary components.	ES Figure 2.21 Construction Compounds and Access Routes (Document Reference 6.3.2.21) depicts the identified vehicular access routes for construction of the Proposed Development. ES Chapter 12 Traffic and Transport (Document Reference 6.2.12) assesses the effects of the Proposed Development and identifies no significant effects arising during all phases of the development in relation to the highway network.
	2.10.121	Many solar farms will be sited in areas served by a minor road network. Public perception of the construction phase of solar farm will derive mainly from the effects of traffic movements, which is likely to involve smaller vehicles than typical onshore energy infrastructure but may be more voluminous.	
	2.10.122	Generic traffic and transport impacts are covered Section 5.14 of EN-1	These are considered in Table 2-1 of this document.
	2.10.123	Applicants should assess the various potential routes to the site for delivery of materials and components where the source of the materials is known at the time of the application and select the route that is the most appropriate.	ES Figure 2.21 Construction Compounds and Access Routes (Document Reference 6.3.2.21) depicts the identified vehicular access routes for construction of the Proposed Development. This has been informed by the assessment reported in ES Chapter 12 Traffic and Transport (Document Reference 6.2.12).

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	Relevant Paragraph	Policy Requirement	
	2.10.124	Where the exact location of the source of construction materials, such as crushed stone or concrete is not be known at the time of the application applicants should assess the worst-case impact of additional vehicles on the likely potential routes.	Section 12.5 of ES Chapter 12 Traffic and Transport (Document Reference 6.2.12) identified the assumptions made with regard to assessing the worst-case scenario of the construction stage impacts of the Proposed Development.
	2.10.125	Applicants should ensure all sections of roads and bridges on the proposed delivery route can accommodate the weight and volume of the loads and width of vehicles. Although unlikely, where modifications to roads and/or bridges are required, these should be identified, and potential effects addressed in the ES.	ES Figure 2.21 Construction Compounds and Access Routes (Document Reference 6.3.2.21) depicts the identified vehicular access routes for construction of the Proposed Development, taking into account the likely type and volumes of vehicles required. No modification to roads and/or bridges is required for access, with only minor surface upgrades potentially required to bellmouths.
	2.10.126	Where a cumulative impact is likely because multiple energy infrastructure developments are proposing to use a common port and/or access route and pass through the same towns and villages, applicants should include a cumulative transport assessment as part of the ES. This should consider the impacts of abnormal traffic movements relating to the project in question in combination with those from any other relevant development. Consultation with the relevant local highways authorities is likely to be necessary.	As set out in ES Chapter 12 Traffic and Transport (Document Reference 6.2.12), the traffic modelling used for the Proposed Development has inherently assessed the cumulative impacts already for traffic and transport, and as such these are intrinsic to the traffic and transport assessment and reported as part of the potential effects of the Proposed Development in that chapter. It concludes there would be no significant effects arising from the Proposed Development in relation to traffic and transport. Engagement with the local highways authority is set out in Table 12-1 of Chapter 12.
Mitigations Agricultural land classification and land type	2.10.127	The Defra Construction code of practice for the sustainable use of soils on construction sites provides guidance on ensuring that damage to soil during construction is mitigated and minimised. Mitigation measures focus on minimising damage to soil that remains in place, and minimising damage to soil being excavated and stockpiled. The measures aim to preserve soil health and soil structure to minimise soil carbon loss and maintain water infiltration and soil biodiversity. Mitigation measures for agricultural soils include use of green cover, multispecies cover crops - especially during the winter- minimising compaction and adding soil organic matter.	ES Appendix 2.12 Outline Soil Resources Management Plan (Document Reference 6.4.2.12) sets out a framework for management of soil resources during construction of the Proposed Development. It is secured via requirement of the draft DCO (Document Reference 3.1)
Biodiversity and ecological conservation	2.10.128	In England, proposed enhancements should take account of the above factors and as set out in Section 5.4 of EN-1 aim to achieve environmental and biodiversity net gain in line with the ambition set out in the Environmental Improvement Plan and any relevant measures and targets, including statutory targets set under the Environment Act or elsewhere.	The Applicant has had regard to the Environment Act in preparing the DCO Application. The Proposed Development will contribute to delivery of the legally binding targets through providing an anticipated 88% net gain in habitat biodiversity units and 108% net gain in hedgerow biodiversity units. This is reported in ES Appendix 6.6 Biodiversity Net Gain Report (Document Reference 6.4.6.6).
	2.10.129	This might include maintaining or extending existing habitats and potentially creating new important habitats, for example by installing cultivated strips/plots for rare arable plants, rough grassland margins, bumble bee plant mixes, and wild bird seed mixes.	ES Appendix 2.14 Outline LEMP (Document Reference 6.4.2.14) contains details of habitat creation and management to be undertaken during the operational phase of the development, which in summary include new and improved native species rich hedgerows and hedgerow trees; reduced cutting along existing hedgerows; habitat creation in locations across the Order Limits; and provision of bat boxes.
	2.10.130	Applicants are advised to develop an ecological monitoring programme to monitor impacts upon the flora of the site and upon any particular ecological receptors (such as bats and wintering birds). Results of the monitoring will then inform any changes needed to the land management of the site, including, if appropriate, any livestock grazing regime.	Post-construction monitoring will be carried out to ensure that the new habitat creation provided as mitigation for effects (both those of an ecological nature and those associated with other technical disciplines) is established and then maintained successfully. Monitoring is set out in ES Appendix 2.14 Outline LEMP (Document Reference 6.4.2.14) and secured as a DCO requirement.
Landscape, visual and residential amenity	2.10.131	Applicants should consider the potential to mitigate landscape and visual impacts through, for example, screening with native hedges, trees and woodlands.	The Proposed Development has been designed to avoid and prevent adverse environmental effects on landscape and visual receptors through the process of design development and consideration of good design principles. Details of the embedded mitigation measures for landscape and visual receptors are reported in ES Chapter 2 The Proposed Development (Document Reference 6.2.2) and include the use of screening via native species rich hedgerow and tree/woodland planting. The proposals for this mitigation are depicted on the Environmental Masterplan (Document Reference 2.5).

Policy Area/Topic	Published NPS EN-3 (2023)		Compliance of Proposed Development with policy
	Relevant Paragraph	Policy Requirement	
	2.10.132	Applicants should aim to minimise the use and height of security fencing. Where possible applicants should utilise existing features, such as hedges or landscaping, to assist in site security or screen security fencing.	The landscaping proposals outlined above would assist in screening the security fencing, which would be a maximum height of 2m as identified in ES Chapter 2 The Proposed Development (Document Reference 6.2.2).
	2.10.133	Applicants should minimise the use of security lighting. Any lighting should utilise a passive infra-red (PIR) technology and should be designed and installed in a manner which minimises impact.	As set out in ES Chapter 2 The Proposed Development (Document Reference 6.2.2), there is no permanent lighting proposed as part of the Proposed Development, except for the localised emergency security lighting in proximity to the substation and energy storage systems. Such lighting would be triggered by movement only or manually turned on, and so would not be active for all hours of darkness. CCTV to be installed along the security fencing associated with the onsite substation and energy storage system would utilise infrared technology.
Glint and glare	2.10.134	Applicants should consider using, and in some cases the Secretary of State may require, solar panels to comprise of (or be covered with) anti-glare/anti-reflective coating with a specified angle of maximum reflection attenuation for the lifetime of the permission.	ES Appendix 2.2. Solar Photovoltaic Glint and Glare Study (Document Reference 6.4.2.2) considers the potential impacts of the Proposed Development towards the identified receptors by undertaking geometric calculations and intensity calculations where required. Glint and glare modelling has been undertaken at several points in the design process such that the findings of the assessment have informed the design of the Proposed Development, including measures such as screening.
	2.10.135	Applicants may consider using screening between potentially affected receptors and the reflecting panels to mitigate the effects.	
	2.10.136	Applicants may consider adjusting the azimuth alignment of or changing the elevation tilt angle of a solar panel, within the economically viable range, to alter the angle of incidence. In practice this is unlikely to remove the potential impact altogether but in marginal cases may contribute to a mitigation strategy.	
Cultural heritage	2.10.137	The ability of the applicants to microsite specific elements of the proposed development during the construction phase should be an important consideration by the Secretary of State when assessing the risk of damage to archaeology.	The Proposed Development has been designed, to avoid and prevent adverse environmental effects on Cultural Heritage and Archaeology through the process of design development and consideration of good design principles. As reported in ES Chapter 8 Cultural Heritage and Archaeology (Document Reference 6.2.8), this includes the use of above ground foundations in locations where areas of significant archaeology have been identified during the Phase 1 evaluation trenching. This methodology will also be applied in any areas identified during the Phase 2 evaluation trenching (to be undertaken prior to commencement of the Proposed Development) where significant archaeology is encountered. The methodology and areas where mitigation is to be applied are set out within ES Appendix 8.5 Archaeological Management Strategy (Document Reference 6.4.8.5).
	2.10.138	Where requested by the applicant, the Secretary of State should consider granting consents which allow for the micrositeing within a specified tolerance of elements of the permitted infrastructure so that precise locations can be amended during the construction phase if unforeseen circumstances, such as the discovery of previously unknown archaeology, arise.	
Construction including traffic and transport noise and vibration	2.10.139	In some cases, the local highway authority may request that the Secretary of State impose controls on the number of vehicle movements to and from the solar farm site in a specified period during its construction and, possibly, on the routeing of such movements particularly by heavy vehicles.	ES Chapter 12 Traffic and Transport (Document Reference 6.2.12) identifies that the construction of the Proposed Development would not result in significant effects to car drivers and passengers via delay or accidents and safety. ES Appendix 2.8 Outline CTMP (Document Reference 6.4.2.8) sets out measures to manage vehicular movements during construction in order to limit any potential disruptions and implications on the transport network and local community. These measures and the production of a detailed CTMP prior to commencement of construction is secured via requirement of the draft DCO (Document Reference 3.1).
	2.10.140	Where the Secretary of State agrees that this is necessary, requirements could be imposed on development consent.	
	2.10.141	Where cumulative effects on the local road network or residential amenity are predicted from multiple solar farm developments, it may be appropriate for applicants for various projects to work together to ensure that the number of abnormal loads and deliveries are minimised, and the timings of deliveries are managed and coordinated to ensure that disruption to residents and other highway users is reasonably minimised.	As set out in ES Chapter 12 Traffic and Transport (Document Reference 6.2.12), the traffic modelling used for the Proposed Development has inherently assessed the cumulative impacts already for traffic and transport, and as such these are intrinsic to the traffic and transport assessment and reported as part of the potential effects of the Proposed Development in that chapter. It concludes there would be no significant effects arising from the Proposed Development in relation to traffic and transport. Engagement with the local highways authority is set out in Table 12-1 of Chapter 12.

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	Relevant Paragraph	Policy Requirement	
	2.10.142	It may also be appropriate for the highway authority to set limits for and coordinate these deliveries through active management of the delivery schedules through the abnormal load approval process.	ES Appendix 2.8 Outline CTMP (Document Reference 6.4.2.8) includes commitments to actively manage the timing of deliveries during construction, including by HGVs. The production of a detailed CTMP is secured via DCO requirement and will be developed post-consent in consultation with the highways authority.
	2.10.143	Once consent for a scheme has been granted, applicants should liaise with the relevant local highway authority (or other coordinating body) regarding the start of construction and the broad timing of deliveries. Applicants may need to agree a planning obligation to secure appropriate measures, including restoration of roads and verges.	
	2.10.144	Further it may be appropriate for any non-permanent highway improvements carried out for the development (such as temporary road widening) to be made available for use by other subsequent solar farm developments.	This is noted, however it is considered to be unlikely to be relevant or applicable to the Proposed Development.
Secretary of State decision making - Factors influencing site selection and design - Agriculture land classification and land type	2.10.145	The Secretary of State should take into account the economic and other benefits of the best and most versatile agricultural land. The Secretary of State should ensure that the applicant has put forward appropriate mitigation measures to minimise impacts on soils or soil resources.	ES Appendix 9.1 Agricultural Land Classifications and Soil Resources (Document Reference 6.4.9.1) identifies that only 6.1% of land within the Order Limits is best and most versatile land (BMV). ES Appendix 2.12 Outline Soil Resources Management Plan (Document Reference 6.4.2.12) sets out a framework for management of soil resources during construction of the Proposed Development. It is secured via requirement of the draft DCO (Document Reference 3.1)
Technical considerations - Project lifetime and decommissioning	2.10.146	The Secretary of State should ensure that the applicant has put forward outline plans for decommissioning the generating station when no longer in use and restoring the land to a suitable use (taking into account paragraphs 2.10.59 and 2.10.60).	ES Appendix 2.7 Outline DEMP (Document Reference 6.4.2.7) sets out the general principles to be followed in the decommissioning of the Proposed Development. The production of a detailed DEMP and agreement with relevant authorities prior to commencing decommissioning, is secured via the draft DCO (Document Reference 3.1).
	2.10.147	Where the consent for a solar farm is to be time-limited, the DCO should impose a requirement setting that time-limit from the date the solar farm starts to generate electricity.	Requirement 5 of the draft DCO (Document Reference 3.1) requires that decommissioning of the Proposed Development will commence 'no later than 40 years following the date of final commissioning of the first phase of numbered work 1 as notified by the undertaker pursuant to requirement 2 (phasing of the authorised development and date of final commissioning).'
	2.10.148	Such a requirement should also secure the decommissioning of the generating station after the expiration of its permitted operation to ensure that inoperative plant is removed after its operational life.	
	2.10.149	An upper limit of 40 years is typical, although applicants may seek consent without a time period or for differing time-periods for operation.	
	2.10.150	The time limited nature of the solar farm, where a time limit is sought as a condition of consent, is likely to be an important consideration for the Secretary of State.	
	2.10.151	The Secretary of State should consider the period of time the applicant is seeking to operate the generating station as well as the extent to which the site will return to its original state when assessing impacts such as landscape and visual effects and potential effects on the settings of heritage assets and nationally designated landscapes.	The Environmental Statement (Volume 6 of the DCO Application) reports on the assessment of the potential effects of decommissioning of the Proposed Development, including in relation to landscape and visual effects, and on cultural heritage. The operational phase is assessed based on a 40-year operating period.
Impacts	2.10.152	The impacts identified in Part 5 of EN-1 and below, are not intended to be exhaustive.	This is noted.
	2.10.153	The Secretary of State should consider any impacts which it determines are relevant and important to its decision.	
Biodiversity and ecological conservation	2.10.154	Water management is a critical component of site design for ground mount solar plants. Where previous management of the site has involved intensive agricultural	ES Chapter 10 Hydrology and Flood Risk (Document Reference 6.2.10) identifies enhancement that the Proposed Development would deliver relating to the water environment. The Proposed Development would result in increased vegetation on site, both in the 8m perimeter buffer zone and under the solar PV modules. Infrastructure has been offset a further 2m from the fencing such that it is approximately

Policy Area/Topic	Published NPS EN-3 (2023)		Compliance of Proposed Development with policy
	Relevant Paragraph	Policy Requirement	
		practice, solar sites can deliver significant ecosystem services value in the form of drainage, flood attenuation, natural wetland habitat, and water quality management.	10m away from the watercourse. This will reduce erosion and sedimentation risk while also increasing the biodiversity of the area. A buffer zone around Little Stainton Beck has been incorporated into the design to allow the watercourse to maintain natural course and allow space for geomorphic movements due to increase future flows.
	2.10.155	The Secretary of State must consider the worst-case effects in its consideration of the application and consent.	As identified in ES Chapter 4 Approach to EIA (Document Reference 6.2.4), the assessment for each topic reported in the ES has been based on an identified worst-case scenario.
	2.10.156	Where developments are proposed on peat, to ensure the development will result in minimal disruption to the ecology, or release of CO ₂ and that the carbon balance savings of the scheme are maximised, the Secretary of State should be satisfied that the solar farm layout and construction methods have been designed to minimise soil disturbance during construction and maintenance of roads, tracks, and other infrastructure, and in England should take into account the policies set out in the England Peat Action 2021. Where developments are located in Wales, the Secretary of State may take into account the policies set out in the National Peatlands Action Programme, 2020-2025 (cyfoethnaturiol.cymru) and Future Wales the National Plan 2040 – Policy 18.	No aspect of the Proposed Development is located on peat.
Landscape, visual and residential amenity	2.10.157	The Secretary of State will consider the landscape and visual impact of any proposed solar PV farm, taking account of any sensitive visual receptors, and the effect of the development on landscape character, together with the possible cumulative effect with any existing or proposed development. Nationally designated landscapes (National Parks, The Broads and Areas of Outstanding Beauty) are afforded extra protection due their statutory purpose. Development in these areas needs to satisfy policy as set out in EN-1 Section 5.10.	An assessment of the effects of the Proposed Development on landscape and visual impacts is provided in ES Chapter 7 Landscape and Visual (Document Reference 6.2.7). An assessment of cumulative effects is provided in ES Chapter 13 Cumulative Effects (Document Reference 6.2.13). There are no nationally designated landscapes within the Order Limits. The nearest Areas of Outstanding Natural Beauty (AONB) and National Parks are located more than 20km from the Proposed Development.
Glint and glare	2.10.158	Solar PV panels are designed to absorb, not reflect, irradiation. However, the Secretary of State should assess the potential impact of glint and glare on nearby homes, motorists, public rights of way, and aviation infrastructure (including aircraft departure and arrival flight paths).	A glint and glare assessment has been undertaken and is provided in ES Appendix 2.2. Solar Photovoltaic Glint and Glare Study (Document Reference 6.4.2.2). It identifies that a moderate impact is predicted on three sections of road and ten dwellings, however with the planting and operational maintenance of that planting, as secured via the DCO, the impact would be reduced to low/none.
	2.10.159	Whilst there is some evidence that glint and glare from solar farms can be experienced by pilots and air traffic controllers in certain conditions, there is no evidence that glint and glare from solar farms results in significant impairment on aircraft safety. Therefore, unless a significant impairment can be demonstrated, the Secretary of State is unlikely to give any more than limited weight to claims of aviation interference because of glint and glare from solar farms.	A glint and glare assessment has been undertaken and is provided in ES Appendix 2.2. Solar Photovoltaic Glint and Glare Study (Document Reference 6.4.2.2). One active airfield has been identified for the assessment; this is Teesside International Airport, a licensed aerodrome located south of the Proposed Development area, within 10km. The assessment confirms that no impacts are predicted on aviation activity associated with Teesside International Airport because solar reflections are not geometrically possible towards the ATC Tower or the last two miles of the approach path toward runway 5 or 23.
Cultural heritage	2.10.160	Solar farms are generally consented on the basis that they will be time-limited in operation. The Secretary of State should therefore consider the length of time for which consent is sought when considering the impacts of any indirect effect on the historic environment, such as effects on the setting of designated heritage assets.	The Environmental Statement (Volume 6 of the DCO Application) reports on the assessment of the potential effects of decommissioning of the Proposed Development, including in relation to cultural heritage and archaeology (Document Reference 6.2.8). The operational phase is assessed based on a 40-year operating period.
Construction including traffic and transport noise and vibration	2.10.161	Once solar farms are in operation, traffic movements to and from the site are generally very light, in some instances as little as a few visits each month by a light commercial vehicle or car. Should there be a need to replace machine components, this may generate heavier commercial vehicle movements, but these are likely to be infrequent.	ES Chapter 12 Traffic and Transport (Document Reference 6.2.12) reports that during operation, the Proposed Development is expected to produce a negligible amount of additional traffic (one trip per month) during operation, resulting in no significant effects or a requirement for mitigation.

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	Relevant Paragraph	Policy Requirement	
	2.10.162	The Secretary of State is unlikely to give any more than limited weight to traffic and transport noise and vibration impacts from the operational phase of a project.	ES Chapter 11 Noise and Vibration (Document Reference 6.2.11) identifies no significant effects during operation relating to noise.

4. National Policy Statement EN-5: Policy compliance

Table 4-1 NPS EN-5 Compliance Table

Policy Area/Topic	Published NPS EN-5 (2023)		Compliance of Proposed Development with policy
	Relevant Paragraph	Policy Requirement	
Assessment and Technology Specific Information			
Factors influencing site selection by applicants	2.2.1	The Secretary of State should bear in mind that the initiating and terminating points – or development zone – of new electricity networks infrastructure is not substantially within the control of the applicant.	The Applicant has secured a grid connection for Byers Gill Solar, as detailed in the Grid Connection Statement (Document Reference 7.5). As set out in ES Chapter 3 Alternatives and Design Iteration (Document Reference 6.2.3), a secured grid connection has been an important consideration in the early stages of the site selection process for the Proposed Development.
	2.2.2	Siting is determined by: <ul style="list-style-type: none"> ▪ the location of new generating stations or other infrastructure requiring connection to the network, and/or ▪ system capacity and resilience requirements determined by the Electricity System Operator. 	
	2.2.3	These twin constraints, coupled with the government’s legislative commitment to net zero by 2050, strategic commitment to new interconnectors with neighbouring North Seas countries and an ambition of up to 50GW of offshore wind generation by 2030, means that very significant amounts of new electricity networks infrastructure is required, including in areas with comparatively little build-out to date.	
	2.2.4	However, a strategic and holistic approach to onshore and offshore network planning, as set out in paragraph 1.1.6, will identify the most efficient way of meeting decarbonisation targets and should reduce the overall amount of network infrastructure required.	
	2.2.5	Additionally, applicants retain control in managing the identification of routing and site selection between the identified initiating and terminating points or within the development zone.	
	2.2.6	Moreover, the locational constraints identified above do not, of course, exempt applicants from their duty to consider and balance the site-selection considerations set out below, much less the policies on good design and impact mitigation detailed in Sections 2.4-2.9.	These points are noted. The Applicant has secured a grid connection for Byers Gill Solar, as detailed in the Grid Connection Statement (Document Reference 7.5). As set out in ES Chapter 3 Alternatives and Design Iteration (Document Reference 6.2.3), a secured grid connection has been integral to the early siting and feasibility considerations for the Proposed Development. The feasible distance of a connection from the existing Norton substation to a solar farm was a consideration in identifying the ‘area of search’ within with land for the Proposed Development was initially evaluated.
	2.2.7	The connection between the initiating and terminating points of a proposed new electricity line will often not be via the most direct route. Siting constraints, such as engineering, environmental or community considerations will be important in determining a feasible route.	
	2.6.1	In order to be lawfully able to install, inspect, maintain, repair, adjust, alter, replace or remove an electricity line (above or below ground), its related equipment (such as monopoles, pylons/transmission towers, transformers and cables), and/or its associated mitigation or enhancement schemes, applicants must: <ol style="list-style-type: none"> i. own the land on, over, or under which the relevant activity is to take place; or ii. hold sufficient rights over or interests in that land (typically in the form of an easement); or iii. have permission for the activity from the present owner or occupier of that land (typically in the form of a wayleave). 	ES Chapter 3 Alternatives and Design Iteration (Document Reference 6.2.3) provides an account of the alternatives that have been studied by the Applicant in developing the siting and design of the Proposed Development. It sets out the main reasons for the Applicant’s choices, taking into account environmental, social and economic effects as well as technical and commercial feasibility. The Design Approach Document (Document Reference 7.2) sets out how the design of the Proposed Development has taken into account the criteria of the NPS in relation to good design.
			As set out in the Statement of Reasons (Document Reference 4.1), the Applicant has secured voluntary agreement for the land required for the Panel Areas and is progressing voluntary agreements for the off-road cable routes. Powers of compulsory acquisition are sought for the off-road cable routes to enable their delivery and ongoing maintenance should voluntary agreement not be successful. This is because the off-road cable route is the preferred option, however on-road cabling is also provided for within the Order Limits. The final cable routes would be identified as part of the detailed design approval process under requirement 3 of the draft DCO (Document Reference 3.1).

Policy Area/Topic	Published NPS EN-5 (2023)		Compliance of Proposed Development with policy
	Relevant Paragraph	Policy Requirement	
	2.6.2	Where the applicant does not own or wish to own the land in question, it should try to reach a voluntary agreement giving it sufficient rights and/or permissions to undertake the relevant work.	
	2.6.3	At a last resort, where it does not succeed in reaching the agreement that it requires, the network company may, as part of its application to the Secretary of State, seek to acquire rights compulsorily over the land in question by means of a provision in the DCO.	As set out in the Statement of Reasons (Document Reference 4.1), powers of compulsory acquisition are sought for the off-road cable routes to enable their delivery and ongoing maintenance should voluntary agreement not be successful. Temporary acquisition with permanent rights are sought to ensure that the construction and operation of the preferred off-road cable route option is deliverable and secured.
	2.6.4	In such cases (i.e. where the compulsory acquisition of rights is sought) permanent arrangements are strongly preferred over voluntary wayleaves (which could, for example, be terminable on notice by the landowner) in virtue of their greater reliability and economic efficiency and reflecting the importance of the relevant infrastructure to the nation’s net zero goals.	
	2.6.5	The applicant may also seek the compulsory acquisition of land. This will not normally be necessary where lines and cables are installed but may be sought where other forms of electricity networks infrastructure (such as new substations) are required.	
	2.6.6	As detailed in Section 4.1.8 of EN-1, where the use of land at a specific location is required to facilitate the development by providing for mitigation, landscape enhancement and biodiversity net gain, an applicant may, as part of its application to the Secretary of State, seek the compulsory acquisition of that land, or rights over that land. The Secretary of State will consider any such application under the provisions of the Planning Act 2008 and any associated guidance.	
	2.2.8	There will usually be a degree of flexibility in the location of the development’s associated substations, and applicants should consider carefully their location, as well as their design.	ES Chapter 3 Alternatives and Design Iteration (Document Reference 6.2.3) sets out how the siting of the on-site substation was determined, in which four options were shortlisted and reviewed taking into account landowner consent, technical feasibility / cost, and environmental constraints. The final option selected was considered the most favourable given its lesser impact on heritage assets and lesser proximity to settlements, as well as the existing screening opportunities.
	2.2.9	In particular, the applicant should consider such characteristics as the local topography, the possibilities for screening of the infrastructure and/or other options to mitigate any impacts. (See Section 2.10 below and Section 5.10 in EN-1.)	
	2.2.10	As well as having duties under Section 9 of the Electricity Act 1989, (in relation to developing and maintaining an economical and efficient network), applicants must take into account Schedule 9 to the Electricity Act 1989, which places a duty on all transmission and distribution licence holders, in formulating proposals for new electricity networks infrastructure, to “have regard to the desirability of preserving natural beauty, of conserving flora, fauna and geological or physiographical features of special interest and of protecting sites, buildings and objects of architectural, historic or archaeological interest; and ...do what [they] reasonably can to mitigate any effect which the proposals would have on the natural beauty of the countryside or on any such flora, fauna, features, sites, buildings or objects.”	
	2.2.11	Depending on the location of the proposed development, statutory duties under Section 85 of the Countryside and Rights of Way Act 2000, Section 11A of the National Parks and Access to the Countryside Act 1949 (as amended by Section 62 of the Environment Act 1995), and Section 17A of the Norfolk and Suffolk Broads Act 1988 may be relevant. Applicants should note amendments to each of these provisions contained in Section 245 of the Levelling Up and Regeneration Act 2023.	There are no nationally designated landscapes within the Order Limits. The nearest Areas of Outstanding Natural Beauty (AONB) and National Parks are located more than 20km from the Proposed Development.

Policy Area/Topic	Published NPS EN-5 (2023)		Compliance of Proposed Development with policy
	Relevant Paragraph	Policy Requirement	
	2.2.12	Transmission and distribution licence holders are also required under Schedule 9 to the Electricity Act 1989 to produce and publish a statement setting out how they propose to perform this duty generally.	
General assessment principals for electricity networks	2.7.1	EN-1 explains in Section 4.10 that the Planning Act 2008 aims to create a holistic planning regime, such that the cumulative effects of the same project can be considered together. Co-ordinated applications typically bring economic efficiencies and reduced environmental impact.	The DCO application for the Proposed Development comprises of the solar PV generating station and all related infrastructure. The EIA reported in the ES (Volume 6 of the application) is based on the full description of the Proposed Development as set out in ES Chapter 2 The Proposed Development (Document Reference 6.2.2).
	2.7.2	Accordingly, the government envisages that, wherever reasonably possible, applications for new generating stations and their related infrastructure should be contained in a single application to the Secretary of State. However, a consolidated approach of this kind may not always be possible, nor represent the most efficient strategy for delivery of new infrastructure.	
	2.8.6	Given that individual electricity lines are only component parts of a country spanning network, it may arise that a single application covers works to be undertaken at different geographical locations.	The Proposed Development is located in one geographical location between Darlington and Stockton-on-Tees, as depicted in the Location Plan (Document Reference 2.1).
	2.8.7	Where it can be demonstrated that such a set of works will reinforce the network as a whole, or reinforce the network to accommodate a subset of new connections, the Secretary of State should be willing – in line with the need statement set out in Section 3.3 of EN-1 – to accept an application seeking development consent for the entire set of works.	This is not applicable to the Proposed Development.
	2.8.8	Applicants should ensure that any such applications are kept to a scale which they can manage within the statutory timescales and discuss putative applications of this kind with the Planning Inspectorate before formally submitting an application.	This is not applicable to the Proposed Development.
Climate change adaptation	2.3.1	Section 4.10 of EN-1 sets out the generic considerations that applicants and the Secretary of State should take into account in order to ensure that electricity networks infrastructure is resilient to the effects of climate change.	This is noted. Please refer to Table 2-1 of this document which sets out in detail the compliance of the Proposed Development with section 4.8 of EN-1 and section 4.9 of draft EN-1.
	2.3.2	As climate change is likely to increase risks to the resilience of some of this infrastructure, from flooding for example, or in situations where it is located near the coast or an estuary or is underground, applicants should in particular set out to what extent the proposed development is expected to be vulnerable, and, as appropriate, how it has been designed to be resilient to: <ul style="list-style-type: none"> ▪ flooding, particularly for substations that are vital to the network; and especially in light of changes to groundwater levels resulting from climate change; ▪ the effects of wind and storms on overhead lines; ▪ higher average temperatures leading to increased transmission losses; ▪ earth movement or subsidence caused by flooding or drought (for underground cables); and ▪ coastal erosion – for the landfall of offshore transmission cables and their associated substations in the inshore and coastal locations respectively. 	ES Chapter 5 Climate Change (Document Reference 6.2.5) of the DCO application provides an assessment of the Proposed Development in relation to its effects on climate, and its resilience to the effects of climate change. ES Appendix 5.2 Climate Change Risk Assessment (Document Reference 6.4.5.2) specifically considers the resilience of the Proposed Development to extreme weather and projected future climate change impacts. It concludes that all risks identified are of a low or very low risk rating for the Proposed Development, taking into account proposed mitigation. Additionally, ES Appendix 10.1 Flood Risk Assessment and Drainage Strategy (Document Reference 6.4.10.1) provides a site-specific Flood Risk Assessment and sets out a drainage strategy for the Proposed Development which takes into account potential changes in rainfall from climate change.
	2.3.3	Section 4.10 of EN-1 advises that the resilience of the project to the effects of climate change must be assessed in the Environmental Statement (ES) accompanying an application. For example, future increased risk of flooding would be covered in any flood risk assessment (see Sections 5.8 in EN-1). Consideration should also be given to coastal change (see sections 5.6 in EN-1).	

Policy Area/Topic	Published NPS EN-5 (2023)		Compliance of Proposed Development with policy
	Relevant Paragraph	Policy Requirement	
Consideration of good design	2.4.1	The Planning Act 2008 requires the Secretary of State to have regard, in designating an NPS, and in determining applications for development consent to the desirability of good design.	This is noted. Please refer to Table 2-1 of this document which sets out in detail the compliance of the Proposed Development with section 4.5 of EN-1 and section 4.7 of EN-1.
	2.4.2	Applicants should consider the criteria for good design set out in EN-1 Section 4.7 at an early stage when developing projects.	
	2.4.3	However, the Secretary of State should bear in mind that electricity networks infrastructure must in the first instance be safe and secure, and that the functional design constraints of safety and security may limit an applicant's ability to influence the aesthetic appearance of that infrastructure.	
	2.4.4	While the above principles should govern the design of an electricity networks infrastructure application to the fullest possible extent – including in its avoidance and/or mitigation of potential adverse impacts (particularly those detailed in Sections 2.9 below) – the functional performance of the infrastructure in respect of security of supply and public and occupational safety must not thereby be threatened.	
Noise and vibration	2.9.37	Audible noise effects can also arise from substation equipment such as transformers, quadrature boosters and mechanically switched capacitors.	ES Chapter 11 Noise and Vibration (Document Reference 6.2.11) provides an assessment of the construction, operation and decommissioning of the Proposed Development in relation to noise. It concludes there would be no significant effects arising from noise generating equipment during operation of the Proposed Development.
	2.9.38	Transformers are installed at many substations, and generate low frequency hum. Whether the noise can be heard outside a substation depends on a number of factors, including transformer type and the level of noise attenuation present (either engineered intentionally or provided by other structures).	
	2.9.39	For the assessment of noise from substations, standard methods of assessment and interpretation using the principles of the relevant British Standards are satisfactory.	
Environmental and biodiversity net gain	2.5.1	When planning and evaluating the proposed development's contribution to environmental and biodiversity net gain, it will be important – for both the applicant and the Secretary of State – to supplement the generic guidance set out in EN-1 (Section 4.6) with recognition that the linear nature of electricity networks infrastructure can allow for excellent opportunities to: <ul style="list-style-type: none"> i. reconnect important habitats via green corridors, biodiversity stepping zones, and reestablishment of appropriate hedgerows; and/or ii. connect people to the environment, for instance via footpaths and cycleways constructed in tandem with environmental enhancements. 	Through measures such as habitat creation, hedgerow improvement and new planting, The Proposed Development will contribute to delivery of the legally binding targets through providing an anticipated 88% net gain in habitat biodiversity units and 108% net gain in hedgerow biodiversity units. This is reported in ES Appendix 6.6 Biodiversity Net Gain Report (Document Reference 6.4.6.6). Additionally, as reported in ES Chapter 9 Land Use and Socioeconomics (Document Reference 6.2.9), it is proposed that a total of ~3600m of permissive paths will be implemented during the construction stage of the Proposed Development in order to create an enhanced and better-connected network in the local area.
Sulphur Hexafluoride	2.9.61	Applicants should at the design phase of the process consider carefully whether the proposed development could be reconceived to avoid the use of SF6-reliant assets.	At this time, SF-6 use would be limited to the 132Kv circuit breakers at the on-site substation and Norton Substation. This is in line with the current standards used by Distribution Network Operators (DNOs). RWE will continue to work with the DNO to avoid the use of SF-6 if possible and remain in compliance with adoptable standards.
	2.9.62	Where the development cannot be so conceived, the applicant must provide evidence of their reasoning on this point. Such evidence will include, for instance, an explanation of the alternatives considered, and a case why these alternatives are technically infeasible or require bespoke components that are grossly disproportionate in terms of cost.	
	2.9.63	In particular, an accounting of the cost differential between the SF6-reliant asset and the appropriate SF6-free alternative should be provided.	

Policy Area/Topic	Published NPS EN-5 (2023)		Compliance of Proposed Development with policy
	Relevant Paragraph	Policy Requirement	
	2.9.64	Where applicants, having followed the above procedure, do propose to put new SF6-reliant assets onto the electricity system, they should design a plan for the monitoring and control of fugitive SF6 emissions consistent with the Fluorinated gas (F-gas) Regulation and its successors.	If SF-6 is used in the Proposed Development, the Applicant would comply with all relevant regulations and standards for its use.
Sulphur Hexafluoride	2.10.14	The climate-warming potential of SF6 is such that applicants should, as a rule, avoid the use of SF6 in new developments.	At this time, SF-6 use would be limited to the 132Kv circuit breakers at the on-site substation and Norton Substation. This is in line with the current standards used by Distribution Network Operators (DNOs). RWE will continue to work with the DNO to avoid the use of SF-6 if possible and remain in compliance with adoptable standards.
	2.10.15	Where no proven SF6-free alternative is commercially available, and where the cost of procuring a bespoke alternative is grossly disproportionate, the continued use of SF6 is acceptable, provided that emissions monitoring and control measures compliant with the F-gas Regulation and/or its successors are in place.	
Sulphur Hexafluoride	2.11.17	The Secretary of State should grant consent for an electricity networks development only if the applicant has demonstrated either: <ul style="list-style-type: none"> i. that the development will not use SF6; or ii. (a) that there is no proven commercially available alternative to the use of SF6; and (b) that a bespoke SF6-free alternative would be grossly disproportionate in terms of cost; and (c) that emissions monitoring and control measures compliant with the Fgas Regulation and/or its successors are in place. 	

5. Local Planning Policy Compliance Table

Table 5-1 Local Planning Policy Compliance Table

Policy Document	Policy Reference	Policy Requirement	Compliance of Proposed Development with policy
Darlington Borough Council			
Darlington Local Plan 2016 – 2036 (adopted 2022)	Policy DC1 Sustainable Design Principles and Climate Change (Strategic Policy)	<p>Good design is required to create attractive and desirable places where people want to live, work and invest. Good design will help to reduce carbon emissions and increase the resilience of developments to the effects of climate change. All development will be required to have regard to the design principles in the Darlington Design of New Development SPD and National Design Guide (or successors) by demonstrating that:</p> <ul style="list-style-type: none"> - An analysis of the constraints and opportunities of the site and the function of development has informed the principles of design, including; <ul style="list-style-type: none"> i. that the proposal reflects the local environment and creates an individual sense of place with distinctive character; ii. that the detailed design responds positively to the local context, in terms of its scale, form, height, layout, materials, colouring, fenestration and architectural detailing; iii. that the proposal has taken account of the need to safeguard or enhance important views and vistas; and iv. the layout of the development maximises opportunities for natural surveillance. -The proposal provides suitable and safe vehicular access and suitable servicing and parking arrangements in accordance with Policy IN 4 -The layout of the proposal, associated green infrastructure, and landscaping has been developed to complement and enhance both the ecological function of the local area and character of the built environment, retaining existing features of interest; -Any associated landscaping scheme has been developed to enhance both the natural and built environment, retaining existing features of interest; -Proposals for development on land affected by contamination will be permitted where the applicant can demonstrate that the site is suitable for the proposed use and development will not result in unacceptable risks to human health or the environment. 	<p>The Environmental Masterplan (Document Reference 2.5) is secured by the DCO and sets out the overall landscape masterplan for the Proposed Development.</p> <p>The Design Approach Document (DAD) (Document Reference 7.2) sets out how the design of the Proposed Development has taken into account the criteria of the NPS in relation to good design. It sets out the local context in which the Proposed Development is situated and outlines the design response to that context in seeking to mitigate adverse impacts and integrate ‘good design’ principles. It sets out the approach that has been taken in relation to specific aspects of the Proposed Development and, recognising the constraints presented by some infrastructure, the DAD identifies how technical considerations have in some instances limited design choices.</p> <p>The DAD includes a list of design principles which underpin the Proposed Development and which would be required to be retained in the future detailed design, as secured via Requirement 3 of the DCO (Document Reference 3.1).</p>
Darlington Local Plan 2016 – 2036 (adopted 2022)	Policy DC2 Flood Risk & Water Management (Strategic Policy)	<p>New development will be focused in areas of low flood risk (Flood Zone 1) as identified by the Borough’s Strategic Flood Risk Assessment (2019) or most recent assessment. In considering development on sites in higher flood risk areas, the Sequential and Exception Tests must be passed and the sequential approach applied on site. Site specific flood risk assessments will be required in accordance with national policy.</p> <p>All development proposals will be expected to be designed to mitigate and adapt to climate change. They will be designed to ensure:</p> <ul style="list-style-type: none"> a. They will be safe over the lifetime of the development; b. Flood risk is not increased elsewhere and will, where possible, reduce flood risk overall; c. Opportunities are taken to mitigate flooding elsewhere; d. Full separation of foul and surface water flows; 	<p>ES Chapter 10 Hydrology and Flood Risk (Document Reference 6.2.10) describes the baseline conditions of the Order Limits in relation to hydrology and flood risk, and considers the potential impacts of the Proposed Development, and any essential mitigation that may be required.</p> <p>ES Chapter 10 Hydrology and Flood Risk (Document Reference 6.2.10) identifies that the majority of the Proposed Development is situated in Flood Zone 1, with small areas of the Order Limits located in Flood Zones 2 and 3. No critical infrastructure is located outside of Flood Zone 1. ES Appendix 10.1.</p> <p>ES Appendix 10.1 Flood Risk Assessment and Drainage Strategy (Document Reference 6.4.10.1) is provided with the DCO application and identifies how</p>

Policy Document	Policy Reference	Policy Requirement	Compliance of Proposed Development with policy
		<p>e. Sustainable Drainage Systems (SuDS) are prioritised; and</p> <p>f. SuDS have regard to the Tees Valley Authorities Local Standards for Sustainable Drainage (2015) and national standards.</p> <p>g. Opportunities for rainwater harvesting are utilised.</p> <p>Where required, the incorporation of SuDS must be integral to the design process and integrated with green infrastructure. Priority should be given to natural drainage features. Where SuDS are provided arrangements must be made for their whole life management and maintenance.</p> <p>Surface water run-off must be discharged to one or more of the following, listed in order of priority:</p> <ol style="list-style-type: none"> 1. Discharged into the ground (infiltration); or where not reasonably practicable; 2. Discharged to a surface water body; or where not reasonably practicable; 3. Discharged to a surface water sewer, highway drain or another drainage system; or where not reasonably practicable; 4. Discharged to a combined sewer. <p>Disposal to combined sewers should be the last resort once all other methods have been investigated.</p> <p>To ensure that growth can be accommodated sustainably by the sewerage infrastructure, this policy requires that in all locations surface water should be separated, with any surface water runoff entering the sewerage system being minimised and controlled. The priority is to avoid using public sewers wherever possible for the disposal of surface water. If a connection to the public sewerage network is the only option, there is a need for onsite attenuation to minimise and control the flows leaving the site.</p> <p>For development proposals on previously developed land, the peak runoff rate from the development to any drain, sewer or surface water body for the 1-in-1 year rainfall event and the 1-in-100 year rainfall event should be as close as reasonably practicable to the greenfield runoff rate from the development for the same rainfall event, but should never exceed the rate of discharge from the development prior to redevelopment for that event. For developments on greenfield land, the peak runoff rate from the development to any highway drain, sewer or surface water body for the 1-in-1 year rainfall event and the 1-in-100 year rainfall event should never exceed the peak greenfield runoff rate for the same event.</p> <p>Developers will be required to submit drainage details for consideration by the Council, in consultation with the Environment Agency and Northumbrian Water Ltd, to ensure adequate management of foul and surface water flows. Major developments (development of 10 or more dwellings and other developments with a floor space of 1,000m² or more) will be required to incorporate SuDS unless it can be demonstrated that it would be inappropriate.</p> <p>The drainage system must be designed and constructed so surface water discharged does not adversely impact the water quality of receiving water bodies, both during construction and when operational. New development should seek to improve water quality where possible, as well as maintaining and enhancing the biodiversity and habitat of watercourses.</p>	<p>critical infrastructure has been sited and designed to avoid flood risk impacts. This includes:</p> <ul style="list-style-type: none"> • no critical infrastructure has been placed inside of the fluvial or pluvial higher risk flood zones • access tracks are at grade • the crossing proposed over the Bishopton Beck will utilise an existing bridge crossing • the solar PV modules will be 800mm above the ground, placing them above the 1.0% pluvial flood level used to approximate the fluvial flood level. <p>It is concluded that the Proposed Development will be safe for its lifetime and will not impact flood risk on site or off site. The infrastructure is positioned such as not to impede flow routes and will have a negligible impact on floodplain storage.</p> <p>The overarching principle of the drainage strategy for the Proposed Development is to provide SuDS at source, ensuring that surface water run-off is managed as per existing site conditions. Formal SuDS features including engineered pipe runs, manholes and storage features are not proposed due to the nature of the development and the perceived minimal impact on surface water runoff. The proposed drainage scheme therefore comprises of grassland/wildflower mix under the solar PV panels; an apron of clean crushed stone for BESS and other supporting infrastructure; and permeable aggregate over geotextile membrane for access tracks, requiring no drainage.</p> <p>Resilience to impacts from climate change has been assessed within ES Appendix 5.2 Climate Change Resilience (CCR) Assessment (Document Reference 6.4.5.2), with risk reduced through mitigation, design, and an extreme weather working policy. It concludes there would be no significant effects. Furthermore, rainfall patterns due to climate change are taken into consideration in ES Appendix 10.1 Flood Risk Assessment and Drainage Strategy (Document Reference 6.4.10.1).</p> <p>As set out in ES Chapter 10 Hydrology and Flood Risk (Document Reference 6.2.10), engagement with the Environment Agency and the Lead Local Flood Authority (LLFA) has been undertaken at pre-application stage regarding the hydrology assessment and drainage strategy. The detailed design and implementation of the drainage strategy would be secured via requirement 3 of the draft DCO (Document Reference 3.1), with approval from the relevant planning authority.</p>

Policy Document	Policy Reference	Policy Requirement	Compliance of Proposed Development with policy
		<p>Within critical drainage areas or other areas identified as having particular flood risk issues the Council may:</p> <ol style="list-style-type: none"> a. Support reduced runoff rates. b. Seek contributions, where appropriate, towards off-site enhancements directly related to flow paths from the development, to provide increased flood risk benefits to the site and surrounding areas. <p>New developments should make an assessment of and address via mitigation measures where required, any risks from the construction and proposed use of the site to underlying groundwater, watercourses and other surface waters, in order to protect these resources and prevent contamination.</p>	
<p>Darlington Local Plan 2016 – 2036 (adopted 2022)</p>	<p>Policy DC3 Health and Wellbeing</p>	<p>Development that supports improvements to health and wellbeing in Darlington will be supported. In order to achieve this the council will:</p> <ol style="list-style-type: none"> a. Work with the NHS to reduce health inequalities in the areas with poorest health; b. Protect existing facilities, where possible, and support the provision of new or improved health facilities in sustainable locations; c. Support the integration of community facilities and services, i.e. health, education, cultural and leisure in multi-purpose buildings; d. Ensuring that new developments: <ol style="list-style-type: none"> i. are age friendly, inclusive, safe and attractive, and easily accessible on foot or by bicycle. Where appropriate this should integrate dementia friendly design principles; ii. have a strong sense of place which encourages social interaction; iii. are designed to promote active travel and other physical activity through the arrangement of buildings and uses, access to open space and landscaping; iv. through the arrangement of buildings and uses, promote access to open space and landscaping, and the provision of facilities to support walking. e. Promote improvements and enhance accessibility to the Borough's green spaces and green infrastructure corridors; f. All new development that may cause groundwater, surface water, air (including odour), noise or light pollution, either individually or cumulatively, will be required to incorporate measures to prevent and reduce their pollution so as not to cause unacceptable impacts on the living conditions of all existing and potential future occupants of land and buildings, the character and appearance of the surrounding area and the landscape; g. Require, in the case of development of 150 or more homes and all other non-residential 'major' development, the submission of a Health Impact Assessment as part of the application to explain how health considerations have informed the design. Assessments should be proportionate to the scale of development proposed and undertaken in line with current government guidance. 	<p>As reported in ES Chapter 4 Approach to EIA (Document Reference 6.2.4), a standalone chapter assessing effects of the Proposed Development on human health was scoped out of the ES, as it is anticipated that there would be limited impacts on human health during the construction and operation of the Proposed Development. Aspects of human health are considered in the ES within the context of other topics, namely: Landscape and Visual (Document Reference 6.2.7) and Land Use and Socioeconomics (Document Reference 6.2.9).</p> <p>With regard to public rights of way, ES Chapter 9 Land Use and Socioeconomics (Document Reference 6.2.9) identifies that a total of ~3600m of permissive paths will be implemented during the construction stage of the Proposed Development in order to create an enhanced and better-connected network in the local area. The Proposed Development would also provide enhancement to the green infrastructure network of the local area, such as an anticipated 88% net gain in habitat biodiversity units and 108% net gain in hedgerow biodiversity units, improved wildlife corridors and a community orchard and sensory garden.</p> <p>With regard to protection of public health, management plans are included in the DCO application which secure the implementation of measures during construction, operation and decommissioning which would seek to avoid or reduce risks relating to human health including:</p> <ul style="list-style-type: none"> • ES Appendix 2.6 Outline CEMP (Document Reference 6.4.2.6) • ES Appendix 2.7 Outline DEMP (Document Reference 6.4.2.7) • ES Appendix 2.8 Outline CTMP (Document Reference 6.4.2.8) • ES Appendix 2.9 Outline Pollution and Spillage Response Plan (Document Reference 6.4.2.9) • ES Appendix 2.13 Outline Battery Fire Safety Plan (Document Reference 6.4.2.13) <p>These plans are secured via requirements of the draft DCO (Document Reference 3.1).</p>
<p>Darlington Local Plan 2016 – 2036 (adopted 2022)</p>	<p>Policy DC4 Safeguarding Amenity</p>	<p>New development should be sited, designed and laid out to protect the amenity of existing users of neighbouring land and buildings and the amenity of the intended users of the new development. New development will be supported where it is suitably located and is acceptable in terms of:</p>	<p>As set out in the Design Approach Document (Document Reference 7.2), the design of the Proposed Development has sought to avoid effects to local residents and their amenity. This includes the application of setbacks for Panel Areas from properties and settlements and the application of a minimum 300m gap between inverters/other sources of noise and sensitive receptors. No</p>

Policy Document	Policy Reference	Policy Requirement	Compliance of Proposed Development with policy
		<p>Form of built development</p> <ul style="list-style-type: none"> a. Privacy and overlooking; b. Access to sunlight and daylight; c. Visual dominance and overbearing effects of a development; d. The relationship of proposed and existing habitable rooms, windows and outdoor living spaces. Guidance on separation distances between residential developments is provided in the adopted Design of New Development SPD. <p>Use of land and buildings, including traffic movements and hours of operation</p> <ul style="list-style-type: none"> a. Noise and disturbance; b. Artificial lighting; c. Vibration; d. Emissions from odour, fumes, smoke, dust, etc; and e. Commercial waste. <p>Where an otherwise acceptable development could change its character to a use that would have a greater impact on amenity without needing planning permission, conditions will be applied to control such changes.</p>	<p>permanent lighting is proposed and substantial visual screening has been designed to avoid effects where feasible, as secured via the DCO in the Environmental Masterplan (Document Reference 2.5).</p> <p>The Outline CEMP (Document Reference 6.4.2.6), the Outline CTMP (Document Reference 6.4.2.8) and the Outline LEMP (Document Reference 6.4.2.14) outline how activities associated with the construction, operation and decommissioning of the Proposed Development will be managed to avoid harm to amenity, such as through noise, waste and dust. The implementation of these measures is secured via requirements of the draft DCO (Document Reference 3.1).</p>
<p>Darlington Local Plan 2016 – 2036 (adopted 2022)</p>	<p>Policy DC5 Skills and Training</p>	<p>The Borough Council will encourage all local employers to participate in skills and employment training initiatives to increase access to employment for those who live within the area. Where development proposals would generate a significant number of construction and operational phase jobs, the Borough Council will seek to secure appropriate commitments and targets for employment skills and training, including apprenticeships appropriate to the development proposed.</p>	<p>ES Chapter 9 Land Use and Socioeconomics (Document Reference 6.2.9) identifies a beneficial (not significant) effect arising from the Proposed Development in relation to employment and supply chain opportunities.</p>
<p>Darlington Local Plan 2016 – 2036 (adopted 2022)</p>	<p>Policy ENV1 Protecting, Enhancing and Promoting Darlington's Historic Environment (Strategic Policy)</p>	<p>A) Designated Heritage Assets</p> <p>When considering proposals affecting all designated heritage assets (Listed Buildings, Registered Parks and Gardens, Scheduled Monuments and Conservation Areas) or non-designated heritage assets of archaeological interest, demonstrably of equivalent significance to scheduled monuments, great weight will be given to the asset's conservation. Proposals should conserve those elements which contribute to such asset's significance, including any contribution made by their setting in a manner appropriate to their significance irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm. Proposals resulting in less than substantial harm to designated heritage assets will be permitted only where this harm is clearly justified and outweighed by the public benefits of the proposal. Proposals resulting in substantial harm to or total loss of the significance of a designated heritage asset (or an archaeological site of national importance) will only be permitted where this is necessary to achieve substantial public benefits that outweigh the harm or loss, or, all of the following apply:</p> <ul style="list-style-type: none"> ▪ the nature of the heritage assets prevents all reasonable uses of the site; ▪ no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; ▪ conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and ▪ the harm or loss is outweighed by the benefit of bringing the site back in to use 	<p>ES Chapter 8 Cultural Heritage and Archaeology (Document Reference 6.2.8) details the baseline conditions of the historic environment, potential impacts of the Proposed Development, and how heritage has been considered in the design, mitigation and enhancements measures proposed. Heritage assets in the vicinity of the Order Limits include Bishopton Conservation Village, a number of listed buildings, Bishopton Landing Ground (a World War One airfield), areas of known archaeological remains, and a motte and bailey castle. The chapter includes consideration of above ground impacts, such as the setting of heritage assets and Historic Landscape Character, and below ground impacts such as direct impacts to archaeological deposits. The significance of heritage assets is outlined in ES Chapter 8 Cultural Heritage and Archaeology (Document Reference 6.2.8). The heritage assets assessed have either medium or low heritage significance. The assessment concludes that there would be no significant effects to designated heritage assets as a result of the Proposed Development.</p> <p>Mitigation for as yet unknown archaeological remains is outlined in ES Chapter 8 Cultural Heritage and Archaeology (Document Reference 6.2.8). This includes mitigation through design, removing potential for below ground impacts by using localised pad foundations in areas identified through further post-consent site investigation work as having archaeological assets. These measures, and the use of preservation by record via a watching brief, are secured via ES Appendix 8.5: Archaeological Management Strategy (Document Reference 6.4.8.5) and requirement 18 of the draft DCO. Opportunities for enhancement of heritage</p>

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		<p>Development involving the alteration, extension or change of use of a listed building or construction of any structure within its curtilage must:</p> <ul style="list-style-type: none"> i. protect its significance as a listed building; and ii. protect existing historic hard and soft landscaping features including trees, hedges, walls, fences and surfaces; and iii. protect historic plot boundaries and layouts; and iv. ensure the optimum viable use of the building, where appropriate. <p>Any development affecting the setting of a listed building will be permitted if the proposal conserves or enhances either its significance and/or the contribution its setting makes to its significance. Proposals involving the demolition of a listed building or structure within the curtilage of a listed building will not be permitted, except in exceptional circumstances as detailed in national policy.</p> <p>Development will only be permitted in Parks and Gardens of National Interest where it cannot be accommodated elsewhere, is directly related to the conservation management of the park or garden, and does not harm those elements which contribute to its enjoyment, layout, design, character, appearance or setting (including key views from or towards the landscape).</p> <p>B) Conservation Areas</p> <p>In addition to the requirements in part A proposals affecting a conservation area, involving the alteration, extension or change of use of a building or construction of any structure should preserve and enhance those elements identified in any conservation area appraisal as making a positive contribution to the significance of that area. Special attention should be given to:</p> <ul style="list-style-type: none"> i. existing architectural and historic character and associations by having regard to the positioning and grouping, form, scale, massing, detailing of development and the use of materials in its construction; and ii. existing hard and soft landscaping features including areas of open space, trees, hedges, walls, fences, watercourses and surfacing and the special character created by them; and iii. historic plot boundaries and layouts; and iv. the setting of the conservation area <p>Development will not be permitted that would lead to the loss of public or private open spaces within or adjacent to conservation areas where the existing openness makes a positive contribution to the character or appearance of the area or its setting, including landscape and townscape and views into or from the area, unless the public benefit demonstrably outweighs the harm.</p> <p>The demolition of buildings or structures in a conservation area will not be permitted if:</p> <ul style="list-style-type: none"> i. the building makes a positive contribution to the character and appearance of the conservation area (as identified within the conservation area appraisal); and ii. the structural condition of the building is repairable; and iii. there are no approved detailed plans for the redevelopment of the site and a contract has not been entered into for the implementation of that redevelopment; and iv. there has been insufficient consideration of other options to re-use the building in its current form. 	<p>assets are outlined in ES Chapter 8 Cultural Heritage and Archaeology (Document Reference 6.2.8). The Proposed Development offers the opportunity for heritage benefits to the local community of Bishopton through the enhancement of knowledge, understanding and engagement with the First World War airfield which is located within the Order Limits. The specific measures should be formulated in consultation with the local community and interested local stakeholders along with representatives from the LPA(s).</p>

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		<p>C) Archaeological Sites</p> <p>Proposals affecting archaeological sites of less than national importance should conserve those elements which contribute to their significance in line with the importance of the remains. In those cases where development affecting such sites is acceptable in principle, mitigation of damage will be ensured through preservation of the remains in situ as a preferred solution. When in situ preservation is not justified, the developer will be required to make adequate provision for excavation and recording before or during development. Subsequent analysis, publication and dissemination of the findings will be required to be submitted to the Local Planning Authority and deposited with the Historic Environment Record.</p> <p>Development proposals involving ground disturbance in Areas of High Archaeological Potential (as identified in APPENDIX C), must be accompanied by an archaeological evaluation report. Householder development and extensions, and alterations to existing commercial premises of 40 metres squared or less, are exempt from this requirement unless the proposed development is likely to affect a Scheduled Monument.</p> <p>Outside Areas of High Archaeological Potential, planning applications on sites of more than 1 hectare must be accompanied by an archaeological evaluation report, unless the area is already known to have been archaeologically sterilised by previous development (such as mineral extraction).</p> <p>D) Non-Designated Heritage Assets</p> <p>Proposals which would remove or harm the significance of a non-designated heritage asset will only be permitted where the benefits are considered to outweigh the harm. Proposals should seek to avoid harm to those features, including setting, which contribute to the significance of a non-designated heritage asset, through measures such as good design.</p> <p>E) Heritage at Risk</p> <p>Proposals that would help to safeguard the significance of and secure a sustainable future for Darlington’s heritage assets, especially those identified as being at greatest risk of loss or decay, will be supported.</p> <p>F) Securing the optimum viable use</p> <p>If the existing or original use of a heritage asset is no longer viable development proposals will be required to secure the optimum viable alternative use consistent with its conservation.</p>	
<p>Darlington Local Plan 2016 – 2036 (adopted 2022)</p>	<p>Policy ENV3 Local Landscape Character (Strategic Policy)</p>	<p>The character and local distinctiveness of the urban area, villages and rural area will be protected and improved by:</p> <p>A) Retaining the openness and green infrastructure functions of:</p> <ol style="list-style-type: none"> 1. The rural gaps, between Middleton St George and Middleton One Row, Middleton St George and Oak Tree, Hurworth on Tees and Hurworth Place, and between Darlington and the villages of Great Burdon and Barmpton; and 2. The green wedges of Cocker Beck/Mowden, Blackwell/Skerne Park and Haughton/Red Hall. <p>Within these areas, development will only be permitted where it:</p> <ol style="list-style-type: none"> i. Protects and enhances the landscape character, setting and identity of the area; ii. Enhances biodiversity value by promoting protected and priority habitats and species; iii. Retains connectivity within the green infrastructure network; and 	<p>The Design Approach Document (Document Reference 7.2) provides a detailed account of the approach to design, taking into account the existing landscape context and any technical constraints relating to the construction and operation of the required infrastructure.</p> <p>ES Chapter 7 Landscape and Visual (Document Reference 6.2.7) is provided with the DCO application and provides a landscape and visual impact assessment, a landscape character assessment and a cumulative assessment, taking into account local and national development plan policies.</p> <p>The landscape and visual effects of the Proposed Development are outlined in ES Chapter 7 Landscape and Visual (Document Reference 6.2.7). Significant adverse effects are identified during construction and operation and decommissioning of the Proposed Development, relating to (in summary):</p> <ul style="list-style-type: none"> - the character of LCA Darlington 6, Great Stainton and Bishopton;

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		<p>iv. Is ancillary to a green infrastructure use.</p> <p>or:</p> <p>v. The development proposed is for limited infilling on previously developed land, which would not have greater impact on the openness of the landscape than the existing development.</p> <p>B) Retaining and enhancing the length, continuity, biodiversity, amenity and heritage value of:</p> <ol style="list-style-type: none"> 1. The existing green corridors in line with Policy ENV 4; and 2. The historic routes of the Darlington/Middleton St George/A66/A67/ Stockton Corridor, the Former Barnard Castle Trackbed, Salters Lane, Honeypot Lane, Nunnery Lane and Cemetery Lane. <p>Development that adjoins these corridors and routes should:</p> <ol style="list-style-type: none"> i. Positively respond to the landscape setting; ii. Conserve and enhance traditional landscape features including ancient and semi-natural woodland and hedgerows; iii. Retain and support their connectivity for people, habitats and wildlife; iv. Protect and enhance their ecological and heritage value in accordance with Policies ENV 1, ENV 2, and ENV 7; and v. Incorporate appropriate interpretation for ecological and heritage features. <p>C) Retaining and improving the special landscape, heritage and ecological qualities of urban and rural parklands at South Park, North Lodge Park, West Cemetery, Blackwell Grange, Rockcliffe Park, Middleton Hall, Walworth Castle, Redworth Hall, Hall Garth, Newbus Grange and Neasham Hall.</p> <p>D) Protecting and enhancing the natural quality of the rural landscape, where appropriate, reinstating traditional natural and built features.</p> <p>E) Seeking high quality design in areas of low landscape quality in the urban area, to strengthen local character and distinctiveness, having regard to the Darlington Characterisation Study, Darlington Landscape Character Assessment and the Revised Design of New Development SPD, or their subsequent replacement.</p>	<ul style="list-style-type: none"> - views at Great Stainton and Bishopton; - views from PRow within 1km <p>All other sensitive receptors would not experience significant effects, however a range of minor and moderate adverse effects are identified in ES Chapter 7 Landscape and Visual (Document Reference 6.2.7). It should be noted that following pre-application engagement with Darlington Borough Council, the assessment reported in ES Chapter 7 Landscape and Visual (Document Reference 6.2.7) includes an assessment of village character, which has not generally been carried out for similar solar NSIPs. Some of the significant effects reported have arisen through this additional level of assessment.</p> <p>Most of the significant adverse effects would arise during operation, however, they would be reversible following decommissioning. The temporary, 40-year operational period of the Proposed Development is secured via the DCO (Document Reference 3.1). After decommissioning, the Proposed Development would leave a positive legacy of improved landscape fabric and character due to the denser hedgerows and maturing trees which would be left after the lifetime of the operational development. This may result in the enclosure of currently open views, however after the operational lifetime of the project, hedges could be reverted to lower heights to allow outward views over them if that is judged desirable.</p> <p>The Planning Statement (Document Reference 7.1) considers these effects within the overall planning balance, taking into account the position of the Proposed Development as critical national priority infrastructure. It is concluded that the benefits of and need for the Proposed Development outweigh the adverse landscape effects, in line with national policy.</p>
<p>Darlington Local Plan 2016 – 2036 (adopted 2022)</p>	<p>Policy ENV4 Green and Blue Infrastructure (Strategic Policy)</p>	<p>Green and blue infrastructure will be protected, and where appropriate, improved and extended to provide a quality, safe and accessible network of well connected, multi-functional open spaces for recreation and play and to enhance visual amenity, biodiversity, landscape and productivity. This will be achieved by:</p> <ol style="list-style-type: none"> a. Development proposals within, or adjacent to an existing green corridor (as defined on the Policies Map) should conserve and enhance its function, setting, biodiversity, landscape, access and recreational value as appropriate to that location; b. Development proposals that are crossed by an existing or proposed green corridor (as defined on the Policies Map) should incorporate it into the sites layout and design having regard to green infrastructure functions appropriate to that location; c. Capitalising on opportunities to enhance and/or create green links between green and blue infrastructure features; d. Expecting development to improve local water quality wherever possible, taking into account the Northumbria River Basin Management Plan; 	<p>The Proposed Development is not situated on open space, sports or recreational buildings or land.</p> <p>The landscape design of the Proposed Development has sought to avoid and mitigate effects of the scheme and where feasible provide enhancement, including to existing green infrastructure networks.</p> <p>ES Chapter 6 Biodiversity (Document Reference 6.2.6) and ES Chapter 2 The Proposed Development (Document Reference 6.2.2) identifies a range of enhancement measures that would be delivered through the Proposed Development, contributing to the delivery of substantial biodiversity net gain. This includes:</p> <ul style="list-style-type: none"> • habitat creation and management; • new and improved native-species-rich hedgerows and hedgerow trees;

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		<p>e. Working with partners and the community to bring forward priority projects and measures identified in Darlington’s Green Infrastructure Strategy and the Northumbria River Basin Management Plan;</p> <p>f. Providing green infrastructure as part of new residential and non-residential developments in line with Policy ENV 5;</p> <p>g. Refusing planning permission for development that would result in the loss of existing green space unless it can be demonstrated that the loss of the space would not cause significant harm to the character and appearance of the area or to local biodiversity (in line with Policy ENV 7), and one or more of the following criteria are met:</p> <ul style="list-style-type: none"> i. there is an identified surplus of that type of green space in the area and that its loss would not adversely affect the recreational needs of residents; ii. satisfactory replacement green space is provided in a suitable location, accessible to current users and at least equivalent in terms of size, usefulness, attractiveness and quality; iii. the proposal involves the development of an alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use. 	<ul style="list-style-type: none"> • reduced cutting along existing hedgerows to benefit nesting birds and invertebrates; • enhancement of field margins; and • sowing of land under and between Panel Areas with a legume rich mix or flower rich grassland mix. <p>In total the Proposed Development would provide an anticipated 88% net gain in habitat biodiversity units and 108% net gain in hedgerow biodiversity units. The Proposed Development would also provide enhanced access to the countryside through approximately 3600m of new permissive paths and provision of a community orchard and sensory garden.</p>
<p>Darlington Local Plan 2016 – 2036 (adopted 2022)</p>	<p>Policy ENV5 Green Infrastructure Standards</p>	<p>Developments including 20 dwellings (or 0.2 hectares) or more, or non-residential developments of 1,000m gross floorspace or more, will, subject to the quantity, quality and accessibility of existing provision, be expected to deliver new green infrastructure, to meet the additional need generated calculated using the formula set out in paragraph 9.4.15 and having regard to the standards and costs contained in the adopted Planning Obligations SPD, or its replacement. Proposals should also ensure arrangements are in place for the maintenance of new green infrastructure provided in the longer term.</p> <p>Green infrastructure should be delivered on-site and designed as multi-functional blue-green space to perform a range of green infrastructure functions where possible. Provision should be prioritised subject to need and having regard to the types and quantities of existing green infrastructure in the area as identified in the Darlington Green Infrastructure and Open Space Strategies and/or Planning Obligations SPD (as relevant) along with any other relevant evidence.</p> <p>In areas of open space deficiency (identified in the Planning Obligations SPD or equivalent), schemes of between 11 and 19 dwellings (or 0.1 to 0.2 ha), or non-residential development of 500sqm to 1000sqm gross floorspace, will be required to make a financial contribution towards the improvement of off-site green infrastructure in the local area, calculated using the formula set out in paragraph 9.4.15. This should be equivalent to the additional need generated by the development and where this would deliver greater benefits to the wider community than on-site provision.</p>	<p>In total the Proposed Development would provide an anticipated 88% net gain in habitat biodiversity units and 108% net gain in hedgerow biodiversity units. The Proposed Development would also provide enhanced access to the countryside through approximately 3600m of new permissive paths and provision of a community orchard and sensory garden. The ongoing maintenance of proposed planting and habitat creation is detailed in ES Appendix 2.14 Outline LEMP (Document Reference 6.4.2.14) and secured via requirement of the draft DCO (Document Reference 3.1).</p>
<p>Darlington Local Plan 2016 – 2036 (adopted 2022)</p>	<p>Policy ENV7 Biodiversity and Geodiversity and Development (Strategic Policy)</p>	<p>The Council will ensure that sites and features of biodiversity and geodiversity importance are given full and appropriate recognition and protection. The Council will also permit proposals where the primary objective is to conserve or enhance biodiversity where they accord with other relevant policies in the Plan.</p> <p>Development will be refused if significant adverse effects to biodiversity or geodiversity, either alone or in combination, cannot in the first instance be avoided, adequately mitigated, or, as a last resort, compensated for.</p>	<p>ES Chapter 6 Biodiversity (Document Reference 6.2.6) provides an assessment of effects on internationally, nationally, and locally designated sites of ecological or geological conservation importance (including those outside England), on protected species and on habitats and other species identified as being of principal importance for the conservation of biodiversity, including irreplaceable habitats.</p> <p>A principle of the Applicant in developing the design of the Proposed Development has been to seek to avoid significant harm to the environment including biodiversity and geological conservation. ES Chapter 3 Alternatives and</p>

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		<p>Development will be expected to minimise the impact on and provide net gains for biodiversity, including establishing coherent and resilient ecological networks, by:</p> <ul style="list-style-type: none"> a. Avoiding or mitigating adverse impacts upon BAP priority or protected species. Any potential adverse impact upon the ability of protected species to survive, reproduce and maintain or expand their current distribution will be monitored through application of the derogation tests detailed in the Habitats Regulations, and; b. Significantly and demonstrably enhancing the quality, extent and mix of priority and protected habitats and species identified in the NERC list through: <ul style="list-style-type: none"> iv. Incorporating native habitats, or habitat opportunities, within or around the site and/or as part of building design; and/or v. Creating, improving or extending ecological networks; and/or vi. Contributing to the implementation of the management plans of the Tees Valley Nature Partnership within the Borough. <p>Enhancement measures must be compatible with existing biodiversity and ecosystems. In circumstances where the enhancement of biodiversity would place the viability of the development in question, the developer will be required to demonstrate their case to the Council's satisfaction.</p> <p>Development proposals located within the areas listed below are encouraged, where relevant, to support the achievement of these specific actions as follows:</p> <p>C) Rural area</p> <p>Promote the reinstatement of traditional species rich field margins, hedgerows and trees, along with new opportunities for mixed habitats, including meadows, woodland and wetlands, to provide greater connectivity for wildlife (see Policies H 3, H 7 and E 4).</p> <p>D) Nationally and locally designated wildlife sites</p> <p>Protect, maintain and where appropriate manage (as it depends upon ownership) and extend, in accordance with their management plans. Sites will be protected as follows:</p> <ul style="list-style-type: none"> i. Sites of Special Scientific Interest (SSSIs) <p>Development likely to have an adverse effect on any of the Borough's or neighbouring SSSI's either individually or in combination with other developments, will not normally be permitted unless it can be demonstrated that the benefits of the proposed development in that particular location, clearly outweigh its likely impact on the features of the site that make it of special scientific interest and any broader impacts on the network of sites.</p> ii. Local Nature Reserves and Local Wildlife Sites <p>Development likely to result in significant harm to any of the Borough's Local Nature Reserves or Local Wildlife Sites should be avoided by being relocated to an alternative site of less harmful impacts. Where this is not possible, and it is demonstrated development is required in that location it will only be permitted if the significant harm can be overcome by adequate mitigation or as a last resort appropriate compensation measures. Designate new Local Nature Reserves which meet the Natural England Criteria to ensure the protection of land and species, including Red Hall Wetland, Mill Lane (spanning the Skerne) and Cocker Beck. Local Wildlife Sites are identified and selected for their local nature conservation value. They protect threatened species and habitats acting as buffers, stepping stones and corridors</p> 	<p>Design Iteration (Document Reference 6.2.3) sets out how environmental designations and constraints were considered as part of the site selection process.</p> <p>There are four internationally designated sites within 10 km of the Order Limits. These are:</p> <ul style="list-style-type: none"> • Teesmouth and Cleveland Coast Special Protection Area (SPA); • Teesmouth and Cleveland Coast Ramsar; • Teesmouth and Cleveland Coast proposed Ramsar; and • Thrislington Special Area of Conservation (SAC) <p>Taking into account ES Appendix 6.5 Habitats Regulations Assessment No Significant Effects Report (Document Reference 6.4.6.5), ES Chapter 6 Biodiversity (Document Reference 6.2.6) concludes that any effects on the four SSSI sites as a result of the Proposed Development would be negligible and therefore not significant.</p> <p>There are two Local Nature Reserves (LNR) within 2km of the Order Limits; Hardwick Dene and Elm Tree Woods LNR and Stillington Forest Park LNR. There are two Local Wildlife Sites (LWS) within 1 km of the Order Limits, Carr House Pond LWS and Wynyard Woodland Park Stockton LWS. ES Chapter 6 Biodiversity (Document Reference 6.2.6) concludes that there would be no significant effects on the LNRs or LWS as a result of the Proposed Development.</p> <p>As confirmed in ES Appendix 7.7 Arboricultural Impact Assessment (Document Reference 6.4.7.7), there is no ancient woodland with potential to be affected by the Proposed Development. Where veteran trees have been identified, a buffer of 15 times the stem diameter has been established as a construction exclusion zone around them. No veteran trees will be removed or encroached upon to facilitate the Proposed Development.</p> <p>ES Chapter 6 Biodiversity (Document Reference 6.2.6) and ES Chapter 2 The Proposed Development (Document Reference 6.2.2) identifies a range of enhancement measures that would be delivered through the Proposed Development, contributing to the delivery of substantial biodiversity net gain. This includes:</p> <ul style="list-style-type: none"> • habitat creation and management; • new and improved native-species-rich hedgerows and hedgerow trees; • reduced cutting along existing hedgerows to benefit nesting birds and invertebrates; • enhancement of field margins; and • sowing of land under and between Panel Areas with a legume rich mix or flower rich grassland mix. <p>In total the Proposed Development would provide an anticipated 88% net gain in habitat biodiversity units and 108% net gain in hedgerow biodiversity units. The ongoing maintenance of proposed planting and habitat creation is detailed in ES Appendix 2.14 Outline LEMP (Document Reference 6.4.2.14) and secured via requirement of the draft DCO (Document Reference 3.1).</p>

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		<p>between nationally-designated wildlife sites. Darlington has sites such as Blackwell Meadows, Coatham Grange and West Cemetery.</p> <p>iii. Community Woodlands and Ancient Woodland</p> <p>New development will be expected to retain existing woodlands. Development will not be permitted that would result in the loss of woodland unless the benefits clearly outweigh the loss and suitable replacement planting can be undertaken which provides woodland types matching those identified as Priority Habitats in the NERC List (55) that are found locally. Ancient woodlands, ancient and veteran trees are irreplaceable habitats and new development will not be permitted that would result in their loss, fragmentation, isolation or deterioration unless there are wholly exceptional reasons (as defined in national policy) and a suitable compensation strategy exists.</p> <p>F) Wildlife friendly green spaces, parks and parklands</p> <p>Protect and improve the wildlife value of green spaces, parks and parklands.</p>	
<p>Darlington Local Plan 2016 – 2036 (adopted 2022)</p>	<p>Policy ENV8 Assessing a Development's Impact on Biodiversity</p>	<p>Development proposals will be required to provide net gains in biodiversity (prevailing in national policy) and demonstrate achievement of this using the Defra Biodiversity Metric.</p> <p>Development proposals that are situated within or adjacent to sites of biodiversity importance as identified in Policy ENV 7, or that are likely to have an adverse impact upon such sites(56) or upon sites that have a reasonable likelihood of hosting protected and/or priority species, will need to follow the sequence of actions set out below to identify how harm to biodiversity has been avoided, or failing that, adequately mitigated. Applicants should submit evidence that this process has been followed with any planning application:</p> <ol style="list-style-type: none"> 1. Undertake a Phase 1 Habitat Survey to establish the type and mix of habitats and species present and any likely impacts; 2. For any habitats or species adversely affected, undertake an extended Phase 1 Habitat Survey and identify appropriate mitigation if possible; 3. Where protected species are present (including species protected under the Conservation & Habitats Regulations, and Wildlife and Countryside Act), further survey work will be required to comply with Habitats Regulations including fulfilling the three derogation tests; and 4. Take account of, and reflect the detailed advice set out in, Darlington's Green Infrastructure Strategy and the revised Design of New Development SPD or successor documents. 5. Provide a masterplan, management and maintenance plan for applications of 100 dwellings or more where relevant showing how the quality of biodiversity features will be maintained in the long term. Maintenance contributions where required will be secured via a Section 106 agreement. <p>Where a development proposal cannot avoid significant harm to biodiversity following the consideration of avoidance measures and mitigation, as a last resort, suitable compensatory measures must be incorporated, including the creation of priority habitats, with the first priority being on-site provision. Only with adequate reasoned justification will any off-site compensatory measures be permitted, with any such provision, agreed to be adequate and appropriate, secured by Section 106 contribution or Community Infrastructure Levy (or any other future delivery mechanism).</p>	<p>ES Chapter 6 Biodiversity (Document Reference 6.2.6) sets out the surveys and site appraisal work that have been undertaken to identify species and habitats within the study area of the Proposed Development. This includes woodland and watercourse habitat, non-breeding (wintering) birds, breeding birds, bats and badgers. Taking into account mitigation measures, ES Chapter 6 Biodiversity (Document Reference 6.2.6) concludes that there would be no significant effects to any habitats or species identified in the assessment during the construction operation or decommissioning of the Proposed Development.</p> <p>In total the Proposed Development would provide an anticipated 88% net gain in habitat biodiversity units and 108% net gain in hedgerow biodiversity units. The ongoing maintenance of proposed planting and habitat creation is detailed in ES Appendix 2.14 Outline LEMP (Document Reference 6.4.2.14) and secured via requirement of the draft DCO (Document Reference 3.1).</p> <p>Requirements for additional licenses or consents pursuant to separate legislation is set out in Other Consents and Licenses (Document Reference 7.3).</p>

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		<p>Where adequate compensation measures cannot be provided, and significant harm avoided, planning permission will be refused.</p> <p>Where developers identify the presence of non-native invasive species on-site, measures will be required to contain the species and ensure it is effectively managed, or where possible, eradicated during development.</p>	
Darlington Local Plan 2016 – 2036 (adopted 2022)	Policy IN1 Delivering a Sustainable Transport Network (Strategic Policy)	<p>The Council is committed to delivering an efficient transport system with a focus on the provision of infrastructure improvements, to encourage greater use of sustainable modes, leading to less reliance on single occupancy vehicle journeys. We will work with partners and developers to make the best use of and improve existing transport infrastructure, where appropriate, using developer contributions to manage the impact of development on the transport network.</p> <p>To achieve this, the following priorities and actions have been identified:</p> <p>A) For cycling, walking and other sustainable transport:</p> <p>v. Protecting and enhancing public rights of way as set out in the Rights of Way Improvement Plan, ‘Local Green Corridors’ identified in the Darlington Green Infrastructure Strategy and links to long distance routepaths such as the Teesdale Way and NCN 14;</p>	It is proposed that a total of ~3600m of permissive paths will be implemented during the construction stage of the Proposed Development. It is the intention of the Applicant to retain access during the operational stage wherever safe and practicable to do so. The Outline PRoW Management Plan (Document Reference 6.4.2.15) includes the overall approach to managing interactions between the Proposed Development and ProW impacted by the Proposed Development.
Darlington Local Plan 2016 – 2036 (adopted 2022)	Policy IN2 Improving Access and Accessibility (Strategic Policy)	<p>The Council expects development to promote accessibility and permeability by creating places that are well connected with each other and with existing transport networks. The needs of pedestrians, cyclists, bus and rail users, as well as those with specific needs should be prioritised to reduce the need for travel by private vehicle.</p> <p>In order to improve access and accessibility during the plan period:</p> <p>c. All developments should provide safe access to the Borough-wide cycling and walking network including links to the Public Rights of Way network and leisure routes.</p>	As set out in the Outline PRoW Management Plan (Document Reference 6.4.2.15), details and specifications of access features/means of enclosure and signage would be agreed between the Applicant and Darlington Borough Council prior to implementation.
Darlington Local Plan 2016 – 2036 (adopted 2022)	Policy IN3 Transport Assessments and Travel Plans	<p>The Local Planning Authority will require the preparation and implementation of Travel Plans, Transport Assessments and other schemes and agreements to promote the use of sustainable transport for journeys to work, training and education. Proposals that have potential significant impacts should be accompanied by a Travel Plan where appropriate.</p> <p>Major developments will be required to engage in the Travel Planning process and produce a Transport Assessment. Proposals will be supported that:</p> <p>a. Improve transport choice through the provision of information and encouragement to maximise opportunities to travel sustainably;</p> <p>b. Minimise the number of single occupancy vehicle trips generated by the development;</p> <p>c. Contribute positively to managing congestion, reducing environmental impact and maintaining safety.</p> <p>Travel Plans must be iterative documents which must be site specific and guided by a framework of common principles and components.</p> <p>A framework Travel Plan will be appropriate where there is no identified end user or there will be multi-occupancy of a site. Each organisation within a development will be expected to produce a site specific Travel Plan.</p>	<p>ES Chapter 12 Traffic and Transport (Document Reference 6.2.12) assesses the effects of the Proposed Development and identifies no significant effects arising during all phases of the development in relation to the highway network. ES Appendix 12.1 Transport Statement (Document Reference 6.4.12.1) considers the suitability of the access arrangements during the construction and operational phases of the development, outlining the expected traffic movements from the proposed development and measures that will be put in place to manage any potential transport impacts. It identifies that staff trips will be mainly made by minibuses, while deliveries of construction materials and plant will mainly be made by HGVs.</p> <p>ES Appendix 2.8 Outline CTMP (Document Reference 6.4.2.8) identifies measures which would be implemented during construction in order to limit any potential disruptions and implications on the transport network and local community. It is secured via requirement of the draft DCO (Document Reference 3.1)</p>

Policy Document	Policy Reference	Policy Requirement	Compliance of Proposed Development with policy
		<p>Travel Plans should identify the specific required outcomes, targets and measures, and set out clear future monitoring and management arrangements all of which should be proportionate. They should also consider what additional measures may be required to offset unacceptable impacts if the targets should not be met. A travel plan co-ordinator should be appointed to identify opportunities for the effective promotion and delivery of sustainable transport initiatives and to fulfil the management and monitoring requirements. The Council will work with businesses and specifically the travel plan co-ordinators to ensure the travel plans are being developed, maintained and monitored.</p>	
Darlington Local Plan 2016 – 2036 (adopted 2022)	Policy IN5 Airport Safety	<p>Within the established 13km (bird strike hazard area) and the 15km (radius of critical airspace) safeguarding areas surrounding the airport, as identified on the policies map, relevant development proposals will require consultation with the operator of the airport, and must consider the operational integrity of the airport, its surveillance systems, and the safety of air traffic services, in accordance with Government Circular 1/2003, or any successor guidance.</p> <p>Within the Public Safety Zones adjacent to the airport runway, as identified on the policies map, there is a general presumption against new development, unless the proposal accords with guidance in Government circular 1/2010 or any successor guidance.</p>	<p>A glint and glare assessment has been undertaken and is provided in ES Appendix 2.2. Solar Photovoltaic Glint and Glare Study (Document Reference 6.4.2.2). One active airfield has been identified for the assessment; this is Teesside International Airport, a licensed aerodrome located south of the Proposed Development area, within 10km. The assessment confirms that no impacts are predicted on aviation activity associated with Teesside International Airport because solar reflections are not geometrically possible towards the ATC Tower or the last two miles of the approach path toward runway 5 or 23.</p>
Darlington Local Plan 2016 – 2036 (adopted 2022)	Policy IN6 Utilities Infrastructure (Strategic Policy)	<p>Proposals for new development must be capable of being accommodated by existing or planned utilities (whether supplied by utilities providers or the development itself) and should not:</p> <ul style="list-style-type: none"> a. Have a net negative impact on the operation of existing utilities networks; or b. Worsen the services or protection from risk enjoyed by the existing community. <p>Utilities include gas, electricity, off-site service infrastructure, surface water management, sewage disposal, flood risk defences and flood control facilities.</p>	<p>ES Appendix 2.5 Major Accidents and Disasters Assessment (Document Reference 6.4.2.5), which provides an assessment of the potential for battery fire and damage to existing utilities through the Proposed Development. Measures to protect existing utility assets are secured via the protective provisions contained in the draft DCO (Document Reference 3.1). Furthermore, best practice construction measures to avoid and reduce risks resulting from construction activities, including on existing assets are secured via ES Appendix 2.6 Outline CEMP (Document Reference 6.4.2.6) and ES Appendix 2.7 Outline DEMP (Document Reference 6.4.2.7).</p>
Darlington Local Plan 2016 – 2036 (adopted 2022)	Policy IN9 Renewable Energy Infrastructure (Strategic Policy)	<p>Renewable and low carbon energy development including community-led initiatives will be supported across the Borough, where proposals are in accordance with the following relevant criteria. In determining planning applications for such projects significant weight will be given to the achievement of wider social, environmental and economic benefits.</p> <ul style="list-style-type: none"> c. Solar Power developments will be granted planning permission if the applicant can demonstrate that the following considerations have been taken into account: <ul style="list-style-type: none"> i. the importance of siting systems in situations where they can collect the most energy from the sun; ii. need for sufficient area of solar modules to produce the required energy output from the system; iii. the colour and appearance of the modules; iv. demonstrate effective use of land by focussing large scale solar farms on previously developed and non agricultural land; v. where a proposal involves agricultural land it has been demonstrated that: <ul style="list-style-type: none"> 1. the land has been shown to be poorer quality land in preference to higher quality agricultural land; and 2. the proposal allows for continued agricultural use where applicable and/or encourages biodiversity improvements around solar arrays; 	<p>The need for the Proposed Development is established through the publication of the Energy NPS', including NPS EN-3 Renewable Energy. Whilst it is recognised that the current NPS (2011) does not make explicit reference to solar PV development, NPS EN-3 (2024) establishes the Critical National Priority (CNP) for nationally significant low carbon infrastructure, in the context of wider legal and policy commitments by the UK Government. The clearly established need for the Proposed Development is summarised in Chapter 3 of the Planning Statement (Document Reference 7.1).</p> <p>The Proposed Development would respond to national and local priorities relating to net zero emissions targets and the need to address climate change by generating 180MW of electricity, enough to power the equivalent of 70,000 homes. In addition, as set out in Chapter 3 of the Planning Statement (Document Reference 7.1), the Proposed Development would provide benefits to the local community through enhancing access and connectivity of the countryside; infilling of hedgerows and improvement of wildlife corridors; provision of a community orchard, forest school and car park; delivery of local interpretation points and the commitment of a £1.5m Community Benefit Fund to further deliver local initiatives.</p> <p>ES Chapter 3 Alternatives and Design Iteration (Document Reference 6.2.3) details the site selection process undertaken by the Applicant in relation to the</p>

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		<p>vi. the proposal has adequately mitigated the visual impact on the landscape and the effect of glint and glare on neighbouring uses and aircraft safety.</p> <p>Where relevant, planning applications will also need to include a satisfactory scheme to restore the site to a quality of at least its original condition once operations have ceased.</p>	<p>Proposed Development. This included consideration of irradiance and agricultural land. ES Appendix 9.1 Agricultural Land Classifications and Soil Resources (Document Reference 6.4.9.1) identifies that only 6.1% of land within the Order Limits is best and most versatile land (BMV).</p> <p>The Design Approach Document (Document Reference 7.2) sets out the overall approach to the design of the Proposed Development which has sought to mitigate visual impacts on the landscape and considers factors like the colour and appearance of modules. A glint and glare assessment has been undertaken and is provided in ES Appendix 2.2. Solar Photovoltaic Glint and Glare Study (Document Reference 6.4.2.2).</p> <p>ES Appendix 2.7 Outline DEMP(Document Reference 6.4.2.7) sets out the general principles to be followed in the decommissioning of the Proposed Development. The production of a detailed DEMP and agreement with relevant authorities prior to commencing decommissioning, is secured via the draft DCO (Document Reference 3.1).</p>
<p>Darlington Local Plan 2016 – 2036 (adopted 2022)</p>	<p>Policy IN10 Supporting the Delivery of Community and Social Infrastructure (Strategic Policy)</p>	<p>C) Provision of new community facilities</p> <p>Proposals for new and expanded community services and facilities will be supported in accessible locations, providing that the scale of development is appropriate to the area in which it is proposed.</p>	<p>The Proposed Development is not situated on open space, sports or recreational buildings or land. As set out in Chapter 3 of the Planning Statement (Document Reference 7.1), the Proposed Development would provide benefits to the local community through enhancing access and connectivity of the countryside; infilling of hedgerows and improvement of wildlife corridors; provision of a community orchard, forest school and car park; delivery of local interpretation points and the commitment of a £1.5m Community Benefit Fund to further deliver local initiatives.</p>
<p>Stockton-on-Tees Borough Council</p>			
<p>Stockton-on-Tees Borough Council Local Plan (adopted 2019)</p>	<p>Policy SD5 Natural, Built and Historic Environment</p>	<p>To ensure the conservation and enhancement of the environment alongside meeting the challenge of climate change the Council will:</p> <p>1. Conserve and enhance the natural, built and historic environment through a variety of methods including:</p> <ul style="list-style-type: none"> 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 	<p>The Proposed Development would respond to national and local priorities relating to net zero emissions targets and the need to address climate change by generating 180MW of electricity, enough to power the equivalent of 70,000 homes.</p> <p>In relation to the specific points of Policy SD5:</p> <ul style="list-style-type: none"> 1) Conserve and enhance the natural, built and historic environment through a variety of methods <p>The Design Approach Document (Document Reference 7.2) sets out the overall approach to the design of the Proposed Development, which align with sustainable design principles of policy SD8 as outlined below.</p> <p>Taking into account ES Appendix 6.5 Habitats Regulations Assessment No Significant Effects Report (Document Reference 6.4.6.5), ES Chapter 6 Biodiversity (Document Reference 6.2.6) concludes that any effects on the four SSSI sites as a result of the Proposed Development would be negligible and therefore not significant.</p> <p>There are two Local Nature Reserves (LNR) within 2km of the Order Limits; Hardwick Dene and Elm Tree Woods LNR and Stillington Forest Park LNR. There are two Local Wildlife Sites (LWS) within 1 km of the Order Limits, Carr House Pond LWS and Wynyard Woodland Park Stockton LWS. ES Chapter 6 Biodiversity (Document Reference 6.2.6) concludes that there would be no</p>

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		<p>existing underused buildings would not be appropriate for the intended use should new buildings be considered.</p> <p>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:</p> <ul style="list-style-type: none"> 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. <p>i. Considering development proposals within green wedges against Policy ENV6.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>m. Encouraging the reduction, reuse and recycling of waste, and the use of locally sourced materials.</p> <p>2. Meet the challenge of climate change, flooding and coastal change through a variety of methods including:</p> <ul style="list-style-type: none"> 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. 	<p>significant effects on the LNRs or LWS as a result of the Proposed Development.</p> <p>As confirmed in ES Appendix 7.7 Arboricultural Impact Assessment (Document Reference 6.4.7.7), there is no ancient woodland with potential to be affected by the Proposed Development. Where veteran trees have been identified, a buffer of 15 times the stem diameter has been established as a construction exclusion zone around them. No veteran trees will be removed or encroached upon to facilitate the Proposed Development.</p> <p>ES Chapter 6 Biodiversity (Document Reference 6.2.6) and ES Chapter 2 The Proposed Development (Document Reference 6.2.2) identifies a range of enhancement measures that would be delivered through the Proposed Development, contributing to the delivery of substantial biodiversity net gain. This includes:</p> <ul style="list-style-type: none"> • habitat creation and management; • new and improved native-species-rich hedgerows and hedgerow trees; • reduced cutting along existing hedgerows to benefit nesting birds and invertebrates; • enhancement of field margins; and • sowing of land under and between Panel Areas with a legume rich mix or flower rich grassland mix. <p>In total the Proposed Development would provide an anticipated 88% net gain in habitat biodiversity units and 108% net gain in hedgerow biodiversity units. The ongoing maintenance of proposed planting and habitat creation is detailed in ES Appendix 2.14 Outline LEMP (Document Reference 6.4.2.14) and secured via requirement of the draft DCO (Document Reference 3.1).</p> <p>Management plans are included in the DCO application which secure the implementation of measures during construction, operation and decommissioning which would seek to avoid or reduce risks relating to human health. These plans are secured via requirements of the draft DCO (Document Reference 3.1).</p> <p>ES Appendix 2.11 Outline Site Waste Management Plan (Document Reference 6.4.2.11) sets out how waste will be managed efficiently and effectively, with opportunities to reduce, reuse and recycle waste materials considered and optimised wherever possible, and to promote best practice and environmental awareness.</p> <p>2) Meet the challenge of climate change, flooding and coastal change through a variety of methods</p> <p>ES Chapter 12 Traffic and Transport (Document Reference 6.2.12) assesses the effects of the Proposed Development and identifies no significant effects arising during all phases of the development in relation to the highway network</p> <p>ES Chapter 10 Hydrology and Flood Risk (Document Reference 6.2.10) identifies that the majority of the Proposed Development is situated in Flood Zone 1, with small areas of the Order Limits located in Flood Zones 2 and 3.</p>

Policy Document	Policy Reference	Policy Requirement	Compliance of Proposed Development with policy
		<p>h. Supporting proposals for renewable and low carbon energy schemes including the generation and supply of decentralised energy.</p> <p>3. Conserve and enhance the historic environment through a variety of methods including:</p> <ul style="list-style-type: none"> 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. e. Recognising the area’s industrial heritage, including early history, railway and engineering heritage and the area’s World War II contribution. <p>4. Priorities for interventions to conserve and enhance the historic environment include the conservation areas of Stockton and Yarm, assets associated with the route of the Stockton & Darlington railway of 1825, the branch line to Yarm and associated structures, and assets identified as being at risk. These assets, along with Preston Park, are also the priorities for celebrating the historic environment.</p>	<p>No critical infrastructure is located outside of Flood Zone 1. ES Appendix 10.1. It is concluded that the Proposed Development will be safe for its lifetime and will not impact flood risk on site or off site. The infrastructure is positioned such as not to impede flow routes and will have a negligible impact on floodplain storage.</p> <p>Resilience to impacts from climate change has been assessed within ES Appendix 5.2 Climate Change Resilience (CCR) Assessment (Document Reference 6.4.5.2), with risk reduced through mitigation, design, and an extreme weather working policy. It concludes there would be no significant effects. Furthermore, rainfall patterns due to climate change are taken into consideration in ES Appendix 10.1 Flood Risk Assessment and Drainage Strategy (Document Reference 6.4.10.1).</p> <p>3) Conserve and enhance the historic environment through a variety of methods</p> <p>ES Chapter 8 Cultural Heritage and Archaeology (Document Reference 6.2.8) details the baseline conditions of the Order Limits, potential impacts of the Proposed Development, and design, mitigation and enhancements proposed. The assessment concludes that there would be no significant effects to designated heritage assets as a result of the Proposed Development.</p>
<p>Stockton-on-Tees Borough Council Local Plan (adopted 2019)</p>	<p>Policy SD8 Sustainable Design Principles</p>	<p>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:</p> <ul style="list-style-type: none"> a. Quality, character and sensitivity of the surrounding public realm, heritage assets, and nearby buildings, in particular at prominent junctions, main roads and town centre gateways; b. Landscape character of the area, including the contribution made by existing trees and landscaping; c. Need to protect and enhance ecological and green infrastructure networks and assets; d. Need to ensure that new development is appropriately laid out to ensure adequate separation between buildings and an attractive environment; e. Privacy and amenity of all existing and future occupants of land and buildings; f. Existing transport network and the need to provide safe and satisfactory access and parking for all modes of transport; g. Need to reinforce local distinctiveness and provide high quality and inclusive design solutions, and h. Need for all development to be designed inclusively to ensure that buildings and spaces are accessible for all, including people with disabilities. <p>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.</p> <p>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.</p>	<p>The Environmental Masterplan (Document Reference 2.5) is secured by the DCO and sets out the overall landscape masterplan for the Proposed Development.</p> <p>The Design Approach Document (DAD) (Document Reference 7.2) sets out how the design of the Proposed Development has taken into account the criteria of the NPS in relation to good design. It sets out the local context in which the Proposed Development is situated and outlines the design response to that context in seeking to mitigate adverse impacts and integrate ‘good design’ principles. It sets out the approach that has been taken in relation to specific aspects of the Proposed Development and, recognising the constraints presented by some infrastructure, the DAD identifies how technical considerations have in some instances limited design choices.</p> <p>The DAD includes a list of design principles which underpin the Proposed Development and which would be required to be retained in the future detailed design, as secured via Requirement 3 of the DCO (Document Reference 3.1).</p>

Policy Document	Policy Reference	Policy Requirement	Compliance of Proposed Development with policy
		<p>4. New development will seek provision of adequate waste recycling, storage and collection facilities, which are appropriately sited and designed.</p> <p>5. New commercial development will be expected to provide appropriately designed signage and shop fronts.</p>	
Stockton-on-Tees Borough Council Local Plan (adopted 2019)	Policy EG5 Durham Tees Valley Airport	<p>7. Within the established 13km (bird strike hazard area) and the 15km (radius of critical airspace) safeguarding areas surrounding the airport, as identified on the Policies Map, relevant development proposals will require consultation with the operator of the airport, and must consider the operational integrity of the airport, its surveillance systems, and the safety of air traffic services, in accordance with Government Circular 1/2003, or any successor guidance.</p>	<p>A glint and glare assessment has been undertaken and is provided in ES Appendix 2.2. Solar Photovoltaic Glint and Glare Study (Document Reference 6.4.2.2). One active airfield has been identified for the assessment; this is Teesside International Airport, a licensed aerodrome located south of the Proposed Development area, within 10km. The assessment confirms that no impacts are predicted on aviation activity associated with Teesside International Airport because solar reflections are not geometrically possible towards the ATC Tower or the last two miles of the approach path toward runway 5 or 23.</p>
Stockton-on-Tees Borough Council Local Plan (adopted 2019)	Policy TI1 Transport Infrastructure	<p>Delivering A Sustainable Transport Network</p> <p>3. Accessible, convenient, and safe routes for pedestrians, cyclists and other users will be delivered by:</p> <ul style="list-style-type: none"> a. Improving, extending and linking the Borough's strategic and local network of footpaths, bridleways and cycleways; and b. Improving the public realm and implementing streetscape improvements to ensure they provide a safe and inviting environment. 	<p>It is proposed that a total of ~3600m of permissive paths will be implemented during the construction stage of the Proposed Development. It is the intention of the Applicant to retain access during the operational stage wherever safe and practicable to do so. The Outline PRow Management Plan (Document Reference 6.4.2.15) includes the overall approach to managing interactions between the Proposed Development and PRow impacted by the Proposed Development.</p>
Stockton-on-Tees Borough Council Local Plan (adopted 2019)	Policy TI2 Community Infrastructure	<p>1. There is a need to ensure that community infrastructure is delivered and protected to meet the needs of the growing population within the Borough. To ensure community infrastructure meets the education, cultural, social, leisure/recreation and health needs of all sections of the local community, the Council will:</p> <ul style="list-style-type: none"> a. Protect, maintain and improve existing community infrastructure where appropriate and practicable; b. Work with partners to ensure existing deficiencies are addressed; and c. Require the provision of new community infrastructure alongside new development in accordance with Policy SD7. <p>3. The Council will take into account listing or nomination of 'Assets of Community Value' as a material planning consideration.</p> <p>4. To ensure needs for community infrastructure are met, the Council will:</p> <ul style="list-style-type: none"> a. Support opportunities to widen the cultural, sport, recreation and leisure offer; b. Support proposals of education, training and health care providers to meet the needs of communities; c. Encourage the multi-purpose use of facilities to provide a range of services and facilities within one accessible location; d. Safeguard land at the former Blakeston School site for the provision of a crematorium; e. Identify land for the delivery of cemetery provision within Stockton and to the south of the Borough to meet identified needs; f. Support the provision of additional river accesses with increased landing stages/moorings/marina at appropriate locations where they are of a scale appropriate to the location; and 	<p>The Proposed Development is not situated on open space, sports or recreational buildings or land. As set out in Chapter 3 of the Planning Statement (Document Reference 7.1), the Proposed Development would provide benefits to the local community through enhancing access and connectivity of the countryside; infilling of hedgerows and improvement of wildlife corridors; provision of a community orchard, forest school and car park; delivery of local interpretation points and the commitment of a £1.5m Community Benefit Fund to further deliver local initiatives.</p>

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		g. Safeguard areas of land at Ingleby Barwick for: <ol style="list-style-type: none"> i. Leisure facility adjacent to the Local Centre, and ii. Community Centre at Sandgate. 	
Stockton-on-Tees Borough Council Local Plan (adopted 2019)	Policy ENV2 Renewable and Low Carbon Energy Generation	<ol style="list-style-type: none"> 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: <ol style="list-style-type: none"> 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. 2. No suitable areas for wind energy generation have been identified in the Local Plan and planning applications for commercial wind turbines in the countryside will be resisted. 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. 	<p>The need for the Proposed Development is established through the publication of the Energy NPS', including NPS EN-3 Renewable Energy. Whilst it is recognised that the current NPS (2011) does not make explicit reference to solar PV development, NPS EN-3 (2024) establishes the Critical National Priority (CNP) for nationally significant low carbon infrastructure, in the context of wider legal and policy commitments by the UK Government. The clearly established need for the Proposed Development is summarised in Chapter 3 of the Planning Statement (Document Reference 7.1).</p> <p>The Proposed Development would respond to national and local priorities relating to net zero emissions targets and the need to address climate change by generating 180MW of electricity, enough to power the equivalent of 70,000 homes. In addition, as set out in Chapter 3 of the Planning Statement (Document Reference 7.1), the Proposed Development would provide benefits to the local community through enhancing access and connectivity of the countryside; infilling of hedgerows and improvement of wildlife corridors; provision of a community orchard, forest school and car park; delivery of local interpretation points and the commitment of a £1.5m Community Benefit Fund to further deliver local initiatives.</p> <p>ES Appendix 2.7 Outline DEMP(Document Reference 6.4.2.7) sets out the general principles to be followed in the decommissioning of the Proposed Development. The production of a detailed DEMP and agreement with relevant authorities prior to commencing decommissioning, is secured via the draft DCO (Document Reference 3.1).</p>
Stockton-on-Tees Borough Council Local Plan (adopted 2019)	Policy ENV4 Reducing and Mitigating Flood Risk	<ol style="list-style-type: none"> 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. 2. Development on land in Flood Zones 2 or 3 will only be permitted following: <ol style="list-style-type: none"> a. The successful completion of the Sequential and Exception Tests (where required); and b. A site specific flood risk assessment, demonstrating development will be safe over the lifetime of the development, including access and egress, without increasing flood risk elsewhere and where possible reducing flood risk overall. 3. Site specific flood risk assessments will be required in accordance with national policy. 4. All development proposals will be designed to ensure that: <ol style="list-style-type: none"> a. Opportunities are taken to mitigate the risk of flooding elsewhere; b. Foul and surface water flows are separated; c. Appropriate surface water drainage mitigation measures are incorporated and Sustainable Drainage Systems (SuDS) are prioritised; and 	<p>ES Chapter 10 Hydrology and Flood Risk (Document Reference 6.2.10) describes the baseline conditions of the Order Limits in relation to hydrology and flood risk, and considers the potential impacts of the Proposed Development, and any essential mitigation that may be required.</p> <p>ES Chapter 10 Hydrology and Flood Risk (Document Reference 6.2.10) identifies that the majority of the Proposed Development is situated in Flood Zone 1, with small areas of the Order Limits located in Flood Zones 2 and 3. No critical infrastructure is located outside of Flood Zone 1. ES Appendix 10.1.</p> <p>ES Appendix 10.1 Flood Risk Assessment and Drainage Strategy (Document Reference 6.4.10.1) is provided with the DCO application and identifies how critical infrastructure has been sited and designed to avoid flood risk impacts. This includes:</p> <ul style="list-style-type: none"> • no critical infrastructure has been placed inside of the fluvial or pluvial higher risk flood zones • access tracks are at grade • the crossing proposed over the Bishopton Beck will utilise an existing bridge crossing

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		<p>d. SuDS have regard to Tees Valley Authorities Local Standards for Sustainable Drainage (2015) or successor document.</p> <p>5. Surface water run-off should be managed at source wherever possible and disposed of in the following hierarchy of preference sequence:</p> <ol style="list-style-type: none"> a. To an infiltration or soak away system; then, b. To a watercourse open or closed; then, c. To a sewer. <p>6. Disposal to combined sewers should be the last resort once all other methods have been explored.</p> <p>7. For developments which were previously developed, the peak runoff rate from the development to any drain, sewer or surface water body for the 1-in-1 year rainfall event and the 1-in-100 year rainfall event should be as close as reasonably practicable to the greenfield runoff rate from the development for the same rainfall event, but should never exceed the rate of discharge from the development prior to redevelopment for that event. For greenfield developments, the peak runoff rate from the development to any highway drain, sewer or surface water body for the 1-in-1 year rainfall event and the 1-in-100 year rainfall event should never exceed the peak greenfield runoff rate for the same event.</p> <p>8. Within critical drainage areas or other areas identified as having particular flood risk issues the Council may:</p> <ol style="list-style-type: none"> a. Support reduced run-off rates. b. Seek contributions, where appropriate, towards off-site enhancements directly related to flow paths from the development, to provide increased flood risk benefits to the site and surrounding areas. <p>9. Sustainable Drainage Systems (SuDS) should be provided on major development (residential development comprising 10 dwellings or more and other equivalent commercial development) unless demonstrated to be inappropriate. The incorporation of SuDS should be integral to the design process and be integrated with green infrastructure. Where SuDS are provided, arrangements must be put in place for their whole life management and maintenance.</p> <p>10. Through partnership working the Council will work to achieve the goals of the Stockton-on-Tees Local Flood Risk Management Strategy and the Northumbria Catchment Flood Management Plan. This will include the implementation of schemes to reduce the risk of flooding to existing properties and infrastructure. Proposals which seek to mitigate flooding, create natural flood plains or seek to enhance and/or expand flood plains in appropriate locations will be permitted.</p> <p>11. To reduce the risk of flooding the Council is working in partnership with the Environment Agency to deliver a Flood Alleviation Scheme on Lustrum Beck.</p>	<ul style="list-style-type: none"> • the solar PV modules will be 800mm above the ground, placing them above the 1.0% pluvial flood level used to approximate the fluvial flood level. <p>It is concluded that the Proposed Development will be safe for its lifetime and will not impact flood risk on site or off site. The infrastructure is positioned such as not to impede flow routes and will have a negligible impact on floodplain storage.</p> <p>The overarching principle of the drainage strategy for the Proposed Development is to provide SuDS at source, ensuring that surface water run-off is managed as per existing site conditions. Formal SuDS features including engineered pipe runs, manholes and storage features are not proposed due to the nature of the development and the perceived minimal impact on surface water runoff. The proposed drainage scheme therefore comprises of grassland/wildflower mix under the solar PV panels; an apron of clean crushed stone for BESS and other supporting infrastructure; and permeable aggregate over geotextile membrane for access tracks, requiring no drainage.</p> <p>Resilience to impacts from climate change has been assessed within ES Appendix 5.2 Climate Change Resilience (CCR) Assessment (Document Reference 6.4.5.2), with risk reduced through mitigation, design, and an extreme weather working policy. It concludes there would be no significant effects. Furthermore, rainfall patterns due to climate change are taken into consideration in ES Appendix 10.1 Flood Risk Assessment and Drainage Strategy (Document Reference 6.4.10.1).</p> <p>As set out in ES Chapter 10 Hydrology and Flood Risk (Document Reference 6.2.10), engagement with the Environment Agency and the Lead Local Flood Authority (LLFA) has been undertaken at pre-application stage regarding the hydrology assessment and drainage strategy. The detailed design and implementation of the drainage strategy would be secured via requirement 3 of the draft DCO (Document Reference 3.1), with approval from the relevant planning authority.</p>
<p>Stockton-on-Tees Borough Council Local Plan (adopted 2019)</p>	<p>Policy ENV5 Preserve, Protect and Enhance Ecological Networks, Biodiversity and Geodiversity</p>	<p>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.</p>	<p>ES Chapter 6 Biodiversity (Document Reference 6.2.6) provides an assessment of effects on internationally, nationally, and locally designated sites of ecological or geological conservation importance (including those outside England), on protected species and on habitats and other species identified as being of principal importance for the conservation of biodiversity, including irreplaceable habitats.</p>

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		<p>2. The Council will preserve, restore and re-create priority habitats alongside the protection and recovery of priority species.</p> <p>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.</p> <p>4. Sites designated for nature or geological conservation will be protected and, where appropriate enhanced, taking into account the following hierarchy and considerations:</p> <ul style="list-style-type: none"> a. Internationally designated sites – Development that is not directly connected with or necessary to the management of the site, but which is likely to have a significant effect on any internationally designated site, irrespective of its location and when considered both alone and in combination with other plans and projects, will be subject to an Appropriate Assessment. Development requiring Appropriate Assessment will only be allowed where: <ul style="list-style-type: none"> i. It can be determined through Appropriate Assessment, taking into account mitigation, the proposal would not result in adverse effects on the site’s integrity, either alone or in combination with other plans or projects; or ii. as a last resort, where, in light of negative Appropriate Assessment there are no alternatives and the development is of overriding public interest, appropriate compensatory measures must be secured. b. Nationally designated sites - Development that is likely to have an adverse effect on a site, including broader impacts on the national network of Sites of Special Scientific Interest (SSSI) and combined effects with other development, will not normally be allowed. Where an adverse effect on the site’s notified interest features is likely, a development will only be allowed where: <ul style="list-style-type: none"> i. the benefits of the development, at this site, clearly outweigh both any adverse impact on the sites notified interest features, and any broader impacts on the national network of SSSI’s; ii. no reasonable alternatives are available; and iii. mitigation, or where necessary compensation, is provided for the impact. c. Locally designated sites: Development that would have an adverse effect on a site(s) will not be permitted unless the benefits of the development clearly outweigh the harm to the conservation interest of the site and no reasonable alternatives are available. All options should be explored for retaining the most valuable parts of the sites interest as part of the development proposal with particular consideration given to conserving irreplaceable features or habitats, and those that cannot readily be recreated within a reasonably short timescale, for example ancient woodland and geological formations. Where development on a site is approved, mitigation or where necessary, compensatory measures, will be required in order to make development acceptable in planning terms. <p>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</p>	<p>A principle of the Applicant in developing the design of the Proposed Development has been to seek to avoid significant harm to the environment including biodiversity and geological conservation. ES Chapter 3 Alternatives and Design Iteration (Document Reference 6.2.3) sets out how environmental designations and constraints were considered as part of the site selection process.</p> <p>There are four internationally designated sites within 10 km of the Order Limits. These are:</p> <ul style="list-style-type: none"> • Teesmouth and Cleveland Coast Special Protection Area (SPA); • Teesmouth and Cleveland Coast Ramsar; • Teesmouth and Cleveland Coast proposed Ramsar; and • Thrislington Special Area of Conservation (SAC) <p>Taking into account ES Appendix 6.5 Habitats Regulations Assessment No Significant Effects Report (Document Reference 6.4.6.5), ES Chapter 6 Biodiversity (Document Reference 6.2.6) concludes that any effects on the four SSSI sites as a result of the Proposed Development would be negligible and therefore not significant.</p> <p>There are two Local Nature Reserves (LNR) within 2km of the Order Limits; Hardwick Dene and Elm Tree Woods LNR and Stillington Forest Park LNR. There are two Local Wildlife Sites (LWS) within 1 km of the Order Limits, Carr House Pond LWS and Wynyard Woodland Park Stockton LWS. ES Chapter 6 Biodiversity (Document Reference 6.2.6) concludes that there would be no significant effects on the LNRs or LWS as a result of the Proposed Development.</p> <p>As confirmed in ES Appendix 7.7 Arboricultural Impact Assessment (Document Reference 6.4.7.7), there is no ancient woodland with potential to be affected by the Proposed Development. Where veteran trees have been identified, a buffer of 15 times the stem diameter has been established as a construction exclusion zone around them. No veteran trees will be removed or encroached upon to facilitate the Proposed Development.</p> <p>ES Chapter 6 Biodiversity (Document Reference 6.2.6) and ES Chapter 2 The Proposed Development (Document Reference 6.2.2) identifies a range of enhancement measures that would be delivered through the Proposed Development, contributing to the delivery of substantial biodiversity net gain. This includes:</p> <ul style="list-style-type: none"> • habitat creation and management; • new and improved native-species-rich hedgerows and hedgerow trees; • reduced cutting along existing hedgerows to benefit nesting birds and invertebrates; • enhancement of field margins; and • sowing of land under and between Panel Areas with a legume rich mix or flower rich grassland mix. <p>In total the Proposed Development would provide an anticipated 88% net gain in habitat biodiversity units and 108% net gain in hedgerow biodiversity units.</p>

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		<p>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.</p> <p>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.</p> <p>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.</p>	<p>The ongoing maintenance of proposed planting and habitat creation is detailed in ES Appendix 2.14 Outline LEMP (Document Reference 6.4.2.14) and secured via requirement of the draft DCO (Document Reference 3.1).</p>
<p>Stockton-on-Tees Borough Council Local Plan (adopted 2019)</p>	<p>Policy ENV6 Green Infrastructure, Open Space, Green Wedges and Agricultural Land</p>	<ol style="list-style-type: none"> 1. Through partnership working, the Council will protect and support the enhancement, creation and management of all green infrastructure to improve its quality, value, multi-functionality and accessibility in accordance with the Stockton-on-Tees Green Infrastructure Strategy and Delivery Plan. 2. Where appropriate, development proposals will be required to make contributions towards green infrastructure having regard to standards and guidance provided within the Open Space, Recreation and Landscaping SPD or any successor. Green infrastructure should be integrated, where practicable, into new developments. This includes new hard and soft landscaping, and other types of green infrastructure. Proposals should illustrate how the proposed development will be satisfactorily integrated into the surrounding area in a manner appropriate to the surrounding townscape and landscape setting and enhances the wider green infrastructure network. 3. The Council will protect and enhance open space throughout the Borough to meet community needs and enable healthy lifestyles. The loss of open space as shown on the Policies Map, and any amenity open space, will not be supported unless: <ol style="list-style-type: none"> a. it has been demonstrated to be surplus to requirements; or b. the loss would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or c. the proposal is for another sports or recreational provision, the needs for which, clearly outweigh the loss; or d. the proposal is ancillary to the use of the open space; and e. in all cases there would be no significant harm to the character and appearance of the area or nature conservation interests. 4. Development within green wedges will only be supported where: <ol style="list-style-type: none"> a. it would not result in physical or visual coalescence of built-up areas; b. it would not adversely impact on local character or the separate identity of communities; c. it would not adversely impact on recreational opportunities; and d. it would not adversely impact on biodiversity. 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 	<p>The Proposed Development is not situated on open space, sports or recreational buildings or land.</p> <p>In total the Proposed Development would provide an anticipated 88% net gain in habitat biodiversity units and 108% net gain in hedgerow biodiversity units. The Proposed Development would also provide enhanced access to the countryside through approximately 3600m of new permissive paths and provision of a community orchard and sensory garden. The ongoing maintenance of proposed planting and habitat creation is detailed in ES Appendix 2.14 Outline LEMP (Document Reference 6.4.2.14) and secured via requirement of the draft DCO (Document Reference 3.1).</p> <p>ES Appendix 9.1 Agricultural Land Classifications and Soil Resources (Document Reference 6.4.9.1) identifies that only 6.1% of land within the Order Limits is best and most versatile land (BMV).</p>

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		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.	
Stockton-on-Tees Borough Council Local Plan (adopted 2019)	Policy ENV7 Ground, Air, Water, Noise and Light Pollution	<p>1. All development proposals that may cause groundwater, surface water, air (including odour), noise or light pollution either individually or cumulatively will be required to incorporate measures as appropriate to prevent or reduce their pollution so as not to cause unacceptable impacts on the living conditions of all existing and potential future occupants of land and buildings, the character and appearance of the surrounding area and the environment.</p> <p>2. Development that may be sensitive to existing or potentially polluting sources will not be sited in proximity to such sources. Potentially polluting development will not be sited near to sensitive developments or areas unless satisfactory mitigation measures can be demonstrated.</p> <p>3. Where development has the potential to lead to significant pollution either individually or cumulatively, proposals should be accompanied by a full and detailed assessment of the likely impacts. Development will not be permitted when it is considered that unacceptable effects will be imposed on human health, or the environment, taking into account the cumulative effects of other proposed or existing sources of pollution in the vicinity. Development will only be approved where suitable mitigation can be achieved that would bring pollution within acceptable levels.</p> <p>4. Where future users or occupiers of a development would be affected by contamination or stability issues, or where contamination may present a risk to the water environment, proposals must demonstrate via site investigation/assessment that:</p> <ul style="list-style-type: none"> a. Any issues will be satisfactorily addressed by appropriate mitigation measures to ensure that the site is suitable for the proposed use, and does not result in unacceptable risks which would adversely impact upon human health and the environment; and b. Demonstrate that development will not cause the site or the surrounding environment to become contaminated and/or unstable. <p>5. Groundwater and surface water quality will be improved in line with the requirements of the European Water Framework Directive and its associated legislation and the Northumbria River Basin Management Plan. Development that would adversely affect the quality or quantity of surface or groundwater, flow of groundwater or ability to abstract water will not be permitted unless it can be demonstrated that no significant adverse impact would occur or mitigation can be put in place to minimise this impact within acceptable levels.</p> <p>6. To improve the quality of the water environment the Council will:</p> <ul style="list-style-type: none"> a. Support ecological improvements along riparian corridors including the retention and creation of river frontage habitats; b. Avoid net loss of sensitive inter-tidal or sub-tidal habitats and support the creation of new habitats; and 	<p>Consideration of different sources of potential pollution are assessed in the DCO application within the following documents:</p> <ul style="list-style-type: none"> • ES Chapter 10 Hydrology and Flood Risk (Document Reference 6.2.10) • ES Appendix 2.4 Construction Dust Assessment (Document Reference 6.4.2.4) • ES Appendix 2.1 Phase 1 Geoenvironmental and Geotechnical Desk Study (Document Reference 6.4.2.1) • ES Chapter 11 Noise and Vibration (Document Reference 6.2.11) • ES Appendix 2.5 Major Accidents and Disasters Assessment (Document Reference 6.4.2.5) <p>Management plans are included in the DCO application which secure the implementation of measures during construction, operation and decommissioning which would seek to avoid or reduce risks relating to pollution including:</p> <ul style="list-style-type: none"> • ES Appendix 2.6 Outline CEMP (Document Reference 6.4.2.6) • ES Appendix 2.7 Outline DEMP (Document Reference 6.4.2.7) • ES Appendix 2.8 Outline CTMP (Document Reference 6.4.2.8) • ES Appendix 2.9 Outline Pollution and Spillage Response Plan (Document Reference 6.4.2.9) • ES Appendix 2.13 Outline Battery Fire Safety Plan (Document Reference 6.4.2.13) <p>These plans are secured via requirements of the draft DCO (Document Reference 3.1).</p>

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		<p>c. Protect natural water bodies from modification, and support the improvement and naturalisation of heavily modified water bodies (including de-culverting and the removal of barriers to fish migration).</p>	
<p>Stockton-on-Tees Borough Council Local Plan (adopted 2019)</p>	<p>Policy HE2 Conserving and Enhancing Stockton's Heritage Assets</p>	<ol style="list-style-type: none"> 1. In order to promote and enhance local distinctiveness, the Council will support proposals which positively respond to and enhance 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. 4. The loss of a heritage asset, in whole or part, will not be permitted unless the Council are satisfied that reasonable steps to ensure new development will proceed after loss has occurred. 5. Where the significance of a heritage asset is lost (wholly or in part) the Council will require developers to record and advance the understanding of the significance of the heritage asset in a manner proportionate to the importance of the asset and impact of the proposal. Recording will be required before development commences. 6. The following are designated heritage assets: <ol style="list-style-type: none"> a. Scheduled Monuments - Castle Hill; St. Thomas a Becket's Church, Grindon; Barwick Medieval Village; Round Hill Castle Mound and Bailey; Larberry Pastures Settlement Site; Newsham Deserted Medieval Village; Stockton Market Cross and Yarm Bridge b. Registered Parks and Gardens - Ropner Park and Wynyard Park c. Conservation Areas - Billingham Green; Bute Street; Cowpen Bewley; Eaglescliffe with Preston; Eggescliffe, Hartburn; Norton; Stockton Town Centre; Thornaby Green; Wolviston and Yarm d. Listed Buildings 7. The Council has identified assets on a Local List, which are considered as having local heritage significance. 8. The route of the Stockton & Darlington Railway of 1825, the branch line to Yarm, and associated structures should be considered for their international interest. 9. Where the Council identifies a building, monument, ruin, site, place, area or landscape as having significance because of its heritage interest, it will be considered a heritage asset. 	<p>ES Chapter 8 Cultural Heritage and Archaeology (Document Reference 6.2.8) details the baseline conditions of the historic environment, potential impacts of the Proposed Development, and how heritage has been considered in the design, mitigation and enhancements measures proposed. Heritage assets in the vicinity of the Order Limits include Bishopton Conservation Village, a number of listed buildings, Bishopton Landing Ground (a World War One airfield), areas of known archaeological remains, and a motte and bailey castle. The chapter includes consideration of above ground impacts, such as the setting of heritage assets and Historic Landscape Character, and below ground impacts such as direct impacts to archaeological deposits. The significance of heritage assets is outlined in ES Chapter 8 Cultural Heritage and Archaeology (Document Reference 6.2.8). The heritage assets assessed have either medium or low heritage significance. The assessment concludes that there would be no significant effects to designated heritage assets as a result of the Proposed Development.</p> <p>Mitigation for as yet unknown archaeological remains is outlined in ES Chapter 8 Cultural Heritage and Archaeology (Document Reference 6.2.8). This includes mitigation through design, removing potential for below ground impacts by using localised pad foundations in areas identified through further site investigation work as having archaeological assets. These measures, and the use of preservation by record via a watching brief, are secured via ES Appendix 8.5: Archaeological Management Strategy (Document Reference 6.4.8.5) and requirement 18 of the draft DCO. Opportunities for enhancement of heritage assets are outlined in ES Chapter 8 Cultural Heritage and Archaeology (Document Reference 6.2.8). The Proposed Development offers the opportunity for heritage benefits to the local community of Bishopton through the enhancement of knowledge, understanding and engagement with the First World War airfield which is located within the Order Limits. The specific measures should be formulated in consultation with the local community and interested local stakeholders along with representatives from the LPA(s).</p>

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		<p>10. Non-designated heritage assets of archaeological interest that are demonstrably of equivalent significance to scheduled monuments, should be considered subject to policies for designated heritage assets.</p> <p>11. Where archaeological remains survive, whether designated or not, there will be a presumption in favour of their preservation in-situ. The more significant the remains, the greater the presumption will be in favour of this. The necessity for preservation in-situ will result from desk-based assessment and, where necessary, field evaluation. Where in-situ preservation is not essential or feasible, a programme of archaeological works aimed at achieving preservation by record will be required.</p> <p>12. Any reports prepared as part of a development scheme will be submitted for inclusion on the Historic Environment Record.</p>	
<p>Stockton-on-Tees Borough Council Sustainable Design Guide SPD (2011)</p>	<p>Section 4.3 Connectivity</p>	<p>4.3.1 Any development should be integrated with the surrounding network of carriageways, bridleways, footways and cycleways. Consideration should also be given to potential use of river taxis for riverside developments.</p> <p>4.3.2 The design of the development should ensure maximum connectivity with the surrounding areas and consideration should be given to how residents will move through a site to gain access to neighbouring facilities. Desire lines should be established and used to assist in the formation of a network of highways and access points, which should offer a choice of routes to all destinations.</p>	<p>It is proposed that a total of ~3600m of permissive paths will be implemented during the construction stage of the Proposed Development. It is the intention of the Applicant to retain access during the operational stage wherever safe and practicable to do so. The Outline PRow Management Plan (Document Reference 6.4.2.15) includes the overall approach to managing interactions between the Proposed Development and Public Rights of Way impacted by the Proposed Development. As set out in the Outline PRow Management Plan (Document Reference 6.4.2.15), details and specifications of access features/means of enclosure and signage would be agreed between the Applicant and Darlington Borough Council prior to implementation.</p>
<p>Stockton-on-Tees Borough Council Sustainable Design Guide SPD (2011)</p>	<p>Section 4.11 Green Infrastructure</p>	<p>4.11.2 Green infrastructure planning should be a key consideration in the design of new developments; helping to maintain and enhance existing assets and creating new multifunctional green infrastructure to deliver multiple benefits. Importantly green infrastructure should be planned as a network of spaces and assets, with new developments helping to maintain or enhance connectivity and enhancing the functionality of the wider network.</p> <p>Soft Landscaping</p> <p>4.11.14 Developers should recognise the value of trees in the landscape and carefully consider the integration of both existing trees and new trees at the early stages in the planning and design of a new development project and before the drafting of building layout proposals.</p> <p>4.11.15 Larger mature trees often provide the greatest benefits to a development and favouring the inclusion of any high value existing trees within the layout design will usually improve the quality and sustainability of new development. However, this also requires careful consideration of the location, dimensions and orientation of buildings and associated structures to ensure good compatibility and overall satisfactory design.</p> <p>4.11.16 Existing native hedges and associated features, for example ditches, should also be retained, wherever possible, and the hedge line supplemented with additional native planting especially where they are part of the character of the area. Native hedge planting should also be used to integrate development into rural areas and on urban fringe schemes. Some hedgerows may have formal protection under the Hedgerow Regulations 1997 and there is a presumption against their removal, which may require permission from the Local Planning Authority.</p>	<p>The landscape design of the Proposed Development has sought to avoid and mitigate effects of the scheme and where feasible provide enhancement, including to existing green infrastructure networks.</p> <p>ES Chapter 6 Biodiversity (Document Reference 6.2.6) and ES Chapter 2 The Proposed Development (Document Reference 6.2.2) identifies a range of enhancement measures that would be delivered through the Proposed Development, contributing to the delivery of substantial biodiversity net gain. This includes:</p> <ul style="list-style-type: none"> • habitat creation and management; • new and improved native-species-rich hedgerows and hedgerow trees; • reduced cutting along existing hedgerows to benefit nesting birds and invertebrates; • enhancement of field margins; and • sowing of land under and between Panel Areas with a legume rich mix or flower rich grassland mix. <p>As confirmed in ES Appendix 7.7 Arboricultural Impact Assessment (Document Reference 6.4.7.7), there is no ancient woodland with potential to be affected by the Proposed Development. Where veteran trees have been identified, a buffer of 15 times the stem diameter has been established as a construction exclusion zone around them. No veteran trees will be removed or encroached upon to facilitate the Proposed Development.</p> <p>In total the Proposed Development would provide an anticipated 88% net gain in habitat biodiversity units and 108% net gain in hedgerow biodiversity units.</p>

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		<p>4.11.17 The site appraisal, on which the soft landscape proposals should be based, must include all existing vegetation within the site and within a minimum of 10m beyond the red line application boundary, whether the vegetation is to be retained or removed. This includes areas of grass, trees and woodlands and all water features, such as streams and ponds. For planting schemes, the developer should submit an appropriate landscape design, which illustrates all existing vegetation, including any to be removed, and appropriate and sustainable additional soft landscape treatment. The design should demonstrate that the existing vegetation and proposed trees and shrubs would have sufficient space to grow and that any new planting, notably trees, would not cause any future problems relating to surrounding buildings, hard surfaces, traffic sight lines, services and/or members of the public. When submitting site appraisals and considering landscape design, developers should also consider any ecological surveys and potential biodiversity benefits.</p> <p>Points to Consider</p> <p>4.11.18 It is particularly important to place the development proposal in context when presenting landscape proposals so that the existing and future impact of plant growth can be fully considered.</p> <p>4.11.21 Where trees in particular forest species e.g. Oak (<i>Quercus robur</i>) and Ash (<i>Fraxinus excelsior</i>), are located or proposed in close proximity to the proposed development then building foundations shall be constructed to facilitate retention of these species whilst conforming to the building control regulations or other guarantees, for example National House Builders Council.</p> <p>4.11.22 Applicants should ensure that any development plans illustrating existing trees and proposed tree planting shall also be submitted as part of the Building Regulation process to ensure that building control is fully informed of the development proposals.</p> <p>4.11.23 Applicants should ensure that their development plans for private and Statutory Utility Services do not adversely impact on existing trees indicated for retention or prevent the planting of any trees proposed as an integral part of the development.</p> <p>4.11.24 The Borough's Landscape Character Assessment provides a useful tool to help inform landscape conservation, management and enhancement measures in rural and urban fringe locations</p>	<p>The Proposed Development would also provide enhanced access to the countryside through approximately 3600m of new permissive paths and provision of a community orchard and sensory garden.</p>
<p>Stockton-on-Tees Borough Council Sustainable Design Guide SPD (2011)</p>	<p>Section 4.11 Green Infrastructure</p>	<p>Ecology</p> <p>4.11.27 Developers are encouraged to create new habitats for wildlife within their schemes. Benefits for biodiversity can be incorporated into features that have other uses within a development. For example, green/brown roofs can be part of a SuDS scheme and can also provide insulation, as well as important wildlife habitats. SuDS schemes, in the form of ponds, swales etc., should also be used to create new wildlife habitats and increase biodiversity. If such schemes are to be provided in adoptable areas then early discussions are recommended. The Tees Valley Design Guide and Specification outlines the current requirements for the introduction of such schemes.</p> <p>4.11.28 New green spaces can be connected to the local green infrastructure network through the creation of new habitats, such as ponds, and the planting of suitable native trees, shrubs and wildflowers.</p> <p>4.11.29 An ecological assessment should be carried out on any development site in order to identify the flora and fauna, the existing habitats and the presence of any protected species.</p>	<p>ES Chapter 6 Biodiversity (Document Reference 6.2.6) sets out the surveys and site appraisal work that have been undertaken to identify species and habitats within the study area of the Proposed Development. This includes woodland and watercourse habitat, non-breeding (wintering) birds, breeding birds, bats and badgers. Taking into account mitigation measures, ES Chapter 6 Biodiversity (Document Reference 6.2.6) concludes that there would be no significant effects to any habitats or species identified in the assessment during the construction operation or decommissioning of the Proposed Development.</p> <p>In total the Proposed Development would provide an anticipated 88% net gain in habitat biodiversity units and 108% net gain in hedgerow biodiversity units. The ongoing maintenance of proposed planting and habitat creation is detailed in ES Appendix 2.14 Outline LEMP (Document Reference 6.4.2.14) and secured via requirement of the draft DCO (Document Reference 3.1).</p>

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		<p>Developers should seek to retain and enhance existing habitats and natural features on the site. Any ecological survey should be reflected in the landscape proposals and advice on the content of wildlife surveys can be sought from the Tees Valley Wildlife Trust.</p> <p>4.11.30 Removal of any vegetation should comply with the Wildlife and Countryside Act 1981. Where notifiable or other invasive weeds, such as Giant Hogweed or Japanese Knotweed, are present on site, measures for their control, in line with the Wildlife and Countryside Act 1981, will also be required to be demonstrated.</p>	<p>Requirements for additional licenses or consents pursuant to separate legislation is set out in Other Consents and Licenses (Document Reference 7.3).</p>
<p>Stockton-on-Tees Borough Council Sustainable Design Guide SPD (2011)</p>	<p>Section 5.5 Water Efficiency and Sustainable Drainage</p>	<p>Sustainable Drainage Systems</p> <p>5.5.1 Sustainable Drainage Systems (SuDS) are methods of managing surface water drainage and utilise a combination of techniques to slow down the flow of surface water, hold excess water and/or increase the infiltration rate of surface water. SuDS can be a combination of a variety of approaches and measures and can deliver additional benefits for landscape, biodiversity and amenity. Details of some of the various SuDS techniques can be found in Appendix 2.</p> <p>5.5.2 The suitability of the various SuDS components for each development will depend upon factors such as the development proposal and local ground characteristics, and new approaches may come forward as technology and experience improves. It is important that developers properly establish the soil, geological and hydrological conditions of each locality, as well as investigating possible contamination and the presence of underground utilities, prior to proposing a particular SuDS method.</p> <p>5.5.3 The Council will encourage the prioritisation of measures such as water butts and permeable paving, that reduce surface water run off as near to the source as possible, especially in smaller developments. In large schemes, the Council would support a holistic approach to surface water drainage where the features contribute to the green infrastructure network and provide multiple benefits in terms of open space, habitat creation and recreation; though small scale measures should still be utilised.</p> <p>5.5.4 The Flood and Water Management Act requires developers to seek approval for all surface water drainage associated with new developments and there is no longer an automatic right to make a new connection to a surface water sewer. Developers will be required to incorporate SuDS into their proposals and will have to demonstrate that these schemes will meet a set of national standards on the construction and operation of SuDS.</p> <p>5.5.5 Developers will need to seek approval for surface water drainage through the Council or a SuDS Approving Body, as applicable, and this approval will form the basis for adoption of the scheme by the Council. Developers are, therefore, advised to enter into discussions with all relevant stakeholders, which include the Local Authority, the Highway Authority and Sewerage Undertakers, at an early stage during the planning process. Where an application does not propose to incorporate sustainable methods of surface water drainage, sufficient information should be submitted to justify the decision.</p> <p>5.5.6 The principles set out in the Flood and Water Management Act, 2010, regarding sustainable drainage systems are endorsed by the Council, as secondary legislation is awaited. In anticipation of this secondary legislation, all new development sites should be subject to an assessment of drainage capability and potential flood risk. This is to include the risk of flooding from surface water, sewer incapacity, main rivers and ordinary watercourses. The development must not contribute to or cause any surface water or</p>	<p>ES Appendix 10.1 Flood Risk Assessment and Drainage Strategy (Document Reference 6.4.10.1) is provided with the DCO application and identifies how critical infrastructure has been sited and designed to avoid flood risk impacts. This includes:</p> <ul style="list-style-type: none"> • no critical infrastructure has been placed inside of the fluvial or pluvial higher risk flood zones • access tracks are at grade • the crossing proposed over the Bishopton Beck will utilise an existing bridge crossing • the solar PV modules will be 800mm above the ground, placing them above the 1.0% pluvial flood level used to approximate the fluvial flood level. <p>The overarching principle of the drainage strategy for the Proposed Development is to provide SuDS at source, ensuring that surface water run-off is managed as per existing site conditions. Formal SuDS features including engineered pipe runs, manholes and storage features are not proposed due to the nature of the development and the perceived minimal impact on surface water runoff. The proposed drainage scheme therefore comprises of grassland/wildflower mix under the solar PV panels; an apron of clean crushed stone for BESS and other supporting infrastructure; and permeable aggregate over geotextile membrane for access tracks, requiring no drainage.</p> <p>It is concluded that the Proposed Development will be safe for its lifetime and will not impact flood risk on site or off site. The infrastructure is positioned such as not to impede flow routes and will have a negligible impact on floodplain storage.</p> <p>Requirements for additional licenses or consents pursuant to separate legislation is set out in Other Consents and Licenses (Document Reference 7.3).</p>

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		<p>sewer flooding on adjacent land. If there are any drainage capacity issues in the vicinity of the site, the development will require a sustainable drainage solution.</p> <p>5.5.7 Where appropriate, the Council will seek to make use of planning conditions and Section 106 agreements to secure the implementation and maintenance of a SuDS scheme.</p>	
Stockton-on-Tees Borough Council Sustainable Design Guide SPD (2011)	3.2 Development setting	It is important that a development responds to its setting and fully integrates with its surroundings. In order to understand the context of the site, a full site appraisal should be carried out prior to designing the development. This can be included within the Design and Access Statement, which must be submitted with planning applications for residential and commercial development. The site appraisal should aim to devise a sympathetic design that takes into account the context of the development.	The Design Approach Document (Document Reference 7.2) sets out how the design of the Proposed Development has taken into account local characteristics and distinctiveness.
Stockton-on-Tees Borough Council Sustainable Design Guide SPD (2011)	4.3 Connectivity	Any development should be integrated with the surrounding network of carriageways, bridleways, footways and cycleways. The design of the development should ensure maximum connectivity with the surrounding areas and consideration should be given to how residents will move through a site to gain access to neighbouring facilities. Desire lines should be established and used to assist in the formation of a network of highways and access points, which should offer a choice of routes to all destinations.	The impact, mitigation and enhancement of the Public Rights of Way network affected by the Proposed Development is considered in ES Chapter 9 Land use and Socioeconomics (Document Reference 6.2.9). There would be a minor effect during construction and decommissioning. The Applicant has proposed an additional ~3600m of permissive paths in order to create an enhanced and better-connected network in the local area.
Stockton-on-Tees Borough Council Sustainable Design Guide SPD (2011)	5.5 Water Efficiency and Sustainable Drainage	<p>The suitability of the various SuDS components for each development will depend upon factors such as the development proposal and local ground characteristics, and new approaches may come forward as technology and experience improves. It is important that developers properly establish the soil, geological and hydrological conditions of each locality, as well as investigating possible contamination and the presence of underground utilities, prior to proposing a particular SuDS method.</p> <p>The Council will encourage the prioritisation of measures such as water butts and permeable paving, that reduce surface water run off as near to the source as possible, especially in smaller developments. In large schemes, the Council would support a holistic approach to surface water drainage where the features contribute to the green infrastructure network and provide multiple benefits in terms of open space, habitat creation and recreation; though small scale measures should still be utilised.</p>	<p>ES Appendix 10.1 Flood Risk Assessment and Drainage Strategy (Document Reference 6.4.10.1) is provided with the DCO application and identifies how critical infrastructure has been sited and designed to avoid flood risk impacts.</p> <p>The overarching principle of the drainage strategy for the Proposed Development is to provide SuDS at source, ensuring that surface water run-off is managed as per existing site conditions. Formal SuDS features including engineered pipe runs, manholes and storage features are not proposed due to the nature of the development and the perceived minimal impact on surface water runoff. The proposed drainage scheme therefore comprises of grassland/wildflower mix under the solar PV panels; an apron of clean crushed stone for BESS and other supporting infrastructure; and permeable aggregate over geotextile membrane for access tracks, requiring no drainage.</p>
Durham County Council			
County Durham Plan (adopted 2020)	Policy 10 Development in the Countryside	<p>Development in the countryside will not be permitted unless allowed for by specific policies in the Plan <i>[including policy 33, listed further in this table]</i>, relevant policies within an adopted neighbourhood plan relating to the application site or where the proposal relates to one or more of the following exceptions:</p> <p>Infrastructure Development</p> <p>Development necessary to support:</p> <ul style="list-style-type: none"> e. essential infrastructure where the need can be demonstrated for that location; f. the provision of new, or the enhancement of, existing community facilities; or g. development of a new, or the enhancement of, an existing countryside based recreation or leisure activity which will improve access to the countryside for all in terms of walking, cycling, horse riding and sailing without giving rise to adverse environmental impacts. <p>General Design Principles for all Development in the Countryside</p>	<p>1) Need for infrastructure development</p> <p>The Proposed Development would respond to national and local priorities relating to net zero emissions targets and the need to address climate change by generating 180MW of electricity, enough to power the equivalent of 70,000 homes. The need for the Proposed Development is established through the publication of the Energy NPS', including NPS EN-3 Renewable Energy. Whilst it is recognised that the current NPS (2011) does not make explicit reference to solar PV development, NPS EN-3 (2024) establishes the Critical National Priority (CNP) for nationally significant low carbon infrastructure, in the context of wider legal and policy commitments by the UK Government. The clearly established need for the Proposed Development is summarised in Chapter 3 of the Planning Statement (Document Reference 7.1).</p> <p>ES Chapter 3 Alternatives and Design Iteration (Document Reference 6.2.3) provides an account of how the siting and design of the Proposed Development</p>

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		<p>New development in the countryside must accord with all other relevant development plan policies and by virtue of their siting, scale, design and operation must not:</p> <ul style="list-style-type: none"> l. give rise to unacceptable harm to the heritage, biodiversity, geodiversity, intrinsic character, beauty or tranquillity of the countryside either individually or cumulatively, which cannot be adequately mitigated or compensated for; m. result in the merging or coalescence of neighbouring settlements; n. contribute to ribbon development; o. impact adversely upon the setting, townscape qualities, including important vistas, or form of a settlement which cannot be adequately mitigated or compensated for; p. be solely reliant upon, or in the case of an existing use, significantly intensify accessibility by unsustainable modes of transport. New development in countryside locations that is not well served by public transport must exploit any opportunities to make a location more sustainable including improving the scope for access on foot, by cycle or by public transport; q. be prejudicial to highway, water or railway safety; and r. impact adversely upon residential or general amenity. <p>New development in the countryside must also:</p> <ul style="list-style-type: none"> s. minimise vulnerability and provide resilience to impacts arising from climate change, including but not limited to, flooding; and t. where applicable, maximise the effective use of previously developed (brownfield) land providing it is not of high environmental value. 	<p>has been developed, taking into account a range of considerations including technical and financial viability.</p> <p>2) General Design Principles for all Development in the Countryside</p> <p>ES Chapter 14 Summary (Document Reference 6.2.14) provides an account of the overall significant effects of the Proposed Development.</p> <p>The Proposed Development would not:</p> <ul style="list-style-type: none"> • result in the merging or coalescence of neighbouring settlements; • contribute to ribbon development; • impact adversely upon the setting, townscape qualities, including important vistas, or form of a settlement which cannot be adequately mitigated or compensated for; • be solely reliant upon, or in the case of an existing use, significantly intensify accessibility by unsustainable modes of transport. New development in countryside locations that is not well served by public transport must exploit any opportunities to make a location more sustainable including improving the scope for access on foot, by cycle or by public transport; • be prejudicial to highway, water or railway safety; and r. impact adversely upon residential or general amenity. <p>The Proposed development would minimise vulnerability and provide resilience to impacts arising from climate change. ES Chapter 5 Climate Change (Document Reference 6.2.5) concludes that there would be no significant adverse effects arising from the Proposed Development, with a significant beneficial effect arising from the production of low carbon energy during operation.</p>
<p>County Durham Plan (adopted 2020)</p>	<p>Policy 14 Best and Most Versatile Agricultural Land and Soil Resources</p>	<p>Agricultural Land</p> <p>Development of the best and most versatile agricultural land, will be permitted where it is demonstrated that the benefits of the development outweigh the harm, taking into account economic and other benefits. Where mineral working is proposed on best and most versatile agricultural land, proposals should seek where practicable to minimise its loss and retain its longer term capability unless the benefits of alternative restoration strategies outweigh its loss.</p> <p>Soil</p> <p>All development proposals relating to previously undeveloped land must demonstrate that soil resources will be managed and conserved in a viable condition and used sustainably in line with accepted best practice.</p>	<p>ES Appendix 9.1 Agricultural Land Classifications and Soil Resources (Document Reference 6.4.9.1) identifies that only 6.1% of land within the Order Limits if best and most versatile land (BMV). ES Chapter 3 Alternatives and Design Iteration (Document Reference 6.2.3) provides an account of the alternatives that have been studied by the Applicant in developing the siting and design of the Proposed Development.</p> <p>The impact on soil is outlined in ES Chapter 9 Land use and Socioeconomics (Document Reference 6.2.9). There is predicted to be a moderate adverse effect on soil resources during construction, with moderate beneficial effect on soil resources at decommissioning due to improved soil health. The management of soil resources is outlined in ES Appendix 12 Outline Soil Resources Management Plan (Document Reference 6.4.2.12).</p>
<p>County Durham Plan (adopted 2020)</p>	<p>Policy 21 Delivering Sustainable Transport</p>	<p>The transport implications of development must be addressed as part of any planning application, where relevant this could include through Transport Assessments, Transport Statements and Travel Plans. All development shall deliver sustainable transport by:</p> <ul style="list-style-type: none"> a. delivering, accommodating and facilitating investment in safe sustainable modes of transport in the following order of priority: those with mobility issues or disabilities, walking, cycling, bus and rail transport, car sharing and alternative fuel vehicles; 	<p>ES Chapter 12 Traffic and Transport (Document Reference 6.2.12) assesses the effects of the Proposed Development and identifies no significant effects arising during all phases of the development in relation to the highway network. ES Appendix 12.1 Transport Statement (Document Reference 6.4.12.1) considers the suitability of the access arrangements during the construction and operational phases of the development, outlining the expected traffic movements from the proposed development and measures that will be put in</p>

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		<p>b. providing appropriate, well designed, permeable and direct routes for walking, cycling and bus access, so that new developments clearly link to existing services and facilities together with existing routes for the convenience of all users;</p> <p>c. ensuring that any vehicular traffic generated by new development, following the implementation of sustainable transport measures, can be safely accommodated on the local and strategic highway network and does not cause an unacceptable increase in congestion or air pollution and that severe congestion can be overcome by appropriate transport improvements;</p> <p>d. ensuring the creation of new or improvements to existing routes and facilities do not cause unacceptable harm to the natural, built or historic environment.</p>	<p>place to manage any potential transport impacts. It identifies that staff trips will be mainly made by minibuses, while deliveries of construction materials and plant will mainly be made by HGVs.</p> <p>ES Appendix 2.8 Outline CTMP (Document Reference 6.4.2.8) identifies measures which would be implemented during construction in order to limit any potential disruptions and implications on the transport network and local community. It is secured via requirement of the draft DCO (Document Reference 3.1)</p>
<p>County Durham Plan (adopted 2020)</p>	<p>Policy 26 Green Infrastructure</p>	<p>Development will be expected to maintain and protect, and where appropriate improve, the county's green infrastructure network. This will in turn help to protect and enhance the county's natural capital and ecosystem services. Development proposals should incorporate appropriate Green Infrastructure (GI) that is integrated into the wider network, which maintains and improves biodiversity, landscape character, increases opportunities for healthy living and contributes to healthy ecosystems and climate change objectives.</p> <p>Loss of provision</p> <p>Development proposals will not be permitted that would result in the loss of open space or harm to green infrastructure assets unless the benefits of the development clearly outweigh that loss or harm and an assessment has been undertaken which has clearly shown the open space or land to be surplus to requirements. Where valued open spaces or assets are affected, proposals must incorporate suitable mitigation and make appropriate provision of equivalent or greater value in a suitable location. Where appropriate there will be engagement with the local community.</p> <p>New provision</p> <p>Development proposals should provide for new green infrastructure both within and, where appropriate, off-site, having regard to priorities identified in the Strategic GI Framework. Proposals should take opportunities to contribute to existing green infrastructure projects in the locality including those identified in the Infrastructure Delivery Plan.</p> <p>New Green Infrastructure will be required to be appropriate to its context and of robust and practical design, with provision for its long term management and maintenance secured. The council expects the delivery of new green space to make a contribution towards achieving the net gains in biodiversity and coherent ecological networks as required by the National Planning Policy Framework (NPPF).</p> <p>Proposals for new residential development will be required to make provision for open space to meet the needs of future residents having regard to the standards of open space provision set out in the Open Space Needs Assessment (OSNA). Where it is determined that on-site provision is not appropriate, the council will require financial contributions secured through planning obligations towards the provision of new open space, or the improvement of existing open space elsewhere in the locality.</p> <p>Public Rights of Way</p>	<p>The Proposed Development is not situated on open space, sports or recreational buildings or land.</p> <p>The landscape design of the Proposed Development has sought to avoid and mitigate effects of the scheme and where feasible provide enhancement, including to existing green infrastructure networks.</p> <p>ES Chapter 6 Biodiversity (Document Reference 6.2.6) and ES Chapter 2 The Proposed Development (Document Reference 6.2.2) identifies a range of enhancement measures that would be delivered through the Proposed Development, contributing to the delivery of substantial biodiversity net gain. This includes:</p> <ul style="list-style-type: none"> • habitat creation and management; • new and improved native-species-rich hedgerows and hedgerow trees; • reduced cutting along existing hedgerows to benefit nesting birds and invertebrates; • enhancement of field margins; and • sowing of land under and between Panel Areas with a legume rich mix or flower rich grassland mix. <p>As confirmed in ES Appendix 7.7 Arboricultural Impact Assessment (Document Reference 6.4.7.7), there is no ancient woodland with potential to be affected by the Proposed Development. Where veteran trees have been identified, a buffer of 15 times the stem diameter has been established as a construction exclusion zone around them. No veteran trees will be removed or encroached upon to facilitate the Proposed Development.</p> <p>In total the Proposed Development would provide an anticipated 88% net gain in habitat biodiversity units and 108% net gain in hedgerow biodiversity units. The Proposed Development would also provide enhanced access to the countryside through approximately 3600m of new permissive paths and provision of a community orchard and sensory garden.</p>

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		<p>Development will be expected to maintain or improve the permeability of the built environment and access to the countryside for pedestrians, cyclists and horse riders. Proposals that would result in the loss of, or deterioration in the quality of, existing Public Rights of Way (PROWs) will not be permitted unless equivalent alternative provision of a suitable standard is made. Where diversions are required, new routes should be direct, convenient and attractive, and must not have a detrimental impact on environmental or heritage assets.</p>	
<p>County Durham Plan (adopted 2020)</p>	<p>Policy 29 Sustainable Design</p>	<p>Landscape proposals should:</p> <ul style="list-style-type: none"> e. respond creatively to topography and to existing features of landscape or heritage interest and wildlife habitats; f. respect and where appropriate take opportunities to create attractive views of and from the site; g. reflect in the detailed design any features characteristic of the locality such as boundaries, paving materials and plant species; h. create opportunities for wildlife including though the use of locally native species; i. make appropriate provision for maintenance and long term management; and j. in the case of edge of settlement development, provide for an appropriate level of structural landscaping to screen or assimilate the development into its surroundings and provide an attractive new settlement boundary. 	<p>The Environmental Masterplan (Document Reference 2.5) is secured by the DCO and sets out the overall landscape masterplan for the Proposed Development. The ongoing management of the proposals is secured via ES Appendix 2.14 Outline LEMP (Document Reference 6.4.2.14) for the full 40-year operational period of the Proposed Development.</p> <p>The Design Approach Document (DAD) (Document Reference 7.2) sets out how the design of the Proposed Development has taken into account the criteria of the NPS in relation to good design. It sets out the local context in which the Proposed Development is situated and outlines the design response to that context in seeking to mitigate adverse impacts and integrate ‘good design’ principles. It sets out the approach that has been taken in relation to specific aspects of the Proposed Development and, recognising the constraints presented by some infrastructure, the DAD identifies how technical considerations have in some instances limited design choices.</p> <p>The DAD includes a list of design principles which underpin the Proposed Development and which would be required to be retained in the future detailed design, as secured via Requirement 3 of the DCO (Document Reference 3.1).</p>
<p>County Durham Plan (adopted 2020)</p>	<p>Policy 31 Amenity and Pollution</p>	<p>Development will be permitted where it can be demonstrated that there will be no unacceptable impact, either individually or cumulatively, on health, living or working conditions or the natural environment and that can be integrated effectively with any existing business and community facilities. The proposal will also need to demonstrate that future occupiers of the proposed development will have acceptable living and/or working conditions. Proposals which will have an unacceptable impact such as through overlooking, visual intrusion, visual dominance or loss of light, noise or privacy will not be permitted unless satisfactory mitigation measures can be demonstrated whilst ensuring that any existing business and/or community facilities do not have any unreasonable restrictions placed upon them as a result.</p> <p>Development which has the potential to lead to, or be affected by, unacceptable levels of air quality, inappropriate odours, noise and vibration or other sources of pollution, either individually or cumulatively, will not be permitted including where any identified mitigation cannot reduce the impact on the environment, amenity of people or human health to an acceptable level.</p> <p>Development which does not minimise light pollution and demonstrate that the lighting proposed is the minimum necessary for functional or security purposes will not be permitted.</p> <p>Sensitive development (such as housing, schools and hospitals) will not be permitted near to an existing or potentially polluting development including wastewater and sewage</p>	<p>As reported in ES Chapter 4 Approach to EIA (Document Reference 6.2.4), a standalone chapter assessing effects of the Proposed Development on human health was scoped out of the ES, as it is anticipated that there would be limited impacts on human health during the construction and operation of the Proposed Development. Aspects of human health are considered in the ES within the context of other topics, namely: Landscape and Visual (Document Reference 6.2.7) and Land Use and Socioeconomics (Document Reference 6.2.9).</p> <p>Consideration of different sources of potential pollution are assessed in the DCO application within the following documents:</p> <ul style="list-style-type: none"> • ES Chapter 10 Hydrology and Flood Risk (Document Reference 6.2.10) • ES Appendix 2.4 Construction Dust Assessment (Document Reference 6.4.2.4) • ES Appendix 2.1 Phase 1 Geoenvironmental and Geotechnical Desk Study (Document Reference 6.4.2.1) • ES Chapter 11 Noise and Vibration (Document Reference 6.2.11) • ES Appendix 2.5 Major Accidents and Disasters Assessment (Document Reference 6.4.2.5)

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		<p>treatment facilities. Potentially polluting development will not be permitted near to sensitive uses unless satisfactory mitigation can be demonstrated.</p>	<p>Management plans are included in the DCO application which secure the implementation of measures during construction, operation and decommissioning which would seek to avoid or reduce risks relating to human health including:</p> <ul style="list-style-type: none"> • ES Appendix 2.6 Outline CEMP (Document Reference 6.4.2.6) • ES Appendix 2.7 Outline DEMP (Document Reference 6.4.2.7) • ES Appendix 2.8 Outline CTMP (Document Reference 6.4.2.8) • ES Appendix 2.9 Outline Pollution and Spillage Response Plan (Document Reference 6.4.2.9) • ES Appendix 2.13 Outline Battery Fire Safety Plan (Document Reference 6.4.2.13) <p>These plans are secured via requirements of the draft DCO (Document Reference 3.1).</p>
<p>County Durham Plan (adopted 2020)</p>	<p>Policy 33 Renewable and Low Carbon Energy</p>	<p>Renewable and low carbon energy development in appropriate locations will be supported. In determining planning applications for such projects significant weight will be given to the achievement of wider social, environmental and economic benefits.</p> <p>Proposals should include details of associated developments including access roads, transmission lines, pylons and other ancillary buildings. Where relevant, planning applications will also need to include a satisfactory scheme to restore the site to a quality of at least its original condition once operations have ceased. Where necessary, this will be secured by bond, legal agreement or condition.</p>	<p>The Proposed Development would respond to national and local priorities relating to net zero emissions targets and the need to address climate change by generating 180MW of electricity, enough to power the equivalent of 70,000 homes. In addition, as set out in Chapter 3 of the Planning Statement (Document Reference 7.1), the Proposed Development would provide benefits to the local community through enhancing access and connectivity of the countryside; infilling of hedgerows and improvement of wildlife corridors; provision of a community orchard, forest school and car park; delivery of local interpretation points and the commitment of a £1.5m Community Benefit Fund to further deliver local initiatives.</p> <p>Details of associated development are included in the DCO application as set out in ES Chapter 2 The Proposed Development (Document Reference 6.2.2).</p> <p>ES Appendix 2.7 Outline DEMP(Document Reference 6.4.2.7) sets out the general principles to be followed in the decommissioning of the Proposed Development. The production of a detailed DEMP and agreement with relevant authorities prior to commencing decommissioning, is secured via the draft DCO (Document Reference 3.1).</p>
<p>County Durham Plan (adopted 2020)</p>	<p>Policy 35 Water Management</p>	<p>Flood Risk and Sustainable Drainage Systems</p> <p>All development proposals will be required to consider the effect of the proposed development on flood risk, both on-site and off-site, commensurate with the scale and impact of the development and taking into account the predicted impacts of climate change for the lifetime of the proposal. This includes completion of a Flood Risk Assessment (FRA) where appropriate. Development will not be permitted unless:</p> <ul style="list-style-type: none"> k. in the functional floodplain (flood zone 3b), as identified in the Strategic FRA, it is water compatible or essential infrastructure; l. in flood zones 2 and 3a it passes the Sequential Test, and if necessary the Exceptions Test, as required by national policy; and m. it can be proven through a FRA that the development, including the access, will be safe, without increasing or exacerbating flood risk elsewhere, any residual risk can be safely managed and where possible will reduce flood risk overall. 	<p>ES Chapter 10 Hydrology and Flood Risk (Document Reference 6.2.10) describes the baseline conditions of the Order Limits in relation to hydrology and flood risk, and considers the potential impacts of the Proposed Development, and any essential mitigation that may be required.</p> <p>ES Chapter 10 Hydrology and Flood Risk (Document Reference 6.2.10) identifies that the majority of the Proposed Development is situated in Flood Zone 1, with small areas of the Order Limits located in Flood Zones 2 and 3. No critical infrastructure is located outside of Flood Zone 1.</p> <p>ES Appendix 10.1 Flood Risk Assessment and Drainage Strategy (Document Reference 6.4.10.1) is provided with the DCO application and identifies how critical infrastructure has been sited and designed to avoid flood risk impacts. This includes:</p>

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		<p>Regarding Surface Water Flood Risk:</p> <p>n. for major developments the management of water must be an intrinsic part of the overall development;</p> <p>o. on all new development there is no net increase in surface water runoff for the lifetime of the development. Where greenfield sites are to be developed, the runoff rates must not exceed and where possible should reduce the existing greenfield runoff rates . On previously developed land, as close as practicable to a greenfield rate must be achieved. In exceptional cases where the developer can satisfactorily demonstrate that greenfield run-off rates are unachievable, a betterment rate (which should be a minimum of 50% of the existing site run-off rate) will be agreed with the council. Surface water run-off must be managed at source wherever possible and disposed of in the following order:</p> <ol style="list-style-type: none"> 1. to an infiltration or soak away system. 2. to a watercourse open or closed. 3. to a surface water sewer. 4. to a combined sewer. <p>Disposal to combined sewers should be the last resort once all other methods have been clearly explored and evidenced;</p> <p>p. part of the development site is set aside for surface water management and uses measures that do not increase flood risk elsewhere. These measures will supplement green infrastructure networks, thereby contributing to mitigation of climate change, water quality and flooding as an alternative to, or complementary to, hard engineering;</p> <p>q. where sites may be susceptible to over land flood flows (as shown in the Strategic Flood Risk Assessment) or lie within a Surface Water Risk Area (as shown in the Surface Water Management Plan) then developers must put adequate protection in place;</p> <p>r. the development incorporates a Sustainable Drainage System (SuDS) to manage surface water drainage. Where SuDS are provided arrangements must be put in place for their whole life management and maintenance. Where appropriate' SuDS should contribute to the provision of Green Infrastructure and biodiversity net gains; and</p> <p>s. all new development with culverts running through the site must seek to de-culvert watercourses for flood risk management and environmental benefit, unless it can be clearly demonstrated that this is not practical.</p> <p>Where improvement works are required to ensure that the drainage infrastructure has sufficient capacity to support proposed new development, developer contributions will be required in accordance with Policy 25 (Developer Contributions).</p> <p>Water Quality</p> <p>The quantity and quality of surface and groundwater bodies shall be protected and where possible enhanced. All commercial, industrial and major residential development must demonstrate control of the quality of surface water runoff during construction and for the lifetime of the development. New development will be required to incorporate appropriate water pollution control measures.</p>	<ul style="list-style-type: none"> • no critical infrastructure has been placed inside of the fluvial or pluvial higher risk flood zones • access tracks are at grade • the crossing proposed over the Bishopton Beck will utilise an existing bridge crossing • the solar PV modules will be 800mm above the ground, placing them above the 1.0% pluvial flood level used to approximate the fluvial flood level. <p>It is concluded that the Proposed Development will be safe for its lifetime and will not impact flood risk on site or off site. The infrastructure is positioned such as not to impede flow routes and will have a negligible impact on floodplain storage.</p> <p>The overarching principle of the drainage strategy for the Proposed Development is to provide SuDS at source, ensuring that surface water run-off is managed as per existing site conditions. Formal SuDS features including engineered pipe runs, manholes and storage features are not proposed due to the nature of the development and the perceived minimal impact on surface water runoff. The proposed drainage scheme therefore comprises of grassland/wildflower mix under the solar PV panels; an apron of clean crushed stone for BESS and other supporting infrastructure; and permeable aggregate over geotextile membrane for access tracks, requiring no drainage.</p> <p>Resilience to impacts from climate change has been assessed within ES Appendix 5.2 Climate Change Resilience (CCR) Assessment (Document Reference 6.4.5.2), with risk reduced through mitigation, design, and an extreme weather working policy. It concludes there would be no significant effects. Furthermore, rainfall patterns due to climate change are taken into consideration in ES Appendix 10.1 Flood Risk Assessment and Drainage Strategy (Document Reference 6.4.10.1).</p> <p>As set out in ES Chapter 10 Hydrology and Flood Risk (Document Reference 6.2.10), engagement with the Environment Agency and the Lead Local Flood Authority (LLFA) has been undertaken at pre-application stage regarding the hydrology assessment and drainage strategy. The detailed design and implementation of the drainage strategy would be secured via requirement 3 of the draft DCO (Document Reference 3.1),with approval from the relevant planning authority.</p>

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		<p>Development adjacent to, over or in a watercourse should consider opportunities to improve the river environment and water quality.</p> <p>Development which could adversely affect the quality or quantity of surface or groundwater, flow of groundwater or ability to abstract water will not be permitted unless it can be demonstrated that no adverse impact would occur or mitigation could be put in place to minimise this impact.</p>	
County Durham Plan (adopted 2020)	Policy 39 Landscape	<p>Proposals for new development will be permitted where they would not cause unacceptable harm to the character, quality or distinctiveness of the landscape, or to important features or views.</p> <p>Proposals will be expected to incorporate appropriate measures to mitigate adverse landscape and visual effects.</p> <p>Development affecting Areas of Higher Landscape Value defined on Map H, will only be permitted where it conserves, and where appropriate enhances, the special qualities of the landscape, unless the benefits of development in that location clearly outweigh the harm.</p> <p>Development proposals should have regard to the County Durham Landscape Character Assessment and County Durham Landscape Strategy and contribute, where possible, to the conservation or enhancement of the local landscape.</p>	<p>The landscape and visual effects of the Proposed Development are outlined in ES Chapter 7 Landscape and Visual (Document Reference 6.2.7). Significant adverse effects are identified during construction and operation and decommissioning of the Proposed Development, relating to (in summary):</p> <ul style="list-style-type: none"> – the character of LCA Darlington 6, Great Stainton and Bishopton; – views at Great Stainton and Bishopton; – views from four stretches of PRoW within 1km <p>All other sensitive receptors would not experience significant effects, however a range of minor and moderate adverse effects are identified in ES Chapter 7 Landscape and Visual (Document Reference 6.2.7). It should be noted that following pre-application engagement with Darlington Borough Council, the assessment reported in ES Chapter 7 Landscape and Visual (Document Reference 6.2.7) includes an assessment of village character, which has not generally been carried out for similar solar NSIPs. Some of the significant effects reported have arisen through this additional level of assessment.</p> <p>Most of the significant adverse effects would arise during operation, however, they would be reversible following decommissioning. The temporary, 40-year operational period of the Proposed Development is secured via the DCO (Document Reference 3.1). After decommissioning, the Proposed Development would leave a positive legacy of improved landscape fabric and character due to the denser hedgerows and maturing trees which would be left after the lifetime of the operational development. This may result in the enclosure of currently open views, however after the operational lifetime of the project, hedges could be reverted to lower heights to allow outward views over them if that is judged desirable.</p> <p>The Planning Statement (Document Reference 7.1) considers these effects within the overall planning balance, taking into account the position of the Proposed Development as critical national priority infrastructure. It is concluded that the benefits of and need for the Proposed Development outweigh the adverse landscape effects, in line with national policy.</p>
County Durham Plan (adopted 2020)	Policy 40 Trees, Woodlands and Hedges	<p>Trees</p> <p>Proposals for new development will not be permitted that would result in the loss of, or damage to, trees of high landscape, amenity or biodiversity value unless the benefits of the proposal clearly outweigh the harm. Where development would involve the loss of ancient or veteran trees it will be refused unless there are wholly exceptional reasons and a suitable compensation strategy exists.</p> <p>Proposals for new development will be expected to retain existing trees where they can make a positive contribution to the locality or to the development, maintain adequate stand-off distances between them and new land-uses, including root protection areas where</p>	<p>As set out in ES Chapter 2 The Proposed Development (Document Reference 6.2.2), the layout of the Proposed Development enables the retention of woodland and the majority of hedgerows and associated trees. All boundary features and other features such as larger hedgerows with trees and woodland edge that are of value to foraging bats will be retained, with it predicated that only small sections of poor-quality hedgerow will be removed to accommodate the grid connection cables and access routes. Where possible and practical, construction access and cabling will use existing field entrances and horizontal directional drilling (HDD) will install the cables under hedgerows.</p>

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		<p>necessary, to avoid future conflicts, and integrate them fully into the design having regard to their future management requirements and growth potential.</p> <p>Where trees are lost, suitable replacement planting, including appropriate provision for maintenance and management, will be required within the site or the locality.</p> <p>Where applications are made to carry out works to trees in Conservation Areas or that are covered by a Tree Preservation Order, they will be determined in accordance with the council's Tree Management Policy Document (or any subsequent revisions).</p> <p>Hedges</p> <p>Proposals for new development will not be permitted that would result in the loss of hedges of high landscape, heritage, amenity or biodiversity value unless the benefits of the proposal clearly outweigh the harm.</p> <p>Proposals for new development will be expected to retain existing hedgerows where appropriate and integrate them fully into the design having regard to their management requirements.</p> <p>Where any hedges are lost, suitable replacement planting or restoration of existing hedges, will be required within the site or the locality, including appropriate provision for maintenance and management.</p>	<p>Arboricultural surveys and assessment of the impact of the Proposed Development on trees and hedges have been undertaken and are reported in ES Appendix 7.7 Arboricultural Impact Assessment (AIA) (Document Reference 6.4.7.7). In total 1no B-quality tree and 6no U quality trees would need to be removed. There is no ancient woodland with potential to be affected by the Proposed Development.</p> <p>Where veteran trees have been identified, a buffer of 15 times the stem diameter has been established as a construction exclusion zone around them. No veteran trees will be removed or encroached upon to facilitate the Proposed Development.</p> <p>ES Appendix 2.14 Outline LEMP (Document Reference 6.4.2.14) contains details of habitat creation and management to be undertaken during the operational phase of the development, which include new and improved native species rich hedgerows and hedgerow trees and reduced cutting along existing hedgerow. In total, the Proposed Development would deliver a net gain of 108% biodiversity units relating to hedgerows.</p>
County Durham Plan (adopted 2020)	Policy 41 Biodiversity and Geodiversity	<p>Proposals for new development will not be permitted if significant harm to biodiversity or geodiversity resulting from the development cannot be avoided, or appropriately mitigated, or, as a last resort, compensated for.</p> <p>Proposals for new development will be expected to minimise impacts on biodiversity by retaining and enhancing existing biodiversity assets and features and providing net gains for biodiversity including by establishing coherent ecological networks . Measures should be appropriate, consistent with the biodiversity of the site and contribute to the resilience and coherence of local ecological networks.</p> <p>Proposals for new development will be expected to protect geological features and have regard to Geodiversity Action Plans, the Durham Geodiversity Audit and where appropriate promote public access, appreciation and interpretation of geodiversity.</p>	<p>ES Chapter 6 Biodiversity (Document Reference 6.2.6) sets out the surveys and site appraisal work that have been undertaken to identify species and habitats within the study area of the Proposed Development. This includes woodland and watercourse habitat, non-breeding (wintering) birds, breeding birds, bats and badgers. Taking into account mitigation measures, ES Chapter 6 Biodiversity (Document Reference 6.2.6) concludes that there would be no significant effects to any habitats or species identified in the assessment during the construction operation or decommissioning of the Proposed Development.</p> <p>In total the Proposed Development would provide an anticipated 88% net gain in habitat biodiversity units and 108% net gain in hedgerow biodiversity units. The ongoing maintenance of proposed planting and habitat creation is detailed in ES Appendix 2.14 Outline LEMP (Document Reference 6.4.2.14) and secured via requirement of the draft DCO (Document Reference 3.1).</p> <p>Requirements for additional licenses or consents pursuant to separate legislation is set out in Other Consents and Licenses (Document Reference 7.3).</p>
County Durham Plan (adopted 2020)	Policy 42 Internationally Designated Sites	<p>Development that has the potential to have an effect on internationally designated site(s), (including all development within 0.4 kilometres of the sites, as shown on Map B of the policies map document), either individually or in combination with other plans or projects, will need to be screened in the first instance to determine whether significant effects on the site are likely and, if so, will be subject to an Appropriate Assessment.</p> <p>Development will be refused where it cannot be ascertained, following Appropriate Assessment, that there would be no adverse effects on the integrity of the site, unless the proposal is able to pass the further statutory tests of 'no alternatives' and 'imperative reasons of overriding public interest' as set out in Regulation 64 of the Conservation of Habitats and Species Regulations 2017. In these exceptional circumstances, where these tests are met, appropriate compensation will be required in accordance with Regulation 68.</p>	<p>There are four internationally designated sites within 10 km of the Order Limits. These are:</p> <ul style="list-style-type: none"> • Teesmouth and Cleveland Coast Special Protection Area (SPA); • Teesmouth and Cleveland Coast Ramsar; • Teesmouth and Cleveland Coast proposed Ramsar; and • Thrislington Special Area of Conservation (SAC) <p>Taking into account ES Appendix 6.5 Habitats Regulations Assessment No Significant Effects Report (Document Reference 6.4.6.5), ES Chapter 6 Biodiversity (Document Reference 6.2.6) concludes that any effects on the four</p>

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		<p>Where development proposals would be likely to lead to an increase in recreational pressure upon internationally designated sites, a Habitats Regulations screening assessment and, where necessary, a full Appropriate Assessment will need to be undertaken to demonstrate that a proposal will not adversely affect the integrity of the site. In determining whether a plan or project will have an adverse effect on the integrity of a site, the implementation of identified strategic measures to counteract effects, can be considered during the Appropriate Assessment.</p> <p>Land identified and/or managed as part of any mitigation or compensation measures should be maintained in perpetuity. Development proposals which have an adverse impact on mitigation or compensation measures will not be allowed.</p>	<p>SSSI sites as a result of the Proposed Development would be negligible and therefore not significant.</p> <p>There are two Local Nature Reserves (LNR) within 2km of the Order Limits; Hardwick Dene and Elm Tree Woods LNR and Stillington Forest Park LNR. There are two Local Wildlife Sites (LWS) within 1 km of the Order Limits, Carr House Pond LWS and Wynyard Woodland Park Stockton LWS. ES Chapter 6 Biodiversity (Document Reference 6.2.6) concludes that there would be no significant effects on the LNRs or LWS as a result of the Proposed Development.</p>
County Durham Plan (adopted 2020)	Policy 43 Protected Species and Nationally and Locally Protected Sites	<p>All development proposals in, or which are likely to adversely impact upon (either individually or in combination with other developments), any of the following national designations (where not a component of an internationally designated site):</p> <ul style="list-style-type: none"> ▪ Sites of Special Scientific Interest ▪ National Nature Reserves <p>will only be permitted where the benefits of development in that location clearly outweigh the impacts on the interest features on the site and any wider impacts on the network of sites.</p> <p>All development proposals in, or which are likely to adversely impact upon, any of the following local designations:</p> <ul style="list-style-type: none"> ▪ Local Sites (Geology and Wildlife) ▪ Local Nature Reserves (LNRs) <p>will only be permitted when it can be demonstrated that the benefits of development in that location outweigh the impacts on the local nature conservation interest or scientific interest on the site and any wider impacts on the network of sites.</p> <p>In all cases where development impacts adversely on a designated site, mitigation, or as a last resort compensation, must be provided and it must be demonstrated that the proposed mitigation or compensatory measures are appropriate to the designations assigned to the site and deliver clear net gains for the habitats and/or species assemblages the site is designated for.</p> <p>In relation to protected species and their habitats, all development which, alone or in combination, has a likely adverse impact on the ability of species to survive, reproduce and maintain or expand their current distribution will not be permitted unless:</p> <ol style="list-style-type: none"> t. appropriate mitigation, or as a last resort compensation, can be provided, which maintains a viable population and where possible provides opportunities for the population to expand; and u. where the species is a European protected species, the proposal also meets the licensing criteria (the 3 legal tests) of overriding public interest, no satisfactory alternative and favourable conservation status. 	<p>ES Chapter 6 Biodiversity (Document Reference 6.2.6) and ES Chapter 2 The Proposed Development (Document Reference 6.2.2) identifies a range of enhancement measures that would be delivered through the Proposed Development, contributing to the delivery of substantial biodiversity net gain. This includes:</p> <ul style="list-style-type: none"> • habitat creation and management; • new and improved native-species-rich hedgerows and hedgerow trees; • reduced cutting along existing hedgerows to benefit nesting birds and invertebrates; • enhancement of field margins; and • sowing of land under and between Panel Areas with a legume rich mix or flower rich grassland mix. <p>In total the Proposed Development would provide an anticipated 88% net gain in habitat biodiversity units and 108% net gain in hedgerow biodiversity units. The ongoing maintenance of proposed planting and habitat creation is detailed in ES Appendix 2.14 Outline LEMP (Document Reference 6.4.2.14) and secured via requirement of the draft DCO (Document Reference 3.1).</p>

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County Durham Plan (adopted 2020)	Policy 44 Historic Environment	<p>Development will be expected to sustain the significance of designated and non-designated heritage assets, including any contribution made by their setting. Development proposals should contribute positively to the built and historic environment and should seek opportunities to enhance and, where appropriate, better reveal the significance and understanding of heritage assets whilst improving access where appropriate.</p> <p>Designated assets: Great weight will be given to the conservation of all designated assets and their settings (and non-designated heritage assets of archaeological interest that are demonstrably of equivalent significance to scheduled monuments). Such assets should be conserved in a manner appropriate to their significance, irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Development which leads to less than substantial harm to a designated heritage asset will be weighed against the public benefits of the proposal.</p> <p>In determining applications, particular regard will be given to the following:</p> <p>Scheduled monuments:</p> <p>a. the sustainable management of the monument and its setting.</p> <p>Listed Buildings</p> <p>b. respect for the historic form, setting, fabric, materials, detailing, and, any other aspects including curtilage, which contribute to the significance of the building or structure; and</p> <p>c. the retention of the character and special interest of buildings when considering alternative viable uses</p> <p>Conservation Areas</p> <p>f. the demonstration of understanding of the significance, character, appearance and setting of the conservation area and how this has informed proposals to achieve high quality sustainable development, which is respectful of historic interest, local distinctiveness and the conservation or enhancement of the asset;</p> <p>g. the manner in which the proposal responds positively to the findings and recommendations of conservation area character appraisals and management proposals; and</p> <p>h. respect for, and reinforcement of, the established, positive characteristics of the area in terms of appropriate design (including pattern, layout, density, massing, features, height, form, materials and detailing).</p>	<p>ES Chapter 8 Cultural Heritage and Archaeology (Document Reference 6.2.8) details the baseline conditions of the historic environment, potential impacts of the Proposed Development, and how heritage has been considered in the design, mitigation and enhancements measures proposed. Heritage assets in the vicinity of the Order Limits include Bishopton Conservation Village, a number of listed buildings, Bishopton Landing Ground (a World War One airfield), areas of known archaeological remains, and a motte and bailey castle. The chapter includes consideration of above ground impacts, such as the setting of heritage assets and Historic Landscape Character, and below ground impacts such as direct impacts to archaeological deposits. The significance of heritage assets is outlined in ES Chapter 8 Cultural Heritage and Archaeology (Document Reference 6.2.8). The heritage assets assessed have either medium or low heritage significance. The assessment concludes that there would be no significant effects to designated heritage assets as a result of the Proposed Development.</p> <p>Mitigation for as yet unknown archaeological remains is outlined in ES Chapter 8 Cultural Heritage and Archaeology (Document Reference 6.2.8). This includes mitigation through preservation by design removing any below ground impact by using floating foundations leading to no effect and mitigation through preservation by record via a watching brief during construction secured via ES Appendix 8.5: Archaeological Management Strategy (Document Reference 6.4.8.5). This is secured via requirement 18 of the draft DCO (Document Reference 3.1).</p> <p>Opportunities for enhancement of heritage assets are outlined in ES Chapter 8 Cultural Heritage and Archaeology (Document Reference 6.2.8). The Proposed Development offers the opportunity for heritage benefits to the local community of Bishopton through the enhancement of knowledge, understanding and engagement with the First World War airfield which is located within the Order Limits. The specific measures should be formulated in consultation with the local community and interested local stakeholders along with representatives from the LPA(s).</p>
County Durham Solar Energy SPD (2023) – latest consultation draft	Purpose of the SPD	<p>This SPD adds further detail to policies in the County Durham Plan, including Policy 10 (Development in the Countryside), Policy 14 (Best and Most Versatile Agricultural Land and Soil Resources), Policy 27 (Utilities, Telecommunications and Other Broadcast Infrastructure), Policy 29 (Sustainable Design), Policy 33 (Renewable and Low Carbon Energy) and Policy 39 (Landscape).</p> <p>It will be subject to consultation in accordance with the Council’s Statement of Community Involvement. Once adopted it will be a material consideration in determining planning applications for solar development where planning permission is required. Solar farm developments above 50MW are currently determined by the National Infrastructure Directorate of the Planning Inspectorate on behalf of the Secretary of State. The Council are a consultee on applications determined under this process and this SPD will be used to help formulate the Council’s response.</p>	<p>It is noted that the draft Solar Energy SPD, once adopted, will be a material consideration for solar developments under 50MW, where planning permission is required. For solar development over 50MW, which are categorised as nationally significant infrastructure projects requiring development consent, the function of the SPD is instead to inform the Council’s response as a statutory consultee in the Planning Act 2008 process. The Applicant has consulted Durham County Council formally through statutory consultation between May 2023 and June 2023 and has continued to engage with the Council through meetings and other sharing of information, as captured in the Potential Main Issues for Examination (Document Reference 7.6) which identifies there are no principal areas of disagreement at time of DCO application. It is therefore considered that due regard has been given to guidance in the draft Solar Energy SPD via the feedback received from Durham County Council throughout the pre-application process.</p>

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Tees Valley Joint Minerals and Waste DPD			
Tees Valley Joint Minerals and Waste DPD – Policies and Sites (adopted 2011)	Policy MWP1 Waste Audits	A waste audit will be required for all major development proposals. The audit should identify the amount and type of waste which is expected to be produced by the development, both during the construction phase and once it is in use. The audit should set out how this waste will be minimised and where it will be managed, in order to meet the strategic objective of driving waste management up the waste hierarchy.	ES Appendix 2.3 Assessment of Likely Waste Arisings (Document Reference 6.4.2.3) assesses the waste likely to be produced as a result of the Proposed Development. It concludes the effect of the Proposed Development in relation to waste would be negligible. ES Appendix 2.11 Outline Site Waste Management Plan (Document Reference 6.4.2.11) sets out how waste will be managed efficiently and effectively, with opportunities to reduce, reuse and recycle waste materials considered and optimised wherever possible, and to promote best practice and environmental awareness.
Tees Valley Joint Minerals and Waste DPD – Policies and Sites (adopted 2011)	MWC4: Safeguarding of Minerals Resources	<p>Within the minerals safeguarding areas, non-minerals development will only be permitted in the following circumstances:</p> <ul style="list-style-type: none"> a) the development would not sterilise or prejudice the future extraction of the mineral resource because there is evidence that the resource occurs at depth and can be extracted in an alternative way or there is evidence that the resource has been sufficiently depleted by previous extraction; or b) the mineral will be extracted prior to development and this will not significantly adversely affect the timing and viability of the non-minerals development; or c) the need for the non-mineral development can be demonstrated to outweigh the need for the mineral resource 	As identified in, ES Chapter 9 Land use and Socioeconomics (Document Reference 6.2.9), parts of the Proposed Development are situated within Darlington Borough Council’s Minerals Safeguarding zones for limestone (Shallow) as identified through the Joint Minerals and Waste Plan, and therefore has the potential to impact the identified resource. Part of Panel Areas C and D have the potential to affect a safeguarded limestone mineral resource. Construction of the Proposed Development would temporarily sterilise the mineral resource, although the resource would remain in situ for the duration of the Proposed Development and could be extracted following decommissioning. The magnitude of impact on the limestone mineral resource is therefore considered to be low, which when combined with a medium sensitivity would lead to a minor adverse effect which is not significant.