



**DURHAM COUNTY COUNCIL**

**BYERS GILL SOLAR FARM PROJECT**

**LOCAL IMPACT REPORT**

**13 AUGUST 2024**

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## 1.0 INTRODUCTION

- 1.1 This Local Impact Report (LIR) has been produced by Durham County Council (DCC) in response to the Byers Gill Solar ('the Scheme'). The Scheme is being progressed by an application for Development Consent by RWE Renewables UK Solar and Storage Limited ('the Applicant') that was accepted by the Planning Inspectorate on 9 March 2024.
- 1.2 Under Section 60 of the Planning Act 2008, local planning authorities are invited to submit a LIR as part of the DCO process. Section 60(3) of the Act defines the LIR as 'a report in writing giving details of the likely impact of the proposed development on the authority's area (or any part of that area)'. The content of the LIR is a matter for the local authority concerned as long as it falls within this statutory definition. Under Section 104 of the Act, the Secretary of State 'must have regard to' the LIR when deciding on a DCO Application.
- 1.3 DCC has had regard to the purpose of LIRs as set out in Section 60(3) of the Planning Act 2008 (as amended), DCLG's Guidance for the examination of applications for development consent and the Planning Inspectorate's Advice Note One, Local Impact Reports, in preparing this LIR.

### Scope

- 1.4 The proposed Byers Gill Solar Project is located in the north-east of England, within the administrative boundaries of Darlington Borough Council, Stockton-on-Tees Borough Council and Durham County Council.
- 1.5 It is understood that the proposed development is a renewable energy scheme, covering an area of approximately 490 hectares (ha), and comprising of solar photovoltaic (PV) panels, on-site Battery Energy Storage Systems (BESS), associated infrastructure as well as underground cable connections between panel areas and to connect to the existing National Grid Substation at Norton. The proposed development would have the capacity to generate over 50 Megawatts (MW) of electricity..
- 1.6 The LIR does not describe the proposed development any further, relying on the Applicant's description as set out in Examination Document APP-002 and APP-025.
- 1.7 The Scheme is divided into eight components as set out in Examination Document APP-025 Table 2-2. Only underground cables are stated as being located in County Durham. It is the case that part of the adopted highway at Lime Lane and Lodge Lane are within County Durham and any highway works would require a Licence from DCC as Highways Authority. It is noted that a small area of riverbank at Bishopton Beck is also within County Durham, Panel Area 10/5 (Examination Document AS-015).
- 1.8 This LIR relates to the impact of the Byers Gill Solar Project as it affects the administrative area of DCC.

## **Purpose and structure of LIR**

- 1.9 The primary purpose of the LIR is to identify any potential local impact of the proposed development and identify the relevant local planning policies in so far as they are relevant to the proposed development, and the extent to which the proposed development accords with the policies identified.
- 1.10 This document does not assess the compliance of the Scheme with the National Policy Statements for Energy Infrastructure (NPS) and does not seek to replicate the assessments that are contained in the Environmental Statement (ES) that accompanies the application.
- 1.11 Topic based headings set out how DCC considers the proposed development accords with relevant Durham County Council planning policy and any potential local impact of the development. These headings are a combination of matters considered relevant by DCC and topics considered in the ES submitted by the applicant.
- 1.12 It is intended that this LIR will also play a role in informing the content of the Statement of Common Ground (SoCG) and the PADs that will be agreed between DCC and the Applicant as part of the examination process.

## 2.0 DESCRIPTION OF THE AREA

### General

- 2.1 The proposed development covers an area of approximately 490 hectares (ha) and is located between Darlington and Stockton-on-Tees in an area of undulating mixed farmland with a network of local roads and Public Rights of Way (PRoW) and a mix of dispersed settlements, small villages and hamlets.
- 2.3 The majority of the proposed development, including the solar PV modules, on-site substation, Norton Substation and BESS are located within the administrative boundary of Darlington Borough Council. The eastern part of the 132kV cable route crosses into the administrative boundary of Stockton-on-Tees Borough Council. The northern extent of the Order Limits borders Durham County Council's administrative area and encroach into the County at Lime Lane/Lodge Lane and at Bishopton Brook. Panel Area F (Examination Document APP-046) shows the land in County Durham to be part of land identified for mitigation, planting and enhancement.
- 2.4 The site lies within open countryside and is made up of gently undulating arable and improved pasture.
- 2.5 The site is located to the south of the County Durham boundary and to the east of the A1(M) which separates the site from Aycliffe Quarry and Aycliffe Village, the closest settlement within County Durham approximately 1.1km west of the site.
- 2.6 The closest properties within County Durham are at Whinfield House, Preston Lodge and Stainton Hill House which are located immediately to the north of the western part of the application site. Other properties within County Durham are more distant. Whinfield House is closest to the proposed route of the cable. Preston Lodge and Stainton Hill House are located to the north of Panel Area B: Hauxley Farm (Examination Document APP-042) and separated from the proposed site by the road Lodge Lane.
- 2.7 A number of landscape, ecological and designated and non-designated heritage assets are located close to the proposed development. These include an Area of Higher Landscape Value as defined in County Durham Plan, Sites of Special Scientific Interest (SSSI), Special Protection Areas (SPA), Local Nature Reserves, a Ramsar Site and proposed Ramsar Site. In terms of historic designations these include Conservation Areas and a number of Grade I, II\* and II listed buildings. None of the proposed development within County Durham are within those designations.
- 2.8 Within County Durham, Bishopton Beck is located long a part of the site boundary. Land either side of the Beck is located within Flood Zones 2 and 3 and within a Groundwater Vulnerability Area as defined by the Environment Agency. The County Durham Strategic Flood Risk Assessment gives an overview of areas that may be susceptible to flooding and identifies parts of the application site within the County as Flood Zone 2 and 3a and High and Low risk from surface water flooding and also a Flood Overland Flow Route. The site lies within a Groundwater Vulnerability Area as defined by the

Environment Agency. More widely the site is predominantly with Flood Zone 1 and within a Groundwater Vulnerability Area and Groundwater Source Protection Zones 2 and 3 as defined by the Environment Agency.

2.9 The ES includes a description of the proposed development as a whole.

### **3.0 RELEVANT PLANNING HISTORY AND RELEVANT PLANNING PERMISSIONS**

#### **Planning History**

- 3.1 There is no relevant planning history associated with the current Scheme within County Durham.

#### **Relevant Planning Permissions**

- 3.2 Examination Document APP-036 at Appendix 6.2.13 Environmental Statement Chapter 13 Cumulative Effects of the ES seeks to identify relevant planning applications in the vicinity of the site.
- 3.3 With the exception of planning permission in place for the installation of a solar photovoltaic array/solar farm with associated infrastructure (Cross boundary site with Darlington Borough Council) at Land West, North and East of Whinfield Farm, Brafferton (DCC Planning Permission No. DM/21/02816/FPA) there are no consents within County Durham for other significant development in the immediate vicinity of the proposed scheme. Planning Permission No. DM/21/02816/FPA is currently being implemented. Other planning permissions and applications of note are set out below.
- 3.4 Aycliffe Quarry is a former quarry being restored through landfill with planning permission for waste management facilities. The site is operated under Planning Permission No. DM/17/01873/VOCMW (Variation of Conditions 1 (Approved plans) and 5 (Restoration of the site) to allow permanent retention of the Mechanical and Biological Treatment (MBT) Plant and associated infrastructure, of Planning Permission No. MRA/7/3) with tipping required to cease on or before 21 February 2024 and restoration within 12 months of cessation. Planning Permission No. DM/17/01872/VOCMW (Variation of Conditions 1 (Approved plans) and 3 (Duration of the permission) to allow permanent retention of the MBT Plant and associated infrastructure, of Planning Permission No. CMA/7/78) is also in place. Planning Permission was recently granted for the Erection of a concrete plant (retrospective) and a construction and demolition washing plant at Aycliffe Quarry. (DCC Planning Permission No. DM/23/03701/WAS).
- 3.5 A Certificate of lawfulness for ground mounted solar panels at Aycliffe Business Park, Newton Aycliffe, DL5 6HP (DCC ref: DM/20/03658/CPO) was agreed by the Council on 18 December 2020.
- 3.6 More distant from the application, planning permission was granted on Appeal (APP/X1355/W/22/3292099) (DCC Ref: DM/21/01500/WAS) for the Construction and operation of a high temperature thermal treatment facility for clinical and hazardous wastes at Land North of Hitachi Rail Europe Ltd, Millennium Way, Aycliffe Business Park, DL5 6UG.
- 3.7 There is a housing commitment within the vicinity of the site in County Durham, the closest being the Copelaw housing allocation (H30) as allocated in Policy 4 of the County Durham Plan. A planning application has been submitted (DCC Application No.

DM/24/01978/OUT) for Outline planning application all matters reserved (except for access at Ricknall Lane) for up to 1,435 dwellings including 1,343 (use class C3) residential dwellings and 92 (use class C2) extra care apartments, a local centre (use class E and F2) and a primary school (use class F1), mitigation for nutrient neutrality, associated infrastructure and landscaping and demolition of existing building at High Copelaw Farm at Land To The South Of North East Centre For Autism, Cedar Drive, Copelaw, DL5 6UN. The allocation can be viewed on DCC's County Durham Plan Policies Proposals Map- Interactive Map at <https://durhamcc-consult.objective.co.uk/kse/folder/52317> The planning application can be viewed on DCC's website at <https://publicaccess.durham.gov.uk/online-applications/search.do?action=simple&searchType=Application> and searching on the application number DM/24/01978/OUT.

- 3.8 Aycliffe Business Park (North) and Aycliffe Business Park (South) as identified in the County Durham Plan Policy 2 are located to the west of the A1(M) each containing employment land allocations. The County Durham Plan can be viewed at <https://www.durham.gov.uk/article/3266/Development-Plan-for-County-Durham> and the Proposals Map at <https://maps.durham.gov.uk/localplan/default.aspx>
- 3.9 There is the possibility that other major developments may come forward and are determined during consideration of the DCO and these would need to be considered by the Examining Authority.



## 4.0 RELEVANT DEVELOPMENT PLAN POLICIES AND OTHER RELEVANT DOCUMENTS

### National Policy

- 4.1 As stated above this document does not assess the compliance of the Scheme with the National Policy Statements for Energy Infrastructure (NPS).

### Statutory Development Plan

- 4.2 Examination Document APP-164 7.1.1 Appendix A Policy Compliance Document refers to the development plan position, relevant County Durham Plan policies and other relevant documents for County Durham.
- 4.3 For the purposes of section 38(6) of the Planning and Compulsory Purchase Act 2004, the development plan in force for the area in which the proposed development is situated is the County Durham Plan (CDP) (adopted October 2020), together with any 'made' neighbourhood plans and policies contained in the County Durham Minerals and Waste Policies and Allocations Document (adopted July 2024). The County Durham Minerals and Waste Policies and Allocations Document is not likely to be applicable to consideration of the proposed development.
- 4.4 There are no 'made' neighbourhood plans within the DCO area within County Durham. There is a neighbourhood plan for Newton Aycliffe, Great Aycliffe Neighbourhood Plan 2016-2036 adopted on 19 July 2017. The neighbourhood area is directly to the west of the site. To the north west is Neighbourhood Development Plan for Sedgefield, County Durham Planning Period 2018 to 2033 adopted 23 October 2019. Both Neighbourhood Plans are outside of the application area. All of the Plans referred to above can be found on DCC's website at <https://www.durham.gov.uk/article/3266/Development-Plan-for-County-Durham>
- 4.5 DCC consider the following CDP policies to be relevant. The policies themselves are not reproduced and can be found on the DCC website at <https://www.durham.gov.uk/article/3266/Development-Plan-for-County-Durham>

CDP Policy 10 – Development in the countryside  
CDP Policy 14 – Best and Most Versatile Agricultural Land and Soil Resources  
CDP Policy 21 – Delivering Sustainable Transport  
CDP Policy 24 – Provision of Transport Infrastructure  
CDP Policy 26 – Green Infrastructure  
CDP Policy 28 – Safeguarded Areas  
CDP Policy 31 – Amenity and Pollution  
CDP Policy 33 – Renewable and Low Carbon Energy  
CDP Policy 35 – Water Management  
CDP Policy 39 – Landscape  
CDP Policy 40 – Trees, Woodlands and Hedges  
CDP Policy 41 – Biodiversity and Geodiversity  
CDP Policy 42 – Internationally Designated Sites

CDP Policy 43 – Protected Species and Nationally and Locally Protected Sites  
CDP Policy 44 – Historic Environment  
CDP Policy 56 – Safeguarding Mineral Resources

### **Other relevant policies/guidance**

- 4.6 The County Durham Landscape Character Assessment (2008), County Durham Landscape Strategy (2008) and County Durham Landscape Guidelines are relevant and should be taken into consideration by the Examining Authority and the Secretary of State. These can be found at: <https://www.durham.gov.uk/article/26342/Landscape>
- 4.7 Other documents of relevance are Supplementary Planning Documents: County Durham Building for Life SPD (2019), Residential Amenity Standards SPD (2023), Parking and Accessibility SPD (2023), Trees, Woodlands and Hedges SPD (2024) which can be found at: <https://www.durham.gov.uk/article/7444/County-Durham-Plan-supporting-documents>
- 4.8 A second draft of the County Durham Solar Energy Supplementary Planning Document (SPD) which sets out guidance to ensure solar development takes place in suitable locations and is well designed was consulted upon between 26 February to 7 April 2024. The Council is in the process of drafting the final version of the document which is scheduled for adoption later this year. The draft document can be found on the Council's consultation portal here: <https://consult-durhamcc.objective.co.uk/kse/event/37874>

## **5.0 ASSESSMENT OF IMPACTS**

- 5.1 The following section identifies the relevant local planning policies within the adopted statutory development plan and how the application accords with them. The matters considered are a combination of the matters considered relevant by DCC, topics considered in the submitted ES and reference to the matters identified by the Examining Authority in the Initial Assessment of Principal Issues prepared under S88(1) of the Planning Act 2008.

### **Principal of development**

#### **Relevant CDP policies**

- 5.2 CDP Policy 10 – Development in the Countryside  
CDP Policy 33 – Renewable and Low Carbon Energy

#### **Commentary / Key Local issues**

- 5.3 It is noted that the Examining Authority has identified the principal of the proposed development in the Initial Assessment of Principal Issues prepared under S88(1) of the Planning Act 2008.
- 5.4 The Applicant has engaged in a statutory and non-statutory consultation process with Council has sought to address queries and comments raised by DCC.
- 5.5 The site within County Durham is within open countryside. CDP Policy 10 (Development in the Countryside) is therefore of relevance. CDP Policy 10 is permissive to development in accordance with specific CDP plan policies and development which meets specific policy criteria within the policy relating to economic development, infrastructure development and development of existing buildings. In addition, there are general design principles for all development in the countryside.
- 5.6 The opening paragraph of CDP Policy 10 states that development in the countryside will not be permitted unless allowed for by specific policies in the Plan. These specific policies are set out in footnote 54 (of the CDP) and includes all applicable policies relating to low carbon and renewables. As this is a renewable energy development it is considered that the development could be allowed for by specific policies in the plan (CDP Policy 33). The development therefore does not have to demonstrate an exception to CDP Policy 10, but the acceptability criteria are engaged.
- 5.7 CDP Policy 10 states that new development in the countryside must not 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, 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 impact adversely upon residential or general amenity. Development must also minimise vulnerability and provide resilience to impacts arising from climate change, including but not limited to, flooding; and where applicable, maximise the effective use of previously developed (brownfield) land providing it is not of high environmental value.

- 5.8 CDP Policy 33 supports renewable and low carbon energy development in appropriate locations. The Policy advises that significant weight will be given to the achievement of wider social, environmental and economic benefits. The Policy also advises that 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.
- 5.9 The December 2020 Energy White Paper: Powering our Net Zero Future (WP) reiterates that setting a net zero target is not enough, it must be achieved through, amongst other things, a change in how energy is produced. The WP sets out that solar is one of the key building blocks of the future generation mix. In October 2021, the Government published the Net Zero Strategy: Build Back Greener where under key policies it explains that subject to security of supply, the UK will be powered entirely by clean electricity through, amongst other things, the accelerated deployment of low-cost renewable generation such as solar.
- 5.10 The UK Government published their policy paper 'Powering Up Britain: Energy Security Plan' in April 2023. This document outlines the steps to be taken to ensure that the UK is more energy independent, secure and resilient. Within this document it is stated that to provide certainty to investors in the solar industry, in line with the 'Independent Review of Net Zero' recommendation the government will publish a solar roadmap in 2024, setting out a clear step by step deployment trajectory to achieve the five-fold increase (up to 70 gigawatts) of solar by 2035. The new Government may introduce documentation in relation to renewable energy during the course of the examination that would be required to be taken into account by the Examining Authority.
- 5.11 The purpose of the proposed development is to generate renewable energy on a large scale. The location affords the space requirement without significant constraints that would limit energy generation. CDP Policy 33 is permissive towards solar farm development, and it is therefore considered that the proposal is acceptable in principle. The social, environmental and economic benefits of the proposal need to be considered along with applicable policies within the CDP and NPPF. The acceptability of the development in relation to the issues set out below will assist in determining if the location of the development is appropriate in the context of CDP Policy 33.

## **Adequacy of Application / DCO**

- 5.12 DCC acknowledges that there would be adverse impacts during the construction and operational phases, but these would be time limited albeit for the duration of the proposed development, and for which could be suitability mitigated for land within County Durham.

## **Traffic and Transport**

### **Relevant CDP policies**

- 5.13 CDP Policy 21 – Delivering Sustainable Transport

### **Commentary**

- 5.14 Traffic and Transport is a specific chapter in the ES. It is noted that a number of specialist reports/surveys have been submitted in support of this consideration.
- 5.15 It is noted that the Examining Authority has identified Traffic and Transport in the Initial Assessment of Principal Issues prepared under S88(1) of the Planning Act 2008 with reference to the effects on community uses including PROW.

### **Key Local Issues**

- 5.16 It is not considered that the proposed development would have any impact on DCC controlled roads once operational. All proposed points of access to the proposal solar farm are also located on roads outside of the jurisdiction of DCC.
- 5.17 The main impact would potentially be during the construction phase, where construction traffic may be required to travel on DCC controlled roads. Construction traffic could be controlled, and information about vehicle numbers, frequency, routing etc, be provided through a Construction Management Plan.

## **Adequacy of Application / DCO**

- 5.18 Although no adverse issues are identified, there is a need for the Applicant to liaise with DCC, the other local authorities and National Highways regarding details of the construction traffic and how that would be controlled. DCC does not envisage any impacts on highways that cannot adequately be controlled through appropriate design and mitigation. While no works have specifically been proposed to roads under the control of DCC, should it subsequently transpire that works are required to DCC roads, the applicant would need to seek the relevant permissions from DCC as Local Highway Authority.

## **Access & Rights of Way**

### **Relevant CDP policies**

- 5.19 CDP Policy 26 – Green Infrastructure

### **Commentary**

- 5.20 Chapter 9 of the ES relates to Landuse and Socioeconomics and considers access and public rights of way. It is noted that a number of specialist reports/surveys have been submitted in support of this consideration.
- 5.21 It is noted that the Examining Authority has identified Land Use and Socioeconomics in the Initial Assessment of Principal Issues prepared under S88(1) of the Planning Act 2008 with reference to the effects on community uses including PROW.

### **Key Local Issues**

- 5.22 There are no DCC rights of way directly impacted by the planned development. However, it is important to note that Bridleway No. 17 (Mordon Parish) provides a link to Footpath No. 8 (Brafferton Parish). Bridleway No. 11 (Mordon Parish) and Mordon bridleway link to Lodge Lane which in turns links with Bridleway No. 11 (Brafferton Parish). Ensuring these links are maintained and easily accessible is important to the wider rights of way network and especially the bridleway network in the area.

### **Adequacy of Application/DCO**

- 5.23 DCC does not envisage any direct impacts on DCC access and rights of way, but it is important that links to rights of way outside of the County boundary are maintained and accessible.

## **Cultural Heritage and Archaeology**

### **Relevant CDP policies**

- 5.24 CDP Policy 44 – Historic Environment

### **Commentary**

- 5.25 Chapter 8 of the ES relates to Cultural Heritage and Archaeology. It is noted that a number of specialist reports/surveys have been submitted in support of this consideration.

- 5.26 It is noted that the Examining Authority has identified Historic Environment in the Initial Assessment of Principal Issues prepared under S88(1) of the Planning Act 2008.

### **Key Local Issues**

- 5.27 Within 2km of the Study Area there are five Scheduled Monuments, two Grade I listed buildings, one Grade II\* Listed building, three conservation areas and sixty six Grade II listed buildings. In terms of heritage assets within County Durham, Aycliffe Village Conservation Area is over 1km to the west of the site and contains several listed buildings. The Grade II listed Preston Lodge Farmhouse and Outbuilding is directly to the north of the site, and Grade II listed Railway Bridge is over 1.5km to north.
- 5.28 There are no designated heritage assets within the site boundary in the DCC area.
- 5.29 In terms of setting, there are a number of heritage assets within a 2km radius of the site, as identified above. However, the vast majority of these are not within the boundary of DCC. There is a small offset from the Grade II listed Preston Lodge Farmhouse, with only a very slight impact on its setting through the introduction of the solar PV to the southeast, albeit mitigated to a notable extent by the solar panels being located a field away from the site.
- 5.30 The other designated heritage assets within the DCC boundary are at a notable distance from the proposed developments. The closest of these include Aycliffe Conservation Area and listed buildings within which are c.1.2km from the solar developments around Brafferton. These heritage assets are additionally separated visually by the local topography and built features including the A1(M) and east coast mainline. As a result, it would not be considered that the proposal would result in a detrimental impact or harm to the setting of these or any other designated heritage assets within the boundary of DCC.
- 5.31 Solar development has potential to impact on archaeology through ground disturbance from ground levelling, trenching, foundations, and fencing. The design and layout of development should be informed by consultation with the Historic Environment Record (HER). Where relevant, archaeological desk-based assessments and geophysical survey reports will be required. Such assessments should demonstrate the use of appropriately qualified professional expertise. Identified archaeology can be protected from impacts, either by exclusion or protection from ground impacts.
- 5.32 With regard to archaeology, there is no archaeological objection to the part of this scheme within DCC's jurisdiction.

### **Adequacy of Application/DCO**

- 5.33 DCC envisages none to a very slight impact upon the setting of designated heritage assets within County Durham. In addition, DCC does not envisage any direct impacts

on archaeology within its administrative boundary.

## **Landscape & Visual Impact**

### **Relevant CDP policies**

- 5.34 CDP Policy 39 – Landscape  
CDP Policy 40 – Trees, Woodlands, and Hedges

### **Commentary**

- 5.35 Chapter 7 of the ES relates to landscape and visual effects. The methodology used in the Landscape and Visual Assessment is appropriate and it accurately identifies and evaluates potential landscape and visual effects falling within County Durham.
- 5.36 It is noted that the Examining Authority has identified Landscape and Visual in the Initial Assessment of Principal Issues prepared under S88(1) of the Planning Act 2008.

### **Key Local Issues**

- 5.37 CDP Policy 39 (Landscape) is relevant to consideration of the Scheme within County Durham. Proposals are not permitted under the Policy which would cause unacceptable harm to the character, quality or distinctiveness of the landscape, or to important features or views. The supporting text (5.414) explains that whether harm is considered unacceptable will depend partly on the significance of the effects of development on those attributes, and partly on the extent to which the benefits of the development outweigh that harm in the balance of considerations.
- 5.38 DCC agrees with the findings of Chapter 7 of the ES in respect of the significance of the landscape and visual effects of the proposals which are summarised here.
- 5.39 In the Sedgefield, Windlestone and Aycliffe character area there would be localised moderate/minor adverse effects arising from a sense of proximity to the solar farm as a result of close views of Panel Area B above the roadside hedges and beyond the buildings and vegetation at Preston Lodge and Stainton Hill House. As new tree planting matured and hedges grew taller these effects would reduce to Minor/negligible and Adverse.
- 5.40 Within the Butterwick and Shotton character area there would be Minor/negligible Adverse effects arising as a result of glimpsed views of Panel Area F through trees and hedges within the area to the west of Old Stillington at the southern end of the character area.
- 5.41 There would be some localised effects on visual amenity for road users on Lime Lane and Lodge Lane, typically of a small or medium scale reducing over time with mitigation



(hedgerow management and planting) to negligible or small scale. There would be some very localised effects of a large scale near Stainton Hill House on Lodge Lane reducing over time to a small scale. Effects would range from Moderate, Adverse and not significant to Small/negligible, Negligible and not significant once mitigation planting matures.

- 5.42 There would be very limited visibility of the development from public rights of way within County Durham and effects would generally be Negligible and not significant. There would be very localised effects (large falling to small as mitigation planting matures) on users of Grindon Lane Bridleway but effects on the route would be negligible elsewhere.
- 5.43 DCC agrees that these effects are not significant. It will be for the Examining Authority to determine whether any harm arising from the proposals would be offset by the benefits of the development.
- 5.44 An area immediately to the north the site (Elstob) is identified as an Area of Higher Landscape Value (AHLV) as defined on Map H of the CDP. Developments affecting AHLV are only permitted under Policy 39 where they conserve and, where appropriate enhance, the special qualities of the landscape unless the benefits of development in that location clearly outweigh the harm.
- 5.45 DCC agrees with the findings of the ES on the effects on the designated landscape (7.10.175). There would be some very localised effect on its character and scenic value where it borders onto the site in the south-west. These are assessed as being Moderate Adverse and not significant reducing to Moderate/minor, Adverse and not significant once hedges and trees mature. Effects within the wider AHLV would be negligible due to the shallow nature of views and the screening effects of topography and vegetation. Taken in the round DCC considers that the proposals would conserve the special qualities of the AHLV.
- 5.46 Policy 39 states that proposals will be expected to incorporate appropriate measures to mitigate adverse landscape and visual effects. DCC considers the mitigation measures proposed to be appropriate.
- 5.47 Policy 39 also states that proposals should have regard to the County Durham Landscape Character Assessment (CDLCA) and County Durham Landscape Strategy (CDLS) and contribute, where possible, to the conservation or enhancement of the local landscape. DCC considers that the proposals have been informed by the background information in the CDLCA and are consistent with the objectives of the CDLS.

### **Adequacy of Application/DCO**

- 5.48 DCC considers that the landscape and visual effects of the proposals insofar as they affect receptors in County Durham have been appropriately assessed in the ES.

## **Drainage and Coastal Protection**

### **Relevant CDP policies**

- 5.49 CDP Policy 35 – Water Management

### **Commentary**

- 5.50 Chapter 10 of the ES relates to Hydrology and Flood Risk. It is noted that a number of specialist reports/surveys have been submitted in support of this consideration.
- 5.51 It is noted that the Examining Authority has identified Water Environment and Flood Risk in the Initial Assessment of Principal Issues prepared under S88(1) of the Planning Act 2008 with reference to the effects on community uses including PROW.

### **Key Local Issues**

- 5.52 Within County Durham, Bishopton Beck is located long a part of the site boundary. Land either side of the Beck is located within Flood Zones 2 and 3 and within a Groundwater Vulnerability Area as defined by the Environment Agency.
- 5.53 Development should apply the practices and methods of control as identified within DCC's General Guidance (included in Appendix 1) from research sources relating to drainage considerations for the construction and maintenance of varying types of Solar / Wind Farms.

### **Adequacy of Application/DCO**

- 5.54 DCC does not envisage any impacts on drainage that cannot adequately be controlled through appropriate design and mitigation.

## **Biodiversity**

### **Relevant CDP policies**

- 5.55 CDP Policy 41 – Biodiversity and Geodiversity  
CDP Policy 42 – Internationally Designated Sites  
CDP Policy 43 – Protected Species and Nationally and Locally Protected Sites

### **Commentary**

- 5.56 Chapter 6 of the ES relates to Biodiversity. It is noted that a number of specialist reports/surveys have been submitted in support of this consideration.

- 5.57 It is noted that the Examining Authority has identified Biodiversity, Ecology and the Natural Environment in the Initial Assessment of Principal Issues prepared under S88(1) of the Planning Act 2008.

### **Key Local Issues**

- 5.58 The site is in proximity to Sites of Special Scientific Interest (SSSI), Special Protection Areas (SPA), Local Nature Reserves, a Ramsar Site and proposed Ramsar Site. In terms of designated sites within County Durham, the Railway Stell West SSSI is within the 10km buffer zone of the proposal.
- 5.59 The site lies within the Nutrient Neutrality Catchment area of the Teesmouth and Cleveland Coast Special Protection Area as defined by Natural England for the protection of sensitive Habitat Regulation sites. Under the Habitats Regulations, those planning authorities falling within the catchment area must carefully consider the nutrients impacts of any projects, including new development proposals, on habitat sites and whether those impacts may have an adverse effect on the integrity of the site that requires mitigation. This impacts on all planning applications, both existing and proposed, which relate to primarily all types of overnight accommodation, such as new dwellings, care homes, student accommodation, holiday accommodation etc. and impacts all developments for one dwelling upwards. Other types of business or commercial development, not involving overnight accommodation, will generally not need to be included in the assessment unless they have other (non-sewerage) water quality implications. It is expected that Natural England will comment upon this matter.
- 5.60 Given the number and nature of the ecological designations in the vicinity the impact of the Scheme upon these requires careful consideration. CDP Policies 41 (Biodiversity and Geodiversity), 42 (Internationally Designated Sites) and 43 (Protected Species and Nationally and Locally Protected Sites) are therefore of relevance. CDP Policy 41 states that 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.
- 5.61 CDP Policy 42 states that development that has the potential to have an effect on internationally designated sites, 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. 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. 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. Land identified and/or managed as part of any mitigation or compensation measures should be maintained in perpetuity.

- 5.62 CDP Policy 43 states that development proposals that would adversely impact upon nationally protected sites will only be permitted where the benefits clearly outweigh the impacts whilst adverse impacts upon locally designated sites will only be permitted where the benefits outweigh the adverse impacts. In relation to protected species and their habitats, all development likely to have an adverse impact on the species' abilities to survive and maintain their distribution will not be permitted unless appropriate mitigation is provided, or the proposal meets licensing criteria in relation to European protected species.

### **Adequacy of Application/DCO**

- 5.63 DCC does not see any significant issues with regards to biodiversity. In terms of the baseline data to inform the assessment of impacts, this appears sound with appropriate receptors accounted for and appropriate survey methods employed. The mitigation and compensation seem appropriate, maintenance of bird assemblages on solar farms can be an issue, notably for ground nesting birds but in this case the land set aside for ground nesting birds appears suitable given the numbers of breeding pairs recorded. The RSPB may have comments on the bird mitigation, especially in relation to waders. Impacts on other faunal groups are accounted for with avoidance in place (e.g., tree bat roosts, riparian mammals) or habitat enhancements should improve opportunities for species.
- 5.64 The reports indicate that a significant BNG can be delivered, and there is certainly enough headroom in the figures to be confident that a BNG as calculated via the metric can be achieved once updated 'as built'.
- 5.65 The assessment of impacts on designated sites (especially European) looks sound with no impacts expected.
- 5.66 DCC does not envisage any biodiversity impacts that cannot adequately be controlled through appropriate mitigation.

## **Contaminated land**

### **Relevant CDP policies**

- 5.67 CDP Policy 32 –Despoiled, Degraded, Derelict, Contaminated and Unstable Land.

### **Commentary**

- 5.68 Contaminated land is not a specific chapter in the ES but a Phase 1 Geoenvironmental

and Geotechnical Desk Study has been submitted (Examination Document APP-105).

### **Key Local Issues**

- 5.69 Given the nature of the land that would be developed by the Scheme, contamination is unlikely to be a major issue within County Durham.
- 5.70 Having assessed the available information and historical maps with respect to land contamination DCC is satisfied with the information contained in the Phase 1 Geoenvironmental and Geotechnical Desk Study (2023) (Examination Document APP-105). The Phase 1 has identified the need for further site investigation as detailed in section 10 of the report. Given this, the following contaminated land condition should apply.

#### *Contaminated Land (Phase 2-3)*

*No development shall commence until a land contamination scheme has been submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall be compliant with the YALPAG guidance and include a Phase 2 site investigation shall be carried out, which shall include a sampling and analysis plan. If the Phase 2 identifies any unacceptable risks, a Phase 3 remediation strategy shall be produced and where necessary include gas protection measures and method of verification.*

*Reason: To ensure that the presence of contamination is identified, risk assessed and proposed remediation works are agreed in order to ensure the site is suitable for use, in accordance with Part 15 of the National Planning Policy Framework. Required to be pre-commencement to ensure that the development can be carried out safely.*

#### *Contaminated Land (Phase 4)*

*Remediation works shall be carried out in accordance with the approved remediation strategy. The development shall not be brought into use until such time a Phase 4 verification report related to that part of the development has been submitted to and approved in writing by the Local Planning Authority.*

*Reason: To ensure that the remediation works are fully implemented as agreed and the site is suitable for use, in accordance with Part 15 of the National Planning Policy Framework.*

*The following should be added as an informative:*

*If unforeseen contamination is encountered, the Local Planning Authority shall be notified in writing immediately. Operations on the affected part of the site shall cease until an investigation and risk assessment, and if necessary a remediation strategy is carried out in accordance with the YALPAG guidance and agreed with the Local Planning Authority. The development shall be completed in accordance with any amended specification of works.*

*Note: Following the submission of a preliminary ground gas risk assessment, for some developments the Local Planning Authority may agree in writing to the installation of Gas Protection Measures as a precautionary measure without first carrying out ground gas monitoring.*

### **Adequacy of Application/DCO**

- 5.71 DCC does not envisage any impacts relating to contaminated land that cannot be addressed by suitable mitigation.

## **Population and Human Health**

### **Relevant CDP policies**

- 5.72 CDP Policy 31 – Amenity and Pollution

### **Commentary**

- 5.73 Population and Health is not a specific chapter in the ES. It is noted that ES Chapter 4 Approach to EIA states that 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 (Chapter 10 of the ES), Land Use and Socioeconomics (Chapter 9 of the ES) and Noise and Vibration (Chapter 11 of the ES).
- 5.74 It is noted that the Examining Authority has identified Health and Air Quality in the Initial Assessment of Principal Issues prepared under S88(1) of the Planning Act 2008.

### **Key Local Issues**

- 5.75 The closest properties within County Durham are at Whinfield House, Preston Lodge and Stainton Hill House which are located to the immediately to the north of the western part of the application site. Other properties within County Durham are more distant. Whinfield House is closest to the proposed route of the cable. Preston Lodge and Stainton Hill House are located to the north of Panel Area B: Hauxley Farm (Examination Document APP-042) and separated from the proposed site by the road Lodge Lane. During the construction phase there is potential for disturbance to these residential properties. During the operational phase there is potential for visual impacts from Preston Lodge and Stainton Hill House. CDP Policy 31 is therefore of relevance.

## **Adequacy of Application/DCO**

- 5.76 It is recognised that the scheme has potential to impact upon population and human health receptors especially during the construction phase. Although there is no specific chapter on human health comments on Air Quality and Noise and Vibration are made below.
- 5.77 DCC does not envisage any impacts that cannot adequately be controlled through appropriate mitigation, but this would need to be implemented, their effectiveness and monitored/reviewed, and that any identified issues are addressed as required. It is noted however, that only a very small section of the overall project would be within the boundaries of County Durham.

## **Air Quality**

### **Relevant CDP policies**

- 5.78 CDP Policy 31 – Amenity and Pollution

### **Commentary**

- 5.79 Air Quality is not a specific chapter in the ES having been scoped out the ES. It is noted that a Construction Dust Assessment has been submitted with the application.
- 5.80 It is noted that ES Chapter 4 Approach to EIA states that 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 (Chapter 10 of the ES), Land Use and Socioeconomics (Chapter 9 of the ES) and Noise and Vibration (Chapter 11 of the ES).
- 5.81 It is noted that the Examining Authority has identified Health and Air Quality in the Initial Assessment of Principal Issues prepared under S88(1) of the Planning Act 2008.

### **Key Local Issues**

- 5.82 The closest properties within County Durham are at Whinfield House, Preston Lodge and Stainton Hill House which are located to the immediately to the north of the western part of the application site. Other properties within County Durham are more distant. Whinfield House is closest to the proposed route of the cable. Preston Lodge and Stainton Hill House are located to the north of Panel Area B: Hauxley Farm (Examination Document APP-042) and separated from the proposed site by the road

Lodge Lane. During the construction phase there is potential for disturbance to these residential properties. CDP Policy 31 is therefore of relevance.

- 5.83 At the Scoping stage DCC agreed that it was acceptable to scope out Air Quality from the ES with the information available at the time, on the basis that: a construction dust assessment and associated mitigation measures would be included in an Outline Environmental Management Plan; the Outline EMP was noted to need to make reference to Durham Council's Construction/Demolition Management Plan Guidance in addition to the IAQM guidance; and operational vehicle trips would be below the EPUK guidance screening threshold; and that there will be no, or very low, on-site emissions sources.
- 5.84 It is understood that a realistic worst case has been assessed by the assessments in the ES.
- 5.85 DCC has the following comments following a review relating to local air quality:
- Section 5.5 of The Planning Statement summarises the air quality position. Air quality is noted to have been scoped out of the EIA due to the limited emissions anticipated during construction, operation and decommissioning of the Proposed Development. Reference is made to Environmental Statement Chapter 4 Approach to EIA for further information. This document states that Air Quality is scoped out except for a Construction Dust Assessment. No further information, to include confirmation of items which informed the air quality assessment being scoped out at scoping stage, is provided.
  - The site is located approximately 20 km south of the Durham City AQMA in a rural location on DCC's southern boundary. Paragraph 5.4.3 the Environmental Statement Appendix 2.4 Construction Dust Assessment states that the effects of the proposed development upon the AQMA are unlikely to occur due to the distance to the AQMA.
  - Baseline air quality is summarised in Section 5 of the Environmental Statement Appendix 2.4 Construction Dust Assessment. A desk based review of DCC's Annual Air Quality Status Report has been undertaken. No DCC air quality monitoring is nearby the proposed site. Defra air quality background maps pollutant concentrations are reported, noted to be below air quality objectives, representative of a rural environment.

#### Construction phase

- The impact to human receptors has been included in the construction dust assessment in Environmental Statement Appendix 2.4 Construction Dust Assessment; screening out the requirement to further consider ecological receptors; considered reasonable as it is reported there are no designated ecological sites within 250 m of the site. This seems consistent with the information on Defra's MAGIC map<sup>1</sup>. A construction dust assessment has been undertaken utilising the most up to date IAQM guidance available at the time of writing; this document has since been updated<sup>2</sup> however this is not considered a material planning consideration. It is understood that a realistic worst-case assessment has been undertaken for the Construction Dust Assessment, as distances to receptors have



been considered from the full Order Limits rather than exact locations of works which could result in a conservative estimate. No reference is made to Durham Council's Construction/Demolition Management Plan Guidance<sup>3</sup>.

- In the absence of a clear figure, following a review of aerial imagery, it would initially appear that only a handful of dwellings within DCC would be impacted by the proposals during the construction phase, in terms of construction dust however this is requested to be confirmed. **A clear figure is requested, presenting the locations of receptors sensitive to air quality to be able to understand which receptors lie within DCC boundary.** Whilst not in DCC's boundary, it is noted that Bishopton Redmarshall Primary School is within 20m of the order limits. As per the IAQM guidance, schools are recommended to be allocated as within the >100 receptor category. The sensitivity of the area to dust soiling is determined by the assessment as 'High' and to human health as 'Low', based on between 10 and 100 receptors within 20m of the proposed development. It is understood that the sensitivity of the area to human health would instead be determined to be medium risk should this have been considered. This is not expected to be a material planning consideration for DCC due to the Applicant's recommendation of the full suite of IAQM mitigation measures (with one exception as per below), but may be relevant to Darlington BC.
- No demolition is understood to be proposed. Information is provided to explain the assigning of large potential dust emission magnitude to earthworks and medium to construction and trackout in Table 6-1. It is understood that the assessment has been made on the project as a whole and measures assigned based on a high dust risk.
- Although there are a couple of references to decommissioning in the Appendix 2.4 Construction Dust Assessment document, **it is recommended that the Applicant confirm the same mitigation measures will be employed for the decommissioning phase.** Following review of Section 2.9 of Appendix 2.7 Outline Decommissioning Environmental Management Plan, **it is understood that current proposals do not include the same dust mitigation measures for decommissioning as for the construction phase, as would be expected. This should be clarified.**
- Mitigation measures have been recommended in the air quality assessment for the construction phase; these mostly appear to be in line with IAQM guidance with the exception of **no air quality monitoring being proposed**, as would be recommended by the guidance for high risk sites. **Where the guidance is not followed, reasons for not following are requested to be provided.** Following production of a clear figure showing the receptors sensitive to air quality within DCC, this will be considered as to whether this is considered material for DCC.
- Following review of the Environmental Statement Appendix 2.6 Outline Construction Environmental Management Plan (OCEMP), the document references the measures recommended by the air quality assessment at Paragraph 2.3.18. It is therefore understood that all of the measures recommended by Appendix 2.4 will be implemented.
- A section titled Emissions, Dust and Dirt within the Outline Construction Traffic Management Plan (OCTMP) references the IAQM dust guidance suggesting dust mitigation measures will be followed. This document is recommended to also reference the measures contained within Appendix 2.4 relevant to construction

traffic and dust. There is no reference to road traffic related air quality impacts from the construction phase.

- Following review of Environmental Statement Figure 2.21 Construction Compounds and Access Route, it is understood that the construction access route traces along DCC's boundary to the A167 and then to the A1(M). It is understood that a realistic worst case assessment has been undertaken within the Construction Traffic Management Plan; to do this, a shorter programme has been considered for construction traffic, condensing the trips into a shorter period of 12 – 18 months. The CTMP reports a maximum of 18 daily HGV trips using this method, however following review of the Traffic and Transport Chapter, it is understood that this is only an average, and therefore not a worst case. Following review of Table 0-5 in Chapter 12 Traffic and Transport and the supporting text, a worst case is understood to be 24 daily HGV trips, and 48 two-way flows. Construction phase road traffic exhaust emissions do not appear to have been discussed in relation to air quality impacts; it is noted that it is predicted to be below the EPUK IAQM guidance<sup>4</sup> screening criteria for roads outside of an AQMA. With reference to Paragraph 12.10.13, it is understood that as many as 90 light vehicle movements could be expected from construction worker trips which also does not exceed the light vehicles screening criteria of the EPUK guidance; **it is however not understood if this is a reasonable worst case, which is requested to be confirmed. It is not clear in a worst-case scenario, how many daily two way light and heavy movements may be expected to travel through the Durham City AQMA via the northbound A1(M)** however the information is considered to likely be available by the documents reviewed. The Applicant is therefore **requested to confirm whether the EPUK IAQM screening criteria for roads within an AQMA will be exceeded (100 annual average daily traffic (AADT) light vehicles, 25 AADT heavy vehicles)**. If this is not known, a suggestion to resolve this would be to add into the CTMP that no construction traffic routing will travel through the Durham City AQMA.
- There are a number of mitigation measures provided in Table 4.1 of the OCEMP for climate change. Implementing a Travel Plan to reduce the volume of construction staff and employee trips to the Proposed Development and switching vehicles and plant off when not in use and ensuring construction vehicles conform to current EU emissions standards will have co-benefits to air quality.

#### Operation phase

- Operational road traffic exhaust emissions were scoped out of the assessment as per Chapter 4 Table 4-1. Following review of Chapter 12 Traffic and Transport, operational visits are understood to be 0.8 movements per day with an expected 73 operational trips per year, related to maintenance. Although not stated in the chapter, it is understood that the impact on Durham and the AQMA will not be significant as the EPUK planning guidance screening criteria is not likely to be exceeded.
- It is noted that the UK Health Security Agency has requested the Applicant to give consideration to the impact to human health as a result of emissions from an emergency fire. No air quality assessment to include dispersion modelling is understood to have been undertaken to support the response to this request; it is understood that the Applicant intended Appendix 2.5 Major Accidents and Disasters

Assessment to satisfy this point. The proposed location of BESS at each panel area is not yet clear by the absence of BESS locations on the plans however as per the current proposed development description in Chapter 2 with reference to the centre of each panel area, it could be that one of these BESS may be located nearby DCC area. Whilst Table 3-1 Hazard identification record – battery fire in Appendix 2.5 does provide some consideration of the impacts from battery fires, **it is currently unclear whether this is sufficient to determine no significant effects to air quality within Durham’s boundary.**

1 Department for Environment, Food & Rural Affairs (2024) MAGIC Map Application. Available at: <https://magic.defra.gov.uk/magicmap.aspx>

2 Stoaling et al (2024). IAQM Guidance on the assessment of dust from demolition and construction, Institute of Air Quality Management, London. <https://iaqm.co.uk/wp-content/uploads/2013/02/Construction-Dust-Guidance-Jan-2024.pdf>

3 Durham County Council (undated), Construction/Demolition Management Plan Guidance. (Provided by the Council upon request)

4 Moorcroft and Barrowcliffe. et al. (2017), Land-use Planning & Development Control: Planning for Air Quality. v1.2. Institute of Air Quality Management, London. <http://www.iaqm.co.uk/text/guidance/air-quality-planning-guidance.pdf>

### **Adequacy of Application/DCO**

- 5.86 DCC has queries regarding the proposed development in relation to air quality and it is requested that these are addressed by the applicant. Should these queries be satisfactorily addressed then DCC does not envisage any air quality impacts that cannot adequately be controlled through appropriate mitigation.

## **Noise, Vibration and Glint and Glare**

### **Relevant CDP policies**

- 5.87 CDP Policy 31 – Amenity and Pollution

### **Commentary**

- 5.88 Chapter 11 of the ES relates to Noise and Vibration. It is noted that a number of specialist reports/surveys have been submitted in support of this consideration.
- 5.89 It is noted that the Examining Authority has identified Noise and Vibration in the Initial Assessment of Principal Issues prepared under S88(1) of the Planning Act 2008.

### **Key Local Issues**

- 5.90 The closest properties within County Durham are at Whinfield House, Preston Lodge and Stainton Hill House which are located to the immediately to the north of the western part of the application site. Other properties within County Durham are more distant.

Whinfield House is closest to the proposed route of the cable. Preston Lodge and Stainton Hill House are located to the north of Panel Area B: Hauxley Farm (Examination Document APP-042) and separated from the proposed site by the road Lodge Lane. During the construction phase there is potential for disturbance to these residential properties. CDP Policy 31 is therefore of relevance.

- 5.91 Sensitive receptors in proximity to the site within County Durham include Whinfield House and Preston Lodge. In the case of solar development impacts from noise, dust and vibrations are predominantly likely to be during construction, although associated transformers and inverters can emit noise when operational.
- 5.92 DCC has undertaken a technical review of information submitted in relation to the likely impact upon amenity in accordance with the relevant Durham County Council Technical Advice Notes (TANS). The information submitted demonstrates that the application complies with the thresholds stated within the TANS. This would indicate that the development would not lead to an adverse impact. In addition, following previous comments made to the Applicant by DCC that more specific information should be submitted to identify dwellings in County Durham and the likely impact from glint and glare, this has been done and DCC is satisfied potential impact would be minimal based on the information provided.

#### **Adequacy of Application/DCO**

- 5.93 Within County Durham sensitive receptors may be impacted upon during the construction phase to some degree but to a lesser degree during the operational phase given the nature of the development.
- 5.94 DCC does not envisage any noise and vibration, or glint and glare, impacts that cannot adequately be controlled through appropriate mitigation.

### **Climate Change**

#### **Relevant CDP policies**

- 5.95 CDP Policy 29 – Sustainable Design  
CDP Policy 31 – Amenity and Pollution

#### **Commentary**

- 5.96 Chapter 5 of the ES relates to Climate Change.

#### **Key Local Issues**

- 5.97 In 2019 Durham County Council declared a climate emergency. A Climate Emergency

Response Plan (CERP) was approved by the Council on 12 February 2020, and this was updated in June 2022 when the Council published its second Climate Emergency Response Plan (CERP2). The Council's third Climate Emergency Action Plan 2024-2027 (CERP3) was adopted in July 2024. CERP3 aims to ensure that by 2027 renewable generation and resilient infrastructure is in place for a carbon neutral electricity grid. We have committed to reaching Net Zero by 2030 with an 80% real carbon reduction to our emissions. DCC has also committed to working with partners and communities to achieve a carbon neutral County Durham by 2045.

### **Adequacy of Application/DCO**

- 5.98 DCC does not envisage any climate impacts that cannot adequately be controlled through appropriate mitigation.

## **Geology and Soils**

### **Relevant CDP policies**

- 5.99 CDP Policy 14 – Best and Most Versatile Agricultural Land and Soil Resources  
CDP Policy 56 – Safeguarding Mineral Resources

### **Commentary**

- 5.100 Chapter 9 of the ES relates to Land Use and Socioeconomics and considers land and soil resources.

### **Key Local Issues**

- 5.101 The Scheme as a whole is located on agricultural land and agricultural land and soil resources will be an important consideration in determining this application. The land within the County Durham that forms part of the Scheme is a road and a small area of river bank. This land appears to Grade 3b under the Agricultural Land Classification and shown on Examination Document APP-083 (6.3.9.5 Environmental Statement Figure 9.5 Agricultural Land Classification).
- 5.102 It is noted that the Scheme is partially located within Darlington Borough Council's Mineral Safeguarding Areas for limestone. Cabling appears to bound a Mineral Safeguarding Area for Magnesian Limestone within County Durham. The solar arrays are temporary in nature and this site is not identified as being required to meet a need in the County Durham Minerals and Waste Policies and Allocations Document (July 2024). However, Darlington Borough Council would need to take a view as to whether a minerals assessment is required in respect of their area.
- 5.103 Mineral safeguarding, specifically in relation to CDP Policy 56 which safeguards mineral

resources of local and national importance, specifically in the area near Bishopton Beck in County Durham is a Mineral Safeguarding Area for River sand and gravel. CDP Policy 56 is therefore relevant. This does not appear to be referred to in Chapter 9 of the ES. The proposal may sterilise safeguarded mineral resources in this location. Notwithstanding this it is recognised that whilst temporary, the proposed solar farm is of a long duration (40 years), it would not permanently sterilise the mineral it would overlie. While there is a forecast shortfall of sand and gravel over the Plan period to 2035, as outlined in the Council's Local Aggregate Assessment (2022 Permitted Reserves and Sales) (December 2023), the small area of sand and gravel which would be sterilised is considered to not be likely to be attractive to future mineral working due to both its size and its isolated nature from other deposits and its location near to the High Pressure Gas Pipeline (FM 07 Bishop Auckland/Sutton Howgrave). The Scheme when viewed as a whole may outweigh the need to safeguard mineral in this particular location.

### **Adequacy of Application/DCO**

5.104 DCC does not envisage any impacts upon geology and soil resources that cannot adequately be controlled through appropriate mitigation.

## **Cumulative Effects**

### **Relevant CDP policies**

5.105 CDP Policy 31 – Amenity and Pollution

### **Commentary**

5.106 Chapter 13 of the ES relates to Cumulative Effects.

### **Key Local Issues**

5.107 Comments have been made in relation to individual impacts. Details of developments in the vicinity of the site in County Durham are referred to in Section 3.0 above.

### **Adequacy of Application/DCO**

5.108 Given the proposed timescale for the DCO works there is the potential for cumulative impacts with permitted developments within County Durham and outside of the County boundary. DCC does not envisage cumulative impacts that cannot adequately be controlled through appropriate mitigation.

## **Other Matters**

### **Relevant CDP policies**

5.109 CDP Policy 28 – Safeguarded Areas

### **Commentary**

5.110 Safeguarded Areas in respect of Tees Valley International Airport and the High Pressure Gas Pipeline are matters which should be considered.

### **Key Local Issues**

5.111 The site lies within the 15km Birdstrike Safeguarding Circle, the 13km Protected Surfaces Safeguarding Circle and the 30km Wind Farm Consultation Zone for Tees Valley International Airport. The views of Tees Valley International Airport should be sought.

5.112 A High Pressure Gas Pipeline (FM 07 Bishop Auckland/Sutton Howgrave) runs north south through the proposed site. The area within County Durham near Bishopton Beck is adjacent to the middle consultation zone.

### **Adequacy of Application/DCO**

5.113 This would be for Tees Valley International Airport and National Gas Transmission to comment upon.

### **Restoration**

5.114 Consistent with CDP Policy 33 (Renewable and Low Carbon Energy) a condition will need to be applied to secure, in so far as the land crosses into the boundary of County Durham, the timely restoration of the land to its previous use at the end of the operational life of the solar panels. Restoration means that all development, including ancillary infrastructure, footings and access tracks should be removed from the site and any soils and vegetation restored, to ensure the land is as a minimum returned to the condition it was in before the development.

### **Police and Fire Services**

5.115 The views of Durham Constabulary Crime Prevention Unit should be sought in respect of designing out crime/crime prevention. The views of County Durham and Darlington

Fire and Rescue Service should be sought in respect of the application with regard to the design of the proposed facility and potential fire risks.



## **6.0 ADEQUACY OF THE DCO**

- 6.1 DCC has reviewed the draft DCO and commented as to its adequacy on a topic by topic basis above.

## **7.0 SUMMARY**

- 7.1 DCC has reviewed the Application and considered the impacts of the proposed Scheme in the context of the CDP and other relevant policy referred to above in so far as it relates to that part of the site within County Durham.
- 7.2 Subject to queries raised in this Local Impact Report being satisfactorily addressed, DCC considers that in combination with any agreed and recommended ancillary plans and strategies would seek to ensure that the proposed development, as it relates to County Durham, would be acceptable in principle, and would generally not conflict with relevant DCC local planning policy, but this will be for the Examining Authority and the Secretary of State to determine.

## APPENDIX 1

Drainage And Coastal Protection

# Neighbourhoods and Climate Change



### **General Guidance from research sources relating to drainage considerations for the construction and maintenance of varying types of Solar / Wind Farms:**

Such developments can have the potential to impact on surface water flow around and from the arrays by concentrating surface water flow both from rainfall and through construction impacts upon the soil.

The site's soils and their permeability will be a major consideration, as siting on impermeable clay soils will lead to runoff channel forming, erosion and potential silting of watercourses. In contrast soils and subsoils are often thin and highly permeable when overlying Magnesian Limestone which supports the protected/designated Magnesian Limestone grasslands.

The permeability of material used for the access tracks should be taken into consideration.

A greater volume of surface water could potentially enter watercourses, or flow to adjacent areas at a greater rate than would otherwise occur in greenfield conditions due to earthworks carried out during construction. This concentration of water flow can create rills, or channelised flows, which can compact and erode the soil, and lead to the potential silting of watercourses and possible flooding.

Changing baseline drainage patterns can alter/ change subsurface flow paths such that water is preferentially moved from one receptor dependent on ground water to another (especially in a fractured aquifer like the Magnesian Limestone). Cumulative impact/ scale should be considered. Potential to lower water levels/quantity in private water supplies/ or raising groundwater levels and increasing flood extents/ duration.

Solar panels are often installed in agricultural land with potential pre-existing contaminants in the ground/groundwater. Altering the pre-development drainage could mobilise these (nitrates, herbicides, pesticides, landfill contaminants) potentially resulting in a pollution/deterioration in water quality at a receptor such as a watercourse, wetland, pond, private/public water supply borehole.

When considering the impact on flood risk and the future drainage of such developments, due consideration should be undertaken in respect of the construction phase. During this period the ground around the arrays can become compacted, and if not rectified later, may result in the run-off from the arrays draining onto semi-impermeable ground resulting in possible drainage issues.

The length of lifetime of the development should be made explicit to ensure that mitigation measures for the site are effective for the lifetime of the development. This would affect any climate change allowances to be made for storage calculations for attenuation features.

### Mitigation Methods

To counter these risks the following measures should be taken where appropriate:

- Undertake an assessment of the baseline run-off rates of the existing site. Compare this to the calculated greenfield allowance for a development.
- Undertake an assessment of the baseline infiltration rates and site specific baseflows to rivers. There are many areas which do not match the generic catchment hydraulic modelling criteria due to the inherent difficulties in assessing recharge or rainfall infiltration. Equally there will be sites where a

greenfield runoff rate may still cause flooding. In these cases, schemes should provide additional mitigation.

- Research the former use of the land listing possible contamination. Provide a semi-quantitative or quantitative assessment of the risk and impact on all receptors with measures to mitigate, where necessary against the risk of mobilising contaminants through the change of use and drainage of the land. Where a drainage system design maintains baseline run-off and infiltration rates this assessment may become less important.
- Research which nearby watercourses are impacted by lower than normal flows i.e. close to their (EFI) environmental flow indicator which is the minimum flow required to support good ecological status as required by the Water Framework Directive 2000. These may benefit from having more water to improve their quality and WFD status.
- To counter ground compaction from construction machinery, sub soiling by chisel plough should be carried out to break up any natural hard sub soils or construction compacted ground beneath the surface, which may otherwise cause poor drainage.
- Access roads should take account of the infiltration capacity of the soil. Where feasible, permeable materials should be used, or the road should be positively drained.
- Drainage from access roads may require attenuation control to the outflow before discharging to an identified location (e.g., a watercourse) or soakaway (where ground conditions allow). Please refer to CIRIA's SuDS Manual to inform your design of such elements.
- Structures should be sited along the contour (wherever possible) so that the water flow between rows is dispersed evenly beneath them.
- Incorporate bunds, filter drains or other measures to interrupt flows of water between structures to disperse water flows over the surface and promote infiltration into the soils.
- Incorporate wide grassed filter strips at the downstream side of the structures and maintain the grass at a long length to interrupt water flows and to promote infiltration.
- Incorporate gravel filled filter drains or swales to help infiltrate run-off (where ground conditions allow).
- There should be a soil management plan in place to ensure that the soil is kept in good condition both during and after construction, as well as for decommissioning.

### Submitting a Planning Application

To support any planning application a NPPF compliant Flood Risk Assessment (FRA) and Surface Water Drainage Strategy should be submitted. This FRA should review all existing flood risks and identify any necessary mitigation measures during the construction, operational and decommissioning phases.

In respect to surface water drainage, the following information shall be included within the Surface water management proposal.

- 1) Assessment of the existing soil and sub soils and their permeability
- 2) A review of the existing surface water drainage mechanisms
- 3) Assessment of the impact from the run-off and how this will be controlled.
- 4) Details, plans, sections and calculations where necessary to demonstrate that there will be no increase in flood risk from surface water or groundwater, and total discharge from the site will be no greater than or equivalent to QBAR Rate for all events up to and including the 1 in 100year + the appropriate climate change allowance for the lifetime of the development.
- 5) Details of the future site management plan including an inspection and maintenance plan for the areas around and beneath the structures.
- 6) Details and sections of any new access roads identifying how these will be drained.

- 7) A construction management plan providing details of how the site and any temporary and permanent access roads will be drained during the installation and decommissioning. This assessment should review how the site drainage characteristics will be temporarily changed following removal of any crops, stubble or grasslands.
- 8) Identify any existing watercourses which may require crossing to form temporary or permanent access tracks and include details of any localised culverting and assessments to demonstrate that the culverts will be able to accept the flow from the 1 in 100+ 45% Climate Change storm event with an agreed freeboard. Note that where any works affecting a watercourse even of a temporary nature are involved, then an Ordinary watercourse Consent approval will be required from Durham County Council Drainage and Coastal Protection Section.