



Application by JBM Solar for the Byers Gill Solar Farm

The Examining Authority's written questions and requests for information (ExQ1)

Issued on 30 July 2024

The following table sets out the Examining Authority's (ExA's) first round of written questions and requests for information – ExQ1. If necessary, the examination timetable enables the ExA to issue a further round of written questions in due course. If this is done, the further round of questions will be referred to as ExQ2.

Questions are set out using an issues-based framework derived from the Initial Assessment of Principal Issues provided as **Annex C** to the Rule 6 letter of 25 June 2024. Questions have been added to the framework of issues set out there as they have arisen from representations and to address the assessment of the application against relevant policies.

Column 2 of the table indicates which Interested Parties (IPs) and other persons each question is directed to. The ExA would be grateful if all persons named could answer all questions directed to them, providing a substantive response, or indicating that the question is not relevant to them for a reason. This does not prevent an answer being provided to a question by a person to whom it is not directed, should the question be relevant to their interests.

Each question has a unique reference number which starts with an alphabetical code and then has an issue number and a question number. For example, the first question on general matters is identified as GEN.1.1. When you are answering a question, please start your answer by quoting the unique reference number.

If you are responding to a small number of questions, answers in a letter will suffice. If you are answering a larger number of questions, it will assist the ExA if you use a table based on this one to set out your responses. An editable version of this table in Microsoft Word is available on request from the case team: please contact ByersGillSolar@planninginspectorate.gov.uk and include 'Medworth EfW ExQ1 Response' in the subject line of your email.

Responses are due by Deadline 2: 29 August 2024.

**Abbreviations used:**

APs	Affected Persons	MP Order	The Infrastructure Planning (Model Provisions) Order 2009
Art	Article	MW	Megawatts
ALA 1981	Acquisition of Land Act 1981	NPS	National Policy Statement
BMV	Best and Most Versatile Land	NSIP	Nationally Significant Infrastructure Project
BoR	Book of Reference	OCEMP	Outline Construction Environmental Management Plan
BNG	Biodiversity Net Gain	PA2008	The Planning Act 2008
CA	Compulsory Acquisition	PRoW	Public Right of Way
CPO	Compulsory purchase order	PV	Photovoltaic
CTMP	Construction Traffic Management Plan	R	Requirement
DBC	Darlington Borough Council	RR	Relevant Representation
DCC	Durham County Council	SBC	Stockton Borough Council
dDCO	Draft DCO	SAC	Special Area of Conservation
EM	Explanatory Memorandum	SPA	Special Protection Area
ES	Environmental Statement	SI	Statutory Instrument
ExA	Examining Authority	SoS	Secretary of State
Fig.	Figure	SSSI	Site of Special Scientific Interest
IPs	Interested Parties	SUs	Statutory Undertakers
LIR	Local Impact Report	TP	Temporary Possession
LNR	Local Nature Reserve	WMS	Written Ministerial Statement
LPA	Local planning authority		
MP	Model Provision (in the MP Order)		



The Examination Library

References in these questions set out in square brackets (eg [APP-010]) are to documents catalogued in the Examination Library. The Examination Library can be obtained from the following link:

[Examination Library](#)

It will be updated as the examination progresses.

Citation of Questions

Questions in this table should be cited as follows:

Issue reference. question number, eg GCT.1.1 – refers to General and Cross-Topic question 1 in this table.



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ExQ1: 30 July 2024

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ExQ1	Question to:	Question:
1.	General and Cross-topic Questions	
GCT.1.1	All Local Authorities	<p>Development Plan Policies</p> <p>If not in your Local Impact Report (LIR), all Local Authorities are asked to provide full copies of any Development Plan policies referred to in any of your submissions and confirm the status of the relevant plan. Should you refer to any additional Development Plan policies at any time in your future submissions to the Examining Authority (ExA), if they have not already been provided, please also submit copies of these into the Examination.</p> <p>The ExA also asks to be kept up-to-date on changes to the status of any Development Plan which a Local Authority has previously relied upon during Examination.</p>
GCT.1.2	All Local Authorities	<p>In 7.1.1. Appendix A - Policy Compliance Document [APP-164] the Applicant sets out how the Proposed Development complies with all relevant national and local planning policy. Are the local planning authorities content with the Applicant's policy analysis?</p>
GCT.1.3	All Local Authorities	<p>Neighbourhood Plans</p> <p>Can you confirm whether there are any relevant made or emerging neighbourhood plans that the</p>
2.		
		<p>The full local Plan Policies have been included within Appendix One of this report. The Submitted Local Impact Report addresses the content of these policies in more detail.</p>
		<p>Stockton on Tees Borough Council submitted Local Impact Report has addressed this.</p>
		<p>Not Applicable – there are no neighbourhood or emerging neighbourhood plans relevant to the application site within the administrative boundary of Stockton</p>

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ExQ1	Question to:	Question:	
		<p>Examining Authority (ExA) should be aware of? If there are, can you:</p> <ol style="list-style-type: none"> 1. Provide details, confirm their status and – if they are emerging – the expected timescales for their completion; 2. Provide a copy of the made plan or a copy of the latest draft. 3. Indicate what weight you consider the ExA should give to these documents. 	
GCT.1.4	All Local Authorities	<p>Updates on development Please provide an update on any submitted planning applications or consents granted since the application was submitted that could either affect the Proposed Development or be affected by the Proposed Development and whether these would affect the conclusions reached in the Environmental Statement (ES).</p>	There are no relevant planning applications or consents granted since the application was submitted within the administrative boundary of Stockton
GCT.1.5	Applicant	<p>Other consents and permits 7.3 Other Consents and Licences [APP-166] details the Applicant’s position in relation to those consents and agreements which the Applicant currently anticipates may be required to supplement powers within the draft DCO and the status of any agreement with the regulatory authority (where</p>	

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ExQ1	Question to:	Question:	
		<p>required). The Applicant is therefore asked to:</p> <ol style="list-style-type: none"> 1. Provide an update on progress with obtaining these consents, licences and permits; 2. Include a section providing an update on these consents, licences and permits in any emerging Statements of Common Ground (SoCGs) that are being drafted with the relevant consenting authorities. 	
GCT.1.6	<p>Applicant All Local Authorities Prescribed Consultees Interested parties</p>	<p>Central Government Policy and Guidance Are you aware of any updates or changes to Government Policy or Guidance (including emerging policies) relevant to the determination of this application that have occurred since it was submitted? If yes, what are these changes and what are the implications for the application?</p>	<p>Whilst mindful of the ongoing consultation to the proposed changes to the NPPF, WMS regarding wind turbines 8 July 2024 it is of note that limited/ no weight can be attributed to this.</p> <p>The WMS entitled 'Solar and protecting our Food Security and Best and Most Versatile (BMV) Land' s a material planning consideration in the determination of the application.</p> <p>The WMS acknowledges food security is an essential part of national security, while at the same time solar power is a key part of the government's strategy for energy security, net zero and clean growth. These factors need to be balanced. The WMS sets out that the starting point for developers is to minimise impacts on Best and Most versatile agricultural land and preferably use land in areas of poorer quality. This is broadly consistent with the NPPF and Local Plan policy. Due weight needs to be given to the proposed use of Best and Most Versatile land when considering whether planning</p>

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ExQ1	Question to:	Question:	
			<p>consent should be granted for solar developments. The onus is on the Applicant to demonstrate the use of Best and Most Versatile land is necessary, where it is used. Cumulative impacts should also be considered.</p> <p>Whilst it is only the cabling which falls within the administrative boundary of SBC, it is noted that the majority of the Solar PV site is not located on Best and Most Versatile agricultural land.</p>
GCT.1.7	Applicant	On 15 May 2024 the Secretary of State for Energy Security and Net Zero made a written ministerial statement (WMS) entitled 'Solar and protecting our Food Security and Best and Most Versatile (BMV) Land'. Please set out any implications for the consideration of the proposal arising from this WMS.	
GCT.1.8	All Local Authorities Prescribed Consultees	<p>Issues for Examination</p> <p>7.6 Potential Main Issues for Examination [APP-169] which provides the ExA with a summary of the principal areas of disagreement between the Applicant and stakeholders with whom principal areas of disagreement statements have been developed. Are all Local Authorities and relevant Prescribed Consultees content with the summary of current position provided by the applicant and the principal areas of disagreement identified?</p>	The Statement of Common Ground sets out the current position, it is understood that the applicant is currently reviewing matters raised within the LIR.

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ExQ1	Question to:	Question:
GCT.1.9	Statutory Undertakers	7.7 Statutory Undertakers Position Statement Issue [APP-170] sets out the current position of discussions between the Applicant and statutory undertakers that have assets or operations that would potentially be affected by the Proposed Development. The ExA notes several unresolved matters between the Applicant and Statutory Undertakers. Are all affected Statutory Undertakers content with the summary of current position as detailed in [APP-170]?
GCT.1.10	Applicant	<p>ES Supporting Documents</p> <p>Figure 2.13 Underground Cable Routes [AS-019] shows a number of route options for the off-road and the on-road cabling. Could the Applicant please submit two further drawings showing:</p> <ul style="list-style-type: none"> • One showing the off-road route options only; • One showing the on-road route options only; • And one with the preferred cable route.
GCT.1.11	Applicant	The Applicant has confirmed, in Chapter 2 of the ES [APP-025] that an element of flexibility remains through the inclusion of both on-road and off-road cable route options and that, although the off-road cable route is

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ExQ1	Question to:	Question:	
		<p>preferred, both options have been assessed as part of the ES. Can the Applicant therefore please confirm:</p> <ul style="list-style-type: none"> • The amount of land that is subject to optionality (i.e. the amount of land that the Applicant has included in the Order which might not be needed if the Applicant can secure all the land and rights needed for the off-road option)? • The amount of land additional land that the Applicant has already secured in order to deliver the preferred off-road cable route? • And what will be the Applicant's future intentions for land already secured for the off-road cable route, if the off-road cable route is not deliverable, and how has this been secured through the dDCO? 	
GCT.1.12	Applicant Durham County Council (DCC) Darlington Borough	Can the Applicant please set out what considerations it has given to the need to develop a S.106 agreement with the Host Local Authorities (HLAs) (DCC, DBC, SBC)? And, if the Applicant feels there is a need for one, what are the topics and issues that the S.016 Agreement should cover?	There have been no discussions with the applicant regarding S106, however if at a later stage one is deemed necessary, we would engage with the applicant.

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ExQ1	Question to:	Question:	
	Council (DBC) Stockton Borough Council (SBC)	Can the HLAs confirm their position in relation to the need for a S.106 agreement and confirm if any discussions or consideration has been given to this?	
GCT.1.13	Durham County Council (DCC) Darlington Borough Council (DBC) Stockton Borough Council (SBC) Other IPs (inc. SUs)	The Applicant has presented a Long and Short List of Committed Development [APP-102] and [APP-103]. Can all HLAs confirm if they are happy with the listed provided or if there are any further projects that they wish to add? Other IPs, namely Statutory Undertakers (SUs), are also invited to comment.	No further projects are suggested
GCT.1.14	Applicant	As per the Funding Statement [APP-026], the Applicant estimates that the Proposed Development will cost £200m to build. Can the Applicant provide details in relation to availability of funding and its timing?	
GCT.1.15	Applicant	At ISH1 several IPs raised concerns regarding the effects of the Proposed Development, particularly the solar panels component, on birds and horses and other wildlife. Can the Applicant	

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ExQ1	Question to:	Question:
		<p>please provide further information in relation to how these likely effects have been assessed and how the applicant has taken into consideration likely effects.</p>
GCT.1.16	Applicant	<p>Significant effects have been identified by the Applicant, particularly Visual and Landscape effects, in relation to several different receptors as set out in Table 7-12 Landscape and Visual impact assessment summary of Chapter 7 of the ES [APP-030]. Considering the number of significant visual effects identified, can the Applicant please explain its design approach to the proposed development, why more detailed information than that provided in Chapter 3 of the ES was not submitted and if the Applicant believes that a separate Design Approach document might be of use in order to better inform the ExA in relation to the Applicant's approach on Design?</p>
GCT.1.17	Applicant	<p>How has the Applicant taken into consideration the impacts of Climate Change on the Proposed Development and how has the Proposed Development been developed in order to respond to the challenges of climate change particularly the increase in frequency of extreme weather events?</p>

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ExQ1	Question to:	Question:	
GCT.1.18	Applicant	Can the Applicant please confirm, where within the Application documents, the principals that lead and presided to the proposed configuration of panels in Fig. 2.2 General Arrangement Scheme Wide [APP-040] are laid out, particularly in reference to identified sensitive receptors and how the Proposed Development has been sensitive to their location?	
GCT.1.19	Applicant Natural England	The Applicant states, in paragraph 3.3.5 of the Planning Statement [APP-163] that the Proposed Development is anticipated to provide an 88% net gain in area habitat Biodiversity Units (BUs) and 108% net gain of hedgerow BUs and that this is significantly over the forthcoming mandatory requirements – but how do these Biodiversity Units relate to Biodiversity Net Gain?	
GCT.1.20	Applicant	In paragraph 6.1.7 of the Planning Statement [APP-163] the Applicant states that Proposed Development has also been assessed as providing a beneficial effect on soil resources (at the point of decommissioning) and employment and supply chain opportunities. Could the Applicant please explain how it has arrived to this position and what the key benefits are?	
3. Principle of the Proposed Development			

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ExQ1	Question to:	Question:
PPD.1.1	Applicant	<p>The Applicant states that the Proposed Development has a generating capacity of over 50MW of electricity. However, the Applicant has not established what the likely generating capacity of the Proposed Development is. Can the Applicant please confirm:</p> <ul style="list-style-type: none"> • How the Applicant has arrived to 'a generating capacity of 50MW'; • What is the likely generating capacity of the proposed development; • How has the Applicant arrived to, and what are the assumptions behind, the likely generating capacity of the Proposed Development.
PPD.1.2	Applicant	<p>The production of solar energy is influenced by several different factors including those that influence exposure to sunlight, such as the number of daylight hours, weather conditions and overall location and direction of the panel in relation to the sun. Can the Applicant please provide further information in relation to how these factors were considered as part of any modelling carried out in relation to the generating capacity of the proposed development and how that anticipated generating capacity will vary in</p>

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ExQ1	Question to:	Question:	
		accordance to those factors that were considered?	
PPD.1.3	Applicant	Paragraph 2.10.17 of the NPS EN-3 (EN-3) states that, along with associated infrastructure, a solar farm requires between 2 to 4 acres for each MW of output. It goes on to state that a typical 50MW solar farm would consist of around 100,000 to 150,000 panels and cover between 125 to 200 acres. Considering that the Applicant states that the Proposed Development is approximately 490 hectares (1211 acres), can the Applicant please confirm the overall number of panels proposed and set out how the current proposal compares in relation to the typical 50MW solar farm as included in EN-3?	
PPD.1.4	Applicant	<p>The Applicant is asked to confirm the amount of land that it requires for the Proposed Development in relation to the following:</p> <ul style="list-style-type: none"> • Work No. 1; • Work No. 2; • Work No.3 minus any area identified for landscape and biodiversity mitigation and enhancement measures including planting; 	

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ExQ1	Question to:	Question:
		<ul style="list-style-type: none"> • landscape and biodiversity mitigation and enhancement measures including planting; • Work No. 5; • Work No. 6; • Work No. 7; • Work No. 8; • Work No. 9.
PPD.1.5	Applicant	Can the Applicant confirm what type of PV panels are proposed and what other options and alternatives were considered in relation PV panel technology and why any options or alternatives considered were dismissed, including any risks identified?
PPD.1.6	Applicant	The Applicant states that the Proposed Development has been designed to maintain flexibility and that construction Parameters have been set to support this. Can the Applicant please set out where the construction parameters are set out?
PPD.1.7	Applicant Northern Power Grid	The Grid Connection Statement [APP-168] states that the Applicant has received a grid connection offer from Northern Power Grid to connect to the Norton Substation. Considering the number of other solar energy projects identified in the Short List of Committed

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ExQ1	Question to:	Question:
		<p>Developments [APP-162], how have the cumulative effects of the Proposed Development and committed developments been taken into consideration?</p> <p>The Applicant and Northern Power Grid are also to confirm that they are in agreement in regards to the Short List of Committed Developments and are not aware of any other electricity generating projects that are proposed to connect to Norton Substation.</p>
PPD.1.8	Applicant	<p>At OFH1 the ExA's attention was drawn to concerns from local residents in relation to the potential cumulative effects between the Proposed Development and a new Northumbrian Water water main. Can the Applicant please confirm if this proposal is ID65 included in Appendix 13.3 Short List of Committed Developments [APP-162]? And can the Applicant please confirm that it has been in dialogue with Northumbrian Water in order to assess likelihood and magnitude of any potential issues?</p>
PPD.1.9	Applicant	<p>The Applicant has stated, in paragraph 3.6.7 of ES Chapter 3 [APP-026] that a "connection agreement has been secured with NPG for the generation of 180MW of electricity". Can the Applicant please clarify why 180MW of</p>

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ExQ1	Question to:	Question:
		electricity was deemed to be an appropriate value to secure in relation to a connection agreement?
PPD.1.10	Applicant	At ISH1, under agenda item 3, the Applicant presented a series of slides with the title <i>Components of the Byers Gill Solar</i> . In this presentation the Applicant explained that, as part of its site selection process, certain areas originally considered were then dismissed as a result of consultation and <i>environmental factors</i> . Can the Applicant please: <ul style="list-style-type: none"> • Submit the slides presented at ISH1 into examination; • Confirm the reasons why certain areas, originally identified as suitable for solar panels by the Applicant, were dismissed and removed from the final proposal (marked pink in the document presented by the Applicant at ISH1); • What were the “environmental factors” or the criteria that presided to the site selection process.
PPD.1.11	Applicant	The number of Battery Energy Storage Systems (BESS) is not quantified. Can the Applicant confirm the number of BESS proposed and where this is

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ExQ1	Question to:	Question:	
		secured, and provide their exact locations?	
PPD.1.12	Applicant	What are the consequences for the Applicant of the project underperforming? And how has the Applicant prepared for this?	
PPD.1.13	Applicant	The Consultation Report references in paragraph 6.4.27 that “The Proposed Development would generate enough electricity to power up to 70,000 homes and store excess energy generated, further supporting the growth of renewable energy production in the UK”. Can the Applicant please clarify what technology was assumed it would be used for those calculations and how it has arrived to that number, in high level terms?	
PPD.1.14	Applicant	Most the case for need as set out by the Applicant is based on a national need analysis. Can the Applicant please set out the case for local need?	
4. Environmental Impact Assessment			
EIA.1.1	Applicant	ES Chapter 2, paragraph 2.3.28 [APP-025] identifies that where a batt plough cannot be used, ie underneath watercourses and roads, horizontal directional drilling would be employed. ES Chapter 10, paragraph 10.7.38 [APP-033] states that the cable would	

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		<p>be routed underneath Bishopton Beck, however, there is no more detail on the proposed crossings ie where they are located and the parameters of works involved. Can the Applicant provide the exact locations and details of proposed watercourse crossings.</p>
EIA.1.2	Applicant	<p>ES Appendix 2.3 paragraph 1.11.6 [APP-107] states the anticipated replacement rates of infrastructure during operation to inform the quantity and types of waste during operation. Can the Applicant explain how this captures a worst case scenario and how these parameters are secured in the dDCO?</p>
EIA.1.3	Applicant	<p>The construction commencement date is not stated in the ES other than construction would take between 18 and 24 months once the dDCO is made and that the Proposed Development should commence within 5 years of the dDCO being made. Considering the nature of baselines such as biodiversity that have potential to change over a period of 5 years, can the Applicant explain how this has been accounted for within the relevant ES assessments?</p>
EIA.1.4	Applicant	<p>ES Chapter 8 Cultural Heritage and Archaeology [APP-031], paragraph</p>

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ExQ1	Question to:	Question:
		8.5.4 states that 19ha (2%) of the Proposed Development site was not subject to a geophysical survey due to land access constraints. Can the Applicant explain what assumptions were made in relation to this area to characterise the baseline?
EIA.1.5	Applicant	Following comments from the EA on the Flood Risk Assessment [AS-001], can the Applicant explain how fluvial flood risk including future climate change projections have been captured in the Flood Risk Assessment and why they are appropriate or else update the FRA and any other relevant assessments to account for the appropriate climate change projections. This should include a description of mitigation and explanation as to why it is appropriate.
EIA.1.6	Applicant	The Mitigation Route Map [APP-171] states that a ground investigation is identified as 'essential' mitigation on page 5. This is stated to be secured via Requirements 3 and 4 of the dDCO which secured the detailed design approval and the Outline Construction Management Plan (OCEMP). However, no ground investigation is secured through the OCEMP or the detailed design approval. Can the Applicant explain how the proposed ground

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ExQ1	Question to:	Question:	
		investigations are secured through the application?	
EIA.1.7	Applicant	ES Chapter 2 The Proposed Development [APP-025], paragraph 2.3.28 identifies that where a cable plough cannot be used, ie underneath watercourses, horizontal directional drilling would be employed. ES Chapter 10 Hydrology and Flood Risk [APP-033], paragraph 10.8.15 states that there would be two new watercourse crossings and if not adequately designed they could lead to long term erosion and sediment pollution. There is no description of the crossing designs in the ES and there is no discussion of potential impacts from these crossings in ES Chapter 10 or the WFD assessment. Can the Applicant either signpost where this information and assessment is in the ES and WFD assessment or update the relevant assessments accordingly to provide this.	
EIA.1.8	Applicant	Please confirm the assessment of the potential effects of the Proposed Development with the use of the 'Rochdale Envelope' approach and the degree of flexibility requested.	
EIA.1.9	Applicant	Please confirm that all necessary consents and licences have been	

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ExQ1	Question to:	Question:
		considered and provide a confirmation of the status of each.
5. Compulsory Acquisition, Temporary Possession and Other Land or Rights Considerations		
CA.1.1	Applicant	The most up-to-date version of the Book of Reference (BoR) [AS-017] in Part 1, details the names and addresses of each person within Categories 1 and 2 includes those whose land would be affected by Compulsory Acquisition. The Applicant is asked to please complete the CA Schedule (Annex A) providing updates where appropriate on the position of ongoing negotiations for acquisition by agreement and include the total number of plots for which agreement has not been reached. The Applicant is requested to provide regular updates throughout the Examination.
CA.1.2	Applicant	Section 122 of the PA2008 states that an order granting development consent may include provision authorising the Compulsory Acquisition (CA) of land only if the SoS is satisfied that the land: <ul style="list-style-type: none"> (a) is required for the development to which the development consent relates, (b) is required to facilitate or is incidental to that development, or

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ExQ1	Question to:	Question:
		<p>(c) is replacement land which is to be given in exchange for the order land under section 131 or 132.</p> <p>And that there is a compelling case in the public interest for the land to be acquired compulsorily.</p> <p>Can the Applicant please confirm that all of the land included within the Order Limits, as set out in the Land Plans [AS-015] and identified as subject to CA, meets the requirements set out in Section 122?</p>
CA.1.3	Applicant	<p>Please advise whether the Book of Reference (BoR) [APP-015] is fully compliant with the Department for Communities and Local Government (DCLG) Guidance related to procedures for the compulsory acquisition of land (Sept. 2013)¹. If it isn't, please amend accordingly.</p>
CA.1.4	<p>Affected Persons (APs)</p> <p>Interested Persons (IPs)</p>	<p>The BoR [APP-015] identifies, on a plot by plot basis, all parties who own or occupy land and/or have an interest in or right over the land affected by the proposal, and/or who may be entitled to make a 'relevant claim' as defined in section 57 of the Planning Act 2008 (PA2008). Are any Affected Persons</p>

¹ https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/236454/Planning_Act_2008_-_Guidance_related_to_procedures_for_the_compulsory_acquisition_of_land.pdf

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ExQ1	Question to:	Question:	
		(APs) or Interested Persons (IPs) aware of any inaccuracies in the BoR [APP-015]? If so, please set out what these are and provide details.	
CA.1.5	APs IPs	Are any APs or IPs aware of any inaccuracies in the Statement of Reasons (SoR) [APP-014] or Land Plans [AS-015]? If so, please set out what these are and provide details.	
CA.1.6	Applicant	There are a number of Category 1, 2 and 3 persons identified as 'unknown' in the BoR [APP-015]. Can the Applicant confirm whether further steps have been taken, or will be taken during the Examination, to identify any persons having an interest in the land?	
CA.1.7	Applicant	Certain special categories of land are subject to additional provisions in the Planning Act where it is proposed that they should be compulsorily acquired. Can the Applicant confirm that no Crown land forms part of the CA and update the ExA on special categories of land?	
CA.1.8	All planning and highway authorities and National Highways	In your role as the Local Planning Authority and the Highway Authority are you aware of: <ul style="list-style-type: none"> 1. Any reasonable alternatives to CA or Temporary Possession (TP) for land sought by the Applicant? 	At this stage as the cable route is not confirmed that a CA or TP would be required The LIR sets out the Councils position in terms of cabling within the highway

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ExQ1	Question to:	Question:
		<p>2. Any areas of land or rights that the Applicant is seeking the powers to acquire but that you consider would not be needed? If so, please provide details on which plots and explain why you consider they would not need to be acquired.</p>
CA.1.9	Affected Persons	<p>Do any Affected Persons have concerns that they have not yet raised about the legitimacy, proportionality or necessity of the CA or TP powers sought by the Applicant that would affect land that they own or have an interest in?</p>
CA.1.10	Applicant	<p>The Equality Act 2010 legally protects people from discrimination in the workplace and in wider society. Can the Applicant please clarify how:</p> <p>It has had regard to the Equality Act 2010 in relation to the powers sought for CA and TP?</p> <p>Have any Affected Persons been identified as having protected characteristics? If so, what regard has been given to them?</p>
CA.1.11	Applicant	<p>The Statement of Reasons (SoR) [APP-014] states that the Applicant is seeking CA powers in relation to the off-road cable routes only, having successfully sought to negotiate land</p>

ExQ1: 30 July 2024

Responses due by Deadline 2: Thursday, 29 August 2024

ExQ1	Question to:	Question:
		<p>by agreement for the majority of the land in the Order Limits, namely the Panel Area and mitigation land. in Appendix B, a Schedule of Negotiations which appear to be on-going. The Applicant is asked to provide an update on any changes in negotiations in relation to land and update the SoR accordingly.</p>
CA.1.12	Applicant	<p>Appendix A of the SoR [APP-014] includes a list of land plots subject to compulsory acquisition under Art. 23 and plots over which temporary possession powers are requested. The Applicant is asked to confirm if plots 11/17 and 12/3 should also be included in Appendix A?</p>
CA.1.13	Applicant	<p>The Applicant is asked to confirm if Appendix B details all on-going negotiations with known land owners whose land rights would be affected by CA?</p>
CA.1.14	Applicant	<p>The Applicant states, in paragraph 3.2.6 of the SoR that there are a limited number of small parcels of land in unknown ownership. The Applicant is therefore asked to:</p> <p>Confirm which parcel the Applicant has identified and if has been able to ascertain ownership of any parcel</p>

ExQ1: 30 July 2024

Responses due by Deadline 2: Thursday, 29 August 2024

ExQ1	Question to:	Question:	
		following the most recent version of the BoR [AS-017]; What further work is the Applicant proposing to carry out in owner to ascertain ownership; Asked to keep Appendix B up-to-date with any changes as well as the BoR.	
CA.1.15	Applicant	Are any land or rights acquisitions required in addition to those sought through the draft DCO before the Proposed Development could become operational?	
CA.1.16	Applicant	The most recent version of the BoR [AS-017] and accompanying Schedule of Changes [AS-018] includes 'added interests' in relation to land included within the Order Limits. Can the Applicant please clarify what measures have been taken in order to ensure that new added interests are fully aware of the Proposed Development and the application for a Development Consent Order to be granted?	
CA.1.17	National Highways	National Highways [AS-009] are requested to comment on the Applicant's approach to on-road cabling in relation to CA and the need, or not, for CA or TP of land.	
Development Compulsory Order			

ExQ1: 30 July 2024

Responses due by Deadline 2: Thursday, 29 August 2024

ExQ1	Question to:	Question:
DC01.1	Applicant	<p>The Applicant confirms, in the Explanatory Memorandum [APP-013], the precedents for Articles 21 (Compulsory acquisition of land) and 23 (Compulsory acquisition of rights) of the dDCO. The Applicant states that both are as substantially found in the Longfield Solar Farm Order 2023, amongst others.</p> <p>Taking that the Applicant's approach to the identification of land proposed to be subject to Compulsory Acquisition and Temporary Possession is substantially different than that taken in the Longfield Solar Farm Order 2023, can the Applicant please justify why it believes that the present is still valid and applicable to the Applicant's approach to Order land?</p>
DC01.2	Applicant	<p>Notwithstanding that drafting precedent has been set by previous DCOs or similar orders, full justification should be provided for each power/ provision taking into account the facts of this particular DCO application. Where drafting precedents in previous made DCOs have been relied on, these should be checked to identify whether they have been subsequently refined or developed by more recent DCOs so that the DCO provisions reflect the</p>

ExQ1: 30 July 2024

Responses due by Deadline 2: Thursday, 29 August 2024

ExQ1	Question to:	Question:
		<p>Secretary of State's current policy preferences.</p> <p>If any general provisions (other than works descriptions and other drafting bespoke to the facts of this particular application and draft DCO) actually differ in any way from corresponding provisions in the Secretary of State's most recent made DCOs, an explanation should be provided as to how and why they differ (including but not limited to changes to statutory provisions made by or related to the Housing and Planning Act 2016).</p> <p>Can the Applicant, therefore, please: Update the Explanatory Memorandum [APP-013] in order to clearly identify which articles differ from model provisions and why? For those articles where a drafting precedent has been relied upon, check that the final wording is as included in the granted DCO. If it isn't, the Applicant is asked to provide justification for the proposed wording. Provide a list of all the previous DCOs that have been used as a precedent for the drafting of this draft DCO or</p>

ExQ1: 30 July 2024

Responses due by Deadline 2: Thursday, 29 August 2024

ExQ1	Question to:	Question:
		signpost where in the application documentation this can be found.
DC01.3	Applicant	Please supply subsequent versions of the dDCO in both .pdf and Word formats and in two versions, with the first forming the latest consolidated draft and the second showing changes from the previous version in tracked changes, along with comments/explanations outlining the reason for the change. The consolidated draft version in Word is to be supported by a report validating that version of the dDCO as being in the Statutory Instrument (SI) template and with updated revision numbers.
DC01.4	Applicant	The Applicant states that the Proposed Development has been designed to maintain flexibility and that construction Parameters have been set to support this. Can the Applicant please provide the ExA with a table listing all those construction parameters that the Applicant wishes to use, alongside with lower and upper limits for each parameters and a brief justification of why the Applicant considers those parameters to be appropriate taking into consideration the 'Rochdale Envelope' approach?

ExQ1: 30 July 2024

Responses due by Deadline 2: Thursday, 29 August 2024

ExQ1	Question to:	Question:
DC01.5	Applicant	Can the Applicant also confirm if it believes that such parameters should be included in the dDCO? And, if so, can the Applicant please draft an appropriate schedule with all appropriate parameters?
DC01.6	Applicant	Can the Applicant write a new article to be included in the draft DCO that provides certainty in relation to minimum level of electricity expected to be produced based on best available technology?
DC01.7	Applicant	Art. 29 (4) states that the undertaker must of remain in possession of any land under this article after the end of the period of one year beginning with the date of completion of the part of the authorised development for which temporary possession of land was taken. Can the Applicant please explain why it believes that 1 year is a reasonable timeframe?
Biodiversity, Ecology and the Natural Environment		
BIO.1.1	Applicant	The receptors assessed during construction differ from the receptors assessed during operation; otters and non-statutory designated sites are assessed during construction but are not assessed during operation without explanation, Chapter 6 Biodiversity

ExQ1: 30 July 2024

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ExQ1	Question to:	Question:
		<p>[APP-029]. Water voles are identified as a receptor in the baseline characterisation in paragraphs 6.7.53 to 6.7.58 however are not assessed in section 6.8 without explanation. Additionally, Table 6-6 does not fully summarise the assessments set out in section 6.8 without explanation i.e. great crested newts and otters are not included in the table. Can the Applicant explain these omissions/inconsistencies or else update ES Chapter 6 to include a full assessment of these receptors?</p>
BIO.1.2	Applicant	<p>ES Chapter 10 Hydrology and Flood Risk [APP-033], paragraph 10.8.6 states that two new watercourse crossings are proposed and other watercourse crossings may be modified. There is no detail on these potential crossings and therefore, it is unclear how this might affect riverine species such as fish and otter. Effects from these crossings are not discussed in ES Chapter 6 [APP-029] and fish are not discussed as a potential receptor without clear explanation as to why they have been omitted. Can the Applicant provide further detail on watercourse crossings/alterations including timing, duration, location, extent and types of works required and</p>

ExQ1: 30 July 2024

Responses due by Deadline 2: Thursday, 29 August 2024

ExQ1	Question to:	Question:	
		signpost where effects on riverine species are assessed or else provide an assessment.	
BIO.1.3	Applicant	Requirement 4 of the dDCO [APP-012] specifies the measures that the CEMP must include. However, this does not fully align with the measures contained within the Outline Construction Environmental Management Plan [APP-110] (OCEMP) ie it excludes any measures relating to an invasive non-native plant species (INNS) method statement. Can the Applicant update the DCO to reflect the measures included in the OCEMP.	
BIO.1.4	Applicant	Pre-construction surveys are identified in the Outline Construction Environmental Management Plan [APP-110] in Table 4-2 for reconfirming the ecological baseline. It does not state what pre-construction surveys will be undertaken. A species protection plan is also proposed to be implemented during construction with full details outlined in the CEMP, however it is unclear what would instigate a species protection plan and what this would aim to do in relation to each species potentially affected. Can the Applicant explain how specific pre-construction surveys are secured through the application and explain the	

ExQ1: 30 July 2024

Responses due by Deadline 2: Thursday, 29 August 2024

ExQ1	Question to:	Question:
		trigger for producing a species protection plan and an outline of any relevant measures.
BIO.1.5	Applicant	<p>ES Chapter 10 Hydrology & Flood Risk [APP-033], paragraph 10.7.38 and ES Chapter 2 The Proposed Development [APP-025] paragraph 2.3.28 state that horizontal directional drilling will be used to route cables underneath waterbodies and watercourses. Although an outline pollution and spillage response plan is included at Appendix 2.9 [APP-113], drilling fluid breakout is not addressed in this document and no drilling fluid breakout plan has been provided with the application. Can the Applicant explain where appropriate mitigation measures for potential drilling fluid breakout are secured or update the relevant documents to secure appropriate measures.</p>
BIO.1.6	Applicant	<p>Please confirm compliance with the Environment Act 2021, the provision of Net Gain and the objectives included in the Government's Environmental Improvement Plan.</p> <p>Biodiversity Net Gain (BNG) is to be assessed using the Department for Environment, Food & Rural Affairs (DEFRA's) Statutory Biodiversity Metric. Please submit the assessment</p>

ExQ1: 30 July 2024

Responses due by Deadline 2: Thursday, 29 August 2024

ExQ1	Question to:	Question:	
		based upon the use of the Statutory Biodiversity Metric.	
BIO.1.7	Applicant	Please provide the assessment of the effects of the Proposed Development, including in-combination assessment, on the Teesmouth and Cleveland Coast Special Protection Area (SPA) and Ramsar site, the Teesmouth and Cleveland Coast proposed Ramsar and the Thrislington Special Area of Conservation (SAC).	
BIO.1.8	Applicant	Please provide the assessment of the effects of the Proposed Development on other statutory designated sites, such as the Briarcroft Pasture, the Newton Ketton Meadow, the Redcar Field and the Whitton Bridge Pasture Sites of Special Scientific Interest (SSSIs) and the Hardwick Dene and Elm Tree Woods Local Nature Reserves (LNRs).	
Climate Change and Emissions			
CCE.1.1		None at this stage.	
Design			
DES.1.1	Applicant	Paragraph 7.2.6 of 7.2 Design Approach Document [AS-004] mentions that the mounting structure for the solar panels is typically fixed to the ground by galvanised steel poles which are	

ExQ1: 30 July 2024

Responses due by Deadline 2: Thursday, 29 August 2024

ExQ1	Question to:	Question:
		<p>driven into the ground to a depth of circa 1m. However, in response to geophysical and trial trenching undertaken to inform the assessment and design work, the use of an alternative mounting structure is proposed in a number of areas across the Order Limits. This alternative approach utilises ballast slabs which sit on the surface of the ground rather than penetrating the ground, thereby protecting any archaeological features in situ.</p> <p>Would the Applicant show the positions of those panels requiring 1 metre digging and those with ballast slabs on the ground where archaeology constraints are?</p>
DES.1.2	Applicant	<p>Paragraphs 3.6.5 and 3.6.6 of ES Chapter 3 Alternatives and Design Iteration [APP-026] states that there are also national variations leading to some areas of the UK being more suited to solar energy than others. The north-east region has suitable levels of irradiance to gain a viable yield. Can the Applicant explain these national variations?</p>
DES.1.3	Applicant	<p>Table 9 of ES Chapter 3 Alternatives and Design Iteration [APP-026] gives the summary of design changes between PEIR and DCO application.</p>

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Responses due by Deadline 2: Thursday, 29 August 2024

ExQ1	Question to:	Question:
		Has the Applicant considered more powerful panels that would create a reduced land take?
DES.1.4	Applicant	Paragraph 1.8.4 of ES Chapter 1 Introduction [APP-024] states that the Applicant sought to gather the views of a variety of representatives of groups with an interest in the area to help shape the Proposed Development at an early stage. This was a method of Collaborative Design, which involved inviting stakeholders to workshops carried out between 1 – 3 November 2022. These stakeholders included local councils, elected representatives, statutory environmental bodies, and local interest groups. Would the Applicant confirm if the Design Council or similar professional bodies have been consulted in terms of the review of the design of this development?
DES.1.5	Applicant	Table 8-1 of 7.2 Design Approach Document [AS-004] mentions that there will be a minimum of 4m and maximum of 12m distance between the solar panel rows, the maximum height of the solar panels will be 3.5m and the solar panels will be positioned on the mounting structures at an angle of between 10 and 30 degrees from horizontal. Can the Applicant explain how the elected distances between the

ExQ1: 30 July 2024

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ExQ1	Question to:	Question:
		solar panel rows, the heights plus orientation of the solar panels were determined and, how these parameters would adapt to future changes in technology?
DES.1.6	Applicant	Table 8-1 of 7.2 Design Approach Document [AS-004] states that up to nine additional storage containers will be installed to contain extra equipment to support maintenance activities and, the storage units will resemble shipping containers. Can the Applicant describe the maintenance equipment being kept in each of these containers, their projected frequency of use and whether any of them is easily transportable from a remote location to this site when needed and returned thereafter?
DES.1.7	Applicant	Can the Applicant confirm what consideration it has given to the Project Level Design Principles guidance ² from the National Infrastructure Commission Design Group and how the proposed development matches the principles in the Guidance?
DES.1.8	Applicant	The Applicant states in paragraph 3.6.9 of Chapter 3 Alternatives and Design [APP-026] that the original search corridor, of 6 km, was defined by the

² [REDACTED]

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ExQ1	Question to:	Question:	
		<p>extent to which a solar farm of the proposed scale could be viable. But after further considering the scale of the project, this area was extended to 12 km. Can the Applicant please explain why an why such a larger area was then considered viable?</p>	
DES.1.9	Applicant	<p>Section 3.11 of Chapter 3 Alternatives and Design [APP-026] sets out the Alternative solar technologies that the Applicant consider, however it does not provide a lot of detail in relation to technology within PV solar technology. Can the Applicant please provide an overview of how reasonable alternatives, in relation to technologies, have been considered and how these have informed and shaped the Development proposal.</p>	
Health and Air Quality			
HAQ.1.	Applicant	<p>Paragraph 1.1.3 of ES Appendix 2.4 Construction Dust Assessment [APP-108] states that within this opinion, PINs agreed that Air Quality could be scoped out of the ES on the basis that a construction dust assessment is provided in support of the ES and to inform mitigation proposals and management. Would the Applicant explain the justification for scoping out Air Quality?</p>	

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ExQ1	Question to:	Question:	
HAQ.1.2	Applicant	The ES Appendix 2.5 Major Accidents and Disasters Assessment [APP-109] discusses the likely major accidents and disaster assessment associated with BESS and other installations (inverter, transformer etc). Would the Applicant explain why the effect of these equipment on human health has not been discussed?	
HAQ.1.3	Applicant	Paragraph 9.7.22 of ES Chapter 9 Land use and Socioeconomics [APP-032] states that all Public Rights of Way (PRoWs) potentially affected by the Proposed Development are considered in this assessment. The final alignment of various cable routes forming part of the Proposed Development will be identified as part of the detailed design approvals. It may therefore be that a number of these potential effects do not arise - if for example off-road cable routes are chosen at that detailed design stage. Has the Applicant assessed the indirect health impacts relating to likely restricted access to key public services, transport, or the use of open space for recreation and physical activity relating to the diversion of the affected PRoWs?	
Historic Environment			

ExQ1: 30 July 2024**Responses due by Deadline 2: Thursday, 29 August 2024**

ExQ1	Question to:	Question:	
HEN.1.1	Historic England Applicant	Historic England's RR states that the only point of concern that remains is linked with the impact of the Proposed Development on Bishopton Conservation Area, particularly in relation to the (Public Right of Way) PRoW through the fields adjoining to the north of Bishopton which connects the settlement with Old Stillington and provides and experience of the conservation area in its rural setting with the Grade II listed St. Peter's Church at its centre. Can the Applicant please clarify what work has been carried out in order to find alternatives to the proposed permanent stopping of this PRoW and re-routing to the west?	
HEN.1.2	Darlington Borough Council (DBC)	Can Darlington Borough Council confirm if they are in agreement with Historic England's assessment in relation to the effects of the Proposed Development on Bishopton Conservation Area? And if no, why not?	
HEN.1.3	Applicant DBC Historic England	Paragraphs 8.10.35 to 8.10.60 Chapter 8 of the ES Cultural Heritage and Archaeology [APP-031] relate to the effects of the Proposed Development on Bishopton Conservation Area. The Applicant recognises, in its own assessment, that the setting of the conservation area makes a positive contribution to its significance.	

ExQ1: 30 July 2024

Responses due by Deadline 2: Thursday, 29 August 2024

ExQ1	Question to:	Question:
		<p>Considering the number of panel areas from the Applicant's Zone of Theoretical Visibility Study – Panel Areas [APP-064] and the intensity from the Zone of Theoretical Visibility Study – intensity [APP-065] of the development that would be visible from the edges of Bishopton Conservation Area as set in [APP-057], can the Applicant please justify why it believes that the Proposed Development will not affect the experience of the character and appearance of the conservation area along the footpath within the settlement boundaries (paragraph 8.10.59 of Chapter 8 of the ES Cultural Heritage and Archaeology [APP-031]).</p>
HEN.1.4	DBC	<p>DBC is asked to provide the ExA with a character appraisal, if available, of Bishopton Conservation Area.</p>
HEN.1.5	Applicant	<p>According to the Applicant's Zone of Theoretical Visibility Study – Panel Areas [APP-064] 4 to 5 sites may be visible from the scheduled monument motte and bailey castle and, in relation to Zone of Theoretical Visibility Study – intensity [APP-065] up to 20% and up to 30% of the development may be visible from that location. Can the Applicant therefore explain how it arrived to the conclusion that the effect</p>

ExQ1: 30 July 2024

Responses due by Deadline 2: Thursday, 29 August 2024

ExQ1	Question to:	Question:	
		of the Proposed Development is negligible?	
HEN.1.6	DBC Historic England Applicant	The Environmental Constraints Plan [APP-057], in Fig. 2.19 and the Works Plans [AS-013] in Sheet 11 of 13 show that proposed works No. 5 - Cable 132Kv will be conducted in close proximity to the scheduled monument motte and bailey castle. Can the Applicant please provide some further information and confirmation that works will be sensitive to the scheduled monument motte and bailey castle and how and where in the DCO works have been secured in order to protect the integrity of an scheduled monument. Can DBC and Historic England please confirm that they are in agreement with the Applicant's proposed approach?	
HEN.1.7	Applicant DBC Historic England	Chapter 8 of the ES Cultural Heritage and Archaeology [APP-031] recognises, in relation to the scheduled monument motte and bailey castle 400m south of Bishopton, that the surrounding landscape makes a contribution to the significance of the asset through an ability to appreciate and understanding the power and influence of the motte in relation to the wider area. Can the Applicant therefore explain why its states that:	

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ExQ1	Question to:	Question:
		<p>The solar PV modules would not obstruct any visual or spatial aspect of the strategic location of the asset;</p> <p>Why the Proposed Development would lead only to a negligible magnitude of change on the asset which is of high heritage significance?</p> <p>Can Historic England and DBC please clarify if they are happy with the Applicant's assessment in relation to the scheduled monument motte and bailey castle?</p>
HEN.1.8	Applicant	<p>Considering that the PA2008 requires that, in considering the impact of a proposed development on heritage assets, decision-makers should have regard to the desirability of preserving the asset or its setting, including considering any harm or loss that may result from the development, can the Applicant please provide further justification of why it believes that the impact of the proposal on identified heritage assets is not significant?</p>
HEN.1.9	Applicant	<p>In the ES Non-Technical Summary [APP-022] the Applicant states that the Proposed Development will be either screened by existing vegetation and/or buildings, not visible due to topography or located at a distance whereby it would not be considered to lie within</p>

ExQ1: 30 July 2024

Responses due by Deadline 2: Thursday, 29 August 2024

ExQ1	Question to:	Question:	
		the setting of the assets and therefore negligible. Could the Applicant please confirm what are the settings that the Applicant is referring to, considering the Applicant does acknowledge that the Scheduled Monument motte and bailey castle will experience a change in setting during operation?	
HEN.1.10	Applicant DBC	Viewpoint 24 included in ES Figure 7.9 Visualisations [APP-073] is just located on the edge of Bishopton Conservation Area looking into the wider countryside. Considering its proximity and influence in relation to the setting of the Bishopton Conservation Area, can the Applicant please explain its overall assessment of negligible?	
Landscape and Visual			
LSV.1.1	Durham County Council (DCC), Darlington Borough Council (DBC), Stockton Borough Council (SBC)	The Landscape and Visual Impact Assessment (LVIA) study area is described in ES Section 7.6 [APP-030]. A 3km study area has been defined from the panel area. DBC requested a 5km study area given that the Zone of Theoretical Visibility (ZTV) mapping identified some visibility beyond 2km initially proposed during scoping. A 5km study area was assessed as part of the Preliminary Environmental Information Report (PEIR) in response to consultation. The PEIR concluded that	Yes, SBC is satisfied that relevant landscape and visual receptors within the SBC area have been identified

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Responses due by Deadline 2: Thursday, 29 August 2024

ExQ1	Question to:	Question:	
		<p>no significant effects would arise beyond 1km, however a 3km study area was taken forward to include viewpoints requested beyond the 2km. The ZTV mapping is illustrated in ES Figures 7.1 [APP-063] and 7.2 [APP-064]. ES paragraph 7.7.13 [APP-030] states that visual receptors within 200m of the cable routes have also been assessed.</p> <p>Are the relevant LPAs satisfied that the assessment has established an appropriate study area and all relevant landscape and visual receptors have been identified?</p>	
LSV.1.2	DCC, DBC, SBC	<p>The LVIA baseline conditions are described in ES Section 7.7 [APP-030] and are supported by technical appendices. The landscape and visual receptors are listed in ES Table 7-5. The locations of the selected viewpoints are presented in ES Figure 7.2 and 7.3 [APP-064 & 065]. Annotated photographs of the Proposed Development from each viewpoint are provided in ES Figure 7.9 [APP-071 - 074]. ES paragraph 7.4.18 states that either matched wirelines or Year 0 and Year 15 photomontages have been provided at all viewpoints in ES Figure 7.9.</p>	Yes, SBC is satisfied that the photomontages have been generated using viewpoints that are representative of sensitive visual receptors

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ExQ1	Question to:	Question:	
		Are the relevant LPAs satisfied that the photomontages in ES Figure 7.9 have been generated using viewpoints that are representative of sensitive visual receptors?	
LSV.1.3	Applicant	ES paragraph 7.4.18 [APP-030] states that the photomontages provided in ES Figure 7.9 represent Year 0 and Year 15 of the Proposed Development. However, the photomontages provided in ES Figure 7.9 [APP-071 - 074] are instead labelled to represent Year 1 and Year 10. Can the Applicant confirm which assessment years the photomontages are proposed to illustrate?	
LSV.1.4	Applicant	ES Table 7-1 [APP-030] states that the photomontages provided in the PEIR have been generated using winter photography. Can the Applicant confirm whether the winter views have been used for the basis of photomontages provided in the ES?	
LSV.1.5	DCC, DBC, SBC	A maximum height of 3.5m was assessed for elements of the Proposed Development within panel areas. The height of the substation and transmitter mast are set out in ES Chapter 2 [APP-025]. The substation would be no more than 8m in height and the communications mast would up to 15m	The taller structures which form part of the substation are visually permeable, and beyond the 3km study area they will be difficult to distinguish in the landscape in normal light conditions. The more solid structures/pre fabricated buildings within the substation, which would be more visible in the landscape are low in height - close to the 3.5m maximum height, and therefore are considered to be covered by the existing ZTV. The SBC area is largely located beyond the 3km

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ExQ1	Question to:	Question:	
		<p>(ES paragraph 2.6.18). ES Figure 7.8 [APP-078] illustrates the theoretical visibility of the substation. The Applicant concluded that views of the substation beyond the 3km study area would be limited (ES Table 7-1) [APP-030]. Are the relevant LPAs satisfied that the use of the 3.5m maximum height to assess the potential landscape and visual effects is appropriate and takes into account the worst-case scenario?</p>	<p>radii from the substation, and therefore raises no concerns with the method of assessment undertaken</p>
LSV.1.6	Applicant	<p>Can the Applicant explain how the height of the substation and transmitter mast have been taken into account during the assessment of landscape and visual effects?</p>	
LSV.1.7	Applicant	<p>ES Chapter 7 [APP-030], paragraph 7.8.2 states that essential mitigation measures for the LVIA are described in ES Section 7.9 'Design, mitigation and enhancement measures'. However, this section is actually titled 'Embedded mitigation' and refers to ES Section 7.10 for essential mitigation measures. No essential mitigation measures have been identified and it is concluded for each receptor that no essential mitigation is available beyond those measures already proposed as embedded mitigation.</p>	

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Responses due by Deadline 2: Thursday, 29 August 2024

ExQ1	Question to:	Question:
		<p>Where likely significant effects have been identified, ES Section 7.10 states that “no essential mitigation is available, beyond that already embedded in the Proposed Development”. As a result, no essential mitigation measures have been proposed to reduce residual effects.</p> <p>Can the Applicant explain in more detail why no essential mitigation is available to reduce significant adverse effects on landscape and visual receptors, referring separately to the Public Rights of Way (PRoW) network and residential properties? Please detail the answer with reference to the construction, operation and decommissioning phases.</p>
LSV.1.8	Applicant	Please provide usage figures for each of the PRoW affected by the Proposed Development.
LSV.1.9	Applicant	Please detail the criteria used to define the locations of panels around Bishopton, and in particular around Bishopton school and playground. Explain why it has not been possible to locate the panels further away in order to reduce the impacts?
LSV.1.10	Applicant	Please detail the criteria used to define the locations of panels around Hauxley farm. Explain why it has not been

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ExQ1	Question to:	Question:	
		possible to locate the panels further away in order to reduce the impacts?	
LSV.1.1	Applicant	Please detail the criteria used to define the locations of panels around Great Stainton. Explain why it has not been possible to locate the panels further away in order to reduce the impacts?	
Land Use and Socioeconomics			
LUS.1.1	Applicant	Paragraph 9.7.22 of Chapter 9 Land use and Socioeconomics [APP-032] states that as part of the approach described in ES Chapter 3 Alternatives and Design Iteration [APP-026], the final alignment of various cable routes forming part of the Proposed Development will be identified as part of the detailed design approvals. It may therefore be that a number of these potential effects do not arise - if for example off-road cable routes are chosen at that detailed design stage. Given the critical nature of the public rights of way (PRoW) and the ExA's need to see an indicative final alignment. would the Applicant then modify Table 9-5 to show those PRoWs where cable routes are likely to be altered with little or no adverse impact and those that are definitely likely to be affected?	

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ExQ1	Question to:	Question:	
LUS.1.2	Applicant	Table 9-6 of Chapter 9 Land use and Socioeconomics [APP-032] describes the Agricultural Land Classification (ALC) for each of the panel areas. Would the Applicant provide justifications for occupying each aspect of the land, especially within categories 1 to 3A?	
LUS.1.3	Applicant	Tables 9-1 of Chapter 9 Land use and Socioeconomics [APP-032] indicates that ALC 2 and 3A has medium sensitivity. Given that 18.9 HA (16%) of the Panel Area A (Brafferton) is in ALC 3A, 3.4Ha (4%) of Panel D (Great Stainton) is in ALC 2 and 5.5Ha (8%) of Panel F (North of Bishopton) is classed as ALC 2 and 3a, would the Applicant explain why the whole of these panel areas are described in Table 9-6 as low sensitivity?	
LUS.1.4	Applicant	Paragraph 9.8.13 of Chapter 9 Land use and Socioeconomics [APP-032] states that the wider impacts on farm holdings can be scoped out on the basis that landowners that form part of the Proposed Development have signed up to a voluntary agreement and have considered the potential effects on the viability of farm holdings. The Inspectorate has indicated that it is content to scope out this matter, subject to the Applicant providing	

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ExQ1	Question to:	Question:
		evidence of such agreements. Would the applicant confirm when copies of the voluntary agreements and the associated statements from the landowners, indicating the effects the disposal of these lands would have on the viability of the varied farm holdings, would be submitted?
LUS.1.5	Applicant	Paragraph 9.8.23 of Chapter 9 Land use and Socioeconomics [APP-032] mentions that upon decommissioning of the proposed development, the mineral resource (limestone) would become available for extraction and the potential effects of this would need to be assessed based on demand at that time. Would the Applicant provide an indicative assessment of this potential impact given the lengthy lifespan (40 years) of this infrastructure?
LUS.1.6	Applicant	Paragraph 9.8.24 of Chapter 9 Land use and Socioeconomics [APP-032] states that it is considered likely that the PRow diverted during the construction phase, as part of the Proposed Development, would remain on their operational alignment and therefore would not revert to the previous or baseline alignment. This will be discussed and agreed on an individual basis with the landowner(s) at the appropriate time. Considering the

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ExQ1	Question to:	Question:
		<p>lifespan of this project, would the Applicant confirm if any appraisal been done to ensure that any such diversion of the PRoW would stand the test of time and continue in a form that would create minimal or no hindrance to its users in perpetuity?</p>
LUS.1.7	Applicant	<p>Paragraph 9.10.8 of Chapter 9 Land use and Socioeconomics [APP-032] states that Circa 60% of construction employment could be retained within Darlington, Stockton-on-Tees and Durham, with the remaining 40% being within the wider North-East Region (circa 126 jobs per annum, assumption based on the Applicant's experience of buildings solar schemes elsewhere in the country). Would the Applicant provide any data to substantiate this?</p>
LUS.1.8	Applicant	<p>Paragraph 9.10.13 of Chapter 9 Land use and Socioeconomics [APP-032] states that no essential mitigation is required. Has the Applicant considered 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?</p>

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ExQ1	Question to:	Question:
LUS.1.9	Applicant	<p>Paragraph 9.10.13 of Chapter 9 Land use and Socioeconomics [APP-032] states that no essential mitigation is required, and as such residual effects remain as reported. The Applicant is reminded that Paragraph 2.3.2 of ES Appendix 12.1 Transport Statement [APP-159] mentions the availability of a demand-responsive Tees Flex Bus Service operated by Stagecoach, in partnership with the Tees Valley Combined Authority. Tees Flex offers connections to Stockton, Darlington, Billingham, and Sedgefield. Would the Applicant explain why the practicality of using this service for transporting staff to this site from these nearest transport interchanges and vice versa, to boost the local economy and support the aspirations of Tees Valley Combined Authority, has not been explored?</p>
LUS.1.10	Applicant	<p>Paragraph 9.10.18 of Chapter 9 Land use and Socioeconomics [APP-032] states that no essential mitigation is required. Has the Applicant explored the possibility of staff living temporarily in this area being offered incentives to patronise local community facilities like leisure (gym, swimming pool) to bolster the local economy, given that there are few leisure centres plus Ruff 'n' Tumble Adventure World and Hardwick Green</p>

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ExQ1	Question to:	Question:
		MUGA in this area, as indicated in Table 9-4?
LUS.1.11	Applicant	Paragraph 9.10.20 of Chapter 9 Land use and Socioeconomics [APP-032] states that Part of Panel Areas C and D have the potential to affect a safeguarded limestone mineral resource. At the time of writing, the Applicant is not aware of any proposals to utilise this resource in the short to medium term. Would the Applicant describe the timeline for the short to medium term and whether this assumption has been supported by the relevant authority, given the life span of this scheme?
LUS.1.12	Applicant	Paragraph 9.10.23 of Chapter 9 Land use and Socioeconomics [APP-032] mentions that no essential mitigation is required. Given that the overriding policy EN-1 stipulates that appropriate mitigation is required for the safeguarded limestone mineral resource, would the Applicant explain why no mitigation is proposed?
LUS.1.13	Applicant	Paragraph 9.11.2 of Chapter 9 Land use and Socioeconomics [APP-032] states that due to the negligible and non-significant effect anticipated on the identified socio-economic receptors, no monitoring will be required during the

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ExQ1	Question to:	Question:
		<p>operational phase of the proposed development. Would the Applicant explain how and when the number of local residents benefiting from training/apprenticeship and full-time jobs would be monitored? Can the Applicant also clarify how the ExA can be sure that the Community Benefit provision of £1.5m across the lifecycle of the Proposed Development would be channelled towards the intended improvement schemes like accessible footpaths, new native planting, improved highway safety, outdoor play areas, picnic benches, community orchards, rooftop solar for community buildings and, the effectiveness of these schemes in terms of achieving the set goals?</p>
LUS.1.14	Applicant	<p>The Applicant is also asked to confirm what consultation has been carried out with the local community to ascertain which projects the local community would like the Community Benefit provision to be channelled to and also what consultation is proposed throughout the lifecycle of the Proposed Developments in order to accommodate any changes and priorities from the local community? Can the Applicant also state how this should be secured within the DCO?</p>

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ExQ1	Question to:	Question:
LUS.1.15	Applicant	Table 8-1 of 7.2 Design Approach Document [AS-004] states that there will be a minimum of 4m and maximum of 12m distance between the solar panel rows. Would the Applicant explain if and how the need to minimise the ultimate land take has been accounted for prior to arriving at the elected distances between the solar panel rows?
Noise and Vibration		
NV.1.1	Applicant	Table 1-1 of ES Appendix 11.3 Details of Noise Model [APP-156] shows the estimated noise sources from the Proposed Development. Would the Applicant explain how the sound power level [in decibels] associated with each equipment, which form part of the data that was inputted into the evaluation tool (SPv8.2), was derived?
NV.1.2	Applicant	Paragraph 1.2.8 of ES Appendix 11.3 Details of Noise Model [APP-156] states that if the operations of the proposed noise sources from the Proposed Development are found to differ greatly from those outlined in Table 1-1 at a later design stage, a supplementary noise assessment will be required to account for those changes. Can the Applicant explain

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ExQ1	Question to:	Question:
		why this has not been included in any of the requirements?
NV.1.3	Applicant	The second bullet point of paragraph 11.4.3 of ES Chapter 11 Noise and Vibration [APP-034] states that noise modelling using modelling software has been undertaken, considering the Proposed Development's layout, proposed equipment noise levels and traffic data (operational phase) to predict noise levels at receptors associated with the Proposed Development. Can the Applicant confirm if the modelling software mentioned here is the SPv8.2 and explain why the more critical construction phase traffic has not been considered instead of that associated with the operational phase?
NV.1.4	Applicant	Paragraph 1.4.1 of ES Appendix 11.1 Noise and Vibration Guidance [APP-154] mentions that BS4142 is used to rate and assess sound of an industrial and/or commercial nature including: sound from the loading and unloading of goods and materials at industrial and/or commercial premises; and sound from mobile plant and vehicles that is an intrinsic part of the overall sound emanating from premises or processes, such as that from forklift

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ExQ1	Question to:	Question:
		<p>trucks, or that from train or ship movements on or around an industrial and/or commercial site.</p> <p>Would the Applicant explain why these have not been included in the assessment done in Table 1-1 of ES Appendix 11.3 Details of Noise Model [APP-156]?</p>
NV.1.5	Applicant	<p>Paragraph 2.6.7 of Chapter 2 The Proposed Development [APP-025] states that the proposed climate change resilience measures which will be secured via the Outline CEMP and implemented by the PC during construction include:</p> <p>using equipment's cooling systems where necessary/adapting working practices and equipment used based on current weather conditions.</p> <p>Would the Applicant explain how working practices and equipment used would be adapted to reflect varied weather conditions during construction?</p>
Resource and Waste Management		
RWM.1.1	Applicant	<p>Can the Applicant please confirm how it has used its design approach to the Proposed Development and processes to minimise carbon contributions at all phases of the Proposed Development (construction, operation, maintenance</p>

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ExQ1	Question to:	Question:	
		and decommissioning phases) and how these have been assessed?	
RWM.1.2	Applicant	As part of the Proposed Development approach to reducing carbon contributions, can the Applicant please confirm what measures it proposes to put in place in order to minimise carbon emissions through the life cycle of the Proposed Development and how these will be secured?	
Traffic and Transport			
TT.1.1	Applicant	Paragraph 12.7.14 of ES Chapter 12 Traffic and Transport [APP-035] cites Gately Moor Solar Farm (22/0072/FUL) as included in the future baseline scenario, the Transport Assessment of which stated that "Employees will travel in crew buses, with a maximum of 20 minibuses (940 movements) quoted in the Transport Assessment as potentially travelling to the site during the peak of the construction period. Should the figure 940 be the total number of staff being transported and can the Applicant clarify whether the 20 (minibuses) is a daily figure? Also, how has the peak hour traffic been estimated?	
TT.1.2	Applicant	Paragraph 12.7.14 of ES Chapter 12 Traffic and Transport [APP-035] cites	

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ExQ1	Question to:	Question:
		<p>Forrest Park (DM/19/00283/OUT) as included in the future baseline scenario, the Transport Assessment of which stated that the combined peak hours would add 774 trips onto the A1(M) junction – Would the Applicant confirm if these trips are morning and evening peak hours together and the assumed time periods?</p>
TT.1.3	Applicant	<p>Paragraph 12.7.15 of ES Chapter 12 Traffic and Transport [APP-035] mentions Land At Wynyard Village Wynyard (23/0261/OUT), a development with up to 700 dwellings, community centre, care and medical facilities, open space, golf course improvements, the Transport Assessment of which stated that the highway officer response recommends that it should not be given planning permission. Would the Applicant confirm the status of this application because highway objection does not necessarily mean that the development would not be given a planning consent bearing in mind NPPF advice on the degree of severity of traffic impact?</p>
TT.1.4	Applicant	<p>Paragraph 12.10.13 of ES Chapter 12 Traffic and Transport [APP-035] states that each Panel Area could require up to 100 employees (300 on site at any one time) for 3 sites. employees are</p>

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ExQ1	Question to:	Question:
		<p>expected to travel to the site in teams of 7. This is forecast to result in approximately 15 car/LGV trips to each site (30 two-way movements). Across three sites, the employee trips could generate 45 car tips (90 two-way movements). How would the Applicant ensure that this forecasted trip would be realised without any clear-cut action to provide minibuses for staff?</p>
TT.1.5	Applicant	<p>Paragraph 12.10.24 of ES Chapter 12 Traffic and Transport [APP-035] mentions that while no local junction modelling has been undertaken, professional judgement has been made that links and junctions within the Study Area operate within theoretical capacity. Without junction capacity assessment being carried out on the base and with development traffic scenarios, how confident is the Applicant that the critical junctions around this site would continue to operate efficiently, bearing in mind the potential re-routing of traffic consequential to the execution of on-road cabling?</p>
TT.1.6	Applicant	<p>Paragraphs 12.10.29, 12.10.30 of ES Chapter 12 Traffic and Transport [APP-035] states that it is expected that cable construction could cause a greater level of driver delay, should road-based</p>

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ExQ1	Question to:	Question:	
		<p>cable route options be chosen as the preferred route over the off-road options. However, where this might be the case, it is proposed that cabling works will be outside of network peak hours and traffic management (e.g. single lane closures) or temporary diversions would seek to minimise any increase in journey length, therefore having minimal impact. Has the Applicant carried out any sensitivity testing of the on-road option in conjunction with indicative mitigation, in concluding that it would have a minimal impact?</p>	
TT.1.7	Applicant	<p>Paragraph 12.10.33 of ES Chapter 12 Traffic and Transport [APP-035] states that due to a negligible increase in traffic on the LRN, it is anticipated that the impact of the Proposed Development on pedestrian, horse riding and cyclist amenity will not be material, and, if at all, only in isolated locations. In arriving at this conclusion, did the Applicant take into consideration the effect the on-road cabling would have on these road users?</p>	
TT.1.8	Applicant	<p>Paragraph 12.10.38 of ES Chapter 12 Traffic and Transport [APP-035] states that collision data covering the study area has been sourced, for the period</p>	

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ExQ1	Question to:	Question:
		<p>2015 to 2019 inclusive, from crashmap.com. The study area includes the LRN and surrounding SRN. Would the Applicant not consider that the analysis of 2015-2019 accident data which was pre covid restriction, is insufficient and out-of-date, given that a more recent data from the end of the covid restriction (12/07/21) to the most recent time in 2024 would have given a valid result?</p>
TT.1.9	Applicant	<p>Paragraph 2.2.5 of ES Appendix 12.1 Transport Statement [APP-159] mentions that the results from the Traffic Surveys can be seen in Appendix A. Would the Applicant demonstrate what the 12hour plus the morning and evening peak hours traffic flows (7AM to 7PM, 8AM to 9AM and 5PM to 6PM respectively), which coincide with the operation times of the construction works, would be from the survey data results?</p>
TT.1.10	Applicant	<p>Paragraph 3.7.1 of ES Appendix 12.1 Transport Statement [APP-159] states that the potential overlap with traffic from other developments within the vicinity has been considered. Those committed developments that would use routes within the Study Area have been identified and any additional vehicle trips on those routes have been</p>

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ExQ1	Question to:	Question:
		<p>included in the future baseline scenario. Would the Applicant explain why this method would give a true picture of the cumulative traffic impact of this development, given that the proportion of the combined development and committed developments' traffic over the based traffic scenario should have been calculated instead?</p>
TT.1.11	Applicant	<p>Appendices A to D of ES Appendix 12.1 Transport Statement [APP-159] states that the base and future traffic calculations here were based on 7-day averages. Would the Applicant signpost where the weekday 12-hour and AM and PM averages can be found, bearing in mind the above ExQs TT.1.9 and TT.1.10?</p>
TT.1.12	Applicant	<p>Paragraph 3.3.1 of ES Appendix 12.1 Transport Statement [APP-159] mentions that to forecast the trip generation associated with a solar farm development we have sourced examples of similar developments from elsewhere. Would the Applicant explain how the features of these similar developments used for estimating vehicular trips compare to those of Byers Gill Solar Farm?</p>

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ExQ1	Question to:	Question:	
TT.1.13	Applicant and Darlington Council	<p>Paragraph 2.3.2 of ES Appendix 12.1 Transport Statement [APP-159] mentions the availability of a demand-responsive Tees Flex Bus Service operated by Stagecoach, in partnership with the Tees Valley Combined Authority. Tees Flex offers connections to Stockton, Darlington, Billingham, and Sedgefield.</p> <p>Has the applicant explored the practicality of using this service for transporting staff to this site from the nearest major transport interchange and vice versa?</p> <p>Would Darlington Council confirm the status of the Tees Flex Bus Service and its long-term aspiration for this important transport infrastructure, given the limited public transport provision in this locality?</p>	
TT.1.14	Applicant	<p>Paragraph 3.3.1 of ES Appendix 12.1 Transport Statement [APP-159] states that three sites will be constructed at any given time (100 employees, 300 on site at any one time). Occupancy of 7 staff per vehicle = 15 car/LGV trips to each site (30 two-way movements). Would the Applicant explain how this would be enforced while relying on the staff to provide their own individual/shared transport?</p>	

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ExQ1	Question to:	Question:
TT.1.15	Applicant	<p>Paragraph 3.6.1 of ES Appendix 12.1 Transport Statement [APP-159] mentions that it is not known which three Panel Areas might be constructed at once, the assessment assumes trips for all Panel Areas with each road capped to the average trips of three Panel Areas, to assess the impact. Can the Applicant explain what the limitations are for not being able to decide which of the 3 panel areas can be constructed simultaneously bearing in mind that in satisfying the need for consolidation of deliveries, it appears logical to construct Panels A, B & C in parallel while D, E & F are constructed at the same time?</p>
TT.1.16	Applicant	<p>Paragraph 2.3.4 of ES Appendix 2.6 Outline Construction Environmental Management Plan [APP-110] states that the temporary construction compounds would contain construction worker welfare facilities, a site office, limited parking, wheel wash area, plant and machinery storage, Heavy Goods Vehicles (HGV) turning and waste storage areas. Would the Applicant explain how many car parking spaces would be provided and has any consideration been given to potential for mini-bus and motorcycle parking?</p>

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ExQ1	Question to:	Question:
TT.1.17	Applicant	Table 2-1 of ES Appendix 2.6 Outline Construction Environmental Management Plan [APP-110] describes the proposed access points and indicates that vehicles accessing Panel Areas A and B would traverse via unnamed farm tracks. Would the Applicant confirm if the proposed wheel wash locations for these panel areas would guarantee that large vehicles exiting the farm tracks onto the adjacent Brafferton Lane and Lodge Lane respectively after their wheels have been washed would not any carry mud/dust onto these latter roads?
TT.1.18	Applicant	Paragraph 2.3.31 of ES Appendix 2.6 Outline Construction Environmental Management Plan [APP-110] states that the Considerate Constructors Scheme [CCS) will be adopted to assist in reducing pollution and nuisance from the Proposed Development, by employing best practice measures which go beyond statutory compliance. Has the Applicant considered also engaging contractors who subscribe to Fleet Operator Recognition Scheme (FORS)?
TT.1.19	Applicant	Table 4-1 of ES Appendix 2.6 Outline Construction Environmental Management Plan [APP-110] states under 'release of GHG emissions

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ExQ1	Question to:	Question:
		<p>during construction' that encouraging the use of lower carbon modes of transport by identifying and communicating local bus connections and pedestrian and cycle access routes to/ from the Proposed Development to all construction staff and providing appropriate facilities for the safe storage of cycles. With limited local bus services and pedestrian and cycle access routes in this locality plus lack of clear-cut action to encourage staff to use sustainable travel modes, would the Applicant explain the effectiveness of communicating the availability of these sustainable modes to the staff?</p>
TT.1.20	Applicant	<p>Paragraph 3.3.2 of ES Appendix 2.8 Construction Traffic Management Plan (CTMP) [APP-112] mentions that it should be noted that most construction workers are expected to travel to and from the Order Limits by vehicle due to the remote location of the Proposed Development and lack of access by public transport. Can the Applicant confirm the validity of this statement given that Paragraph 2.3.2 of Appendix 12.1 Transport Statement states that the availability of a demand-responsive Tees Flex Bus Service operated by Stagecoach (ExA's initial check shows 9 buses in Fleet, buses can be hailed</p>

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ExQ1	Question to:	Question:
		via Tees Flex App, announced on Darlington Council's website that services extended for another 18months from 20/02/23), in partnership with the Tees Valley Combined Authority, which offers connections to Stockton, Darlington, Billingham and Sedgefield?
TT.1.21	Applicant	Paragraph 5.3.23 of ES Appendix 2.8 CTMP [APP-112] states that decommissioning of the Proposed Development could give rise to the same level of forecast trip generation as the construction phase of the Proposed Development. Therefore, the commissioning stage will be used as a proxy to determine the potential impacts of the decommissioning phase. Would the Applicant confirm if the 'commissioning stage' here should read construction stage?
TT.1.22	Applicant	Paragraph 6.1.4 of ES Appendix 2.8 CTMP [APP-112] mentions that Panel Area C is centrally located within the Order Limits however, the closest strategic road is the A66. Therefore, it is expected that HGV movements will be via the A66, connecting to Bishopton Lane/Elstob Lane. Bishopton Lane and Elstob Lane are rural roads with no footpaths. Would the Applicant confirm that the A66 mentioned here is actually

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ExQ1	Question to:	Question:
		A1150 and demonstrate this route linkage from Elstob Lane?
TT.1.23	Applicant	<p>Paragraph 6.2.4 of ES Appendix 2.8 CTMP [APP-112] states that the existing access point to the southern section of Panel Area A is narrow and located on a bend in the road with limited visibility and space to manoeuvre. Therefore, it is advised that HGV arrive and depart the access point via Aycliffe Lane, avoiding the sharp turn onto Brafferton Lane to the south. Can the Applicant provide justifications for including the southerly access despite its established highway safety implications?</p>
TT.1.24	Applicant	<p>Paragraph 6.2.5 of ES Appendix 2.8 CTMP [APP-112] states that the access point on Aycliffe Lane/Brafferton Lane is a single-track road. Therefore, the timings of HGV will need to be planned so that there will be no conflicting movements on the lane; and suitable traffic management should be agreed with Darlington Borough Council to ensure safe entrance and exit.</p> <p>Would the Applicant demonstrate the practicality of this arrangement given that there are other physical measures that can be adopted and, illustrate the</p>

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ExQ1	Question to:	Question:
		suitable traffic management to be agreed with Darlington Borough Council and whether it has been or would be agreed before the end of the examination?
TT.1.25	Applicant	Paragraph 6.3.3 of ES Appendix 2.8 CTMP [APP-112] - Would the Applicant also explain the practicality of this arrangement given that there are other physical measures that can be adopted and, illustrate the suitable traffic management to be agreed with Darlington Borough Council and whether it has been or would be agreed before the end of the examination?
TT.1.26	Applicant	Paragraph 6.5.4 of ES Appendix 2.8 CTMP [APP-112] - Would the Applicant also explain the practicality of this arrangement given that there are other physical measures that can be adopted and, illustrate the suitable traffic management to be agreed with Darlington Borough Council and whether it has been or would be agreed before the end of the examination?
TT.1.27	Applicant	Paragraph 6.3.1 of ES Appendix 2.8 CTMP [APP-112] states that access to Panel Area B will be via an existing unnamed farm track located off Salters Lane.

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ExQ1	Question to:	Question:
		<p>Would the Applicant explain the contradiction between this statement and that of the second bullet point in paragraph 5.3.19, which seems to suggest a different and more logical access?</p>
TT.1.28	Applicant	<p>Paragraph 7.5.2 of ES Appendix 2.8 CTMP [APP-112] mentions that deliveries will be scheduled to avoid morning and evening peak hours. This will avoid HGV traffic arriving during the morning peak hours, creating conflict with local residents' commute or school run. Construction personnel will be encouraged to carpool, or to travel to the Proposed Development in minibuses. Would the Applicant confirm how the school departure times (off-peak hours of 3-4pm) that are outside the morning and evening peak hours would be incorporated into the booking system bearing in mind the consultation response on this issue?</p>
TT.1.29	Applicant	<p>Paragraph 7.5.4 of ES Appendix 2.8 CTMP [APP-112] lists some actions to control, prevent and minimise dirt on the access route and emissions of dust and other airborne contaminants during the construction works. Would the Applicant explain how the positions of the wheel washing machines would indeed ensure that no debris would be</p>

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ExQ1	Question to:	Question:
		deposited on the adjoining roads considering that HGV would travel certain lengths on some of the unconstructed access routes before reaching nearby roads?
TT.1.30	Applicant	Paragraph 7.5.4 of ES Appendix 2.8 CTMP [APP-112] - Would the Applicant comment on why consolidation of deliveries plus an undertaking to sweep relevant adjacent roads daily and/or if and when necessary have not been considered as part of the mitigating actions to control, prevent and minimise dirt on the access route and emissions of dust and other airborne contaminants during the construction works?
TT.1.31	Applicant	Paragraph 7.7.2 of ES Appendix 2.8 CTMP [APP-112] states that the delivery routes will be communicated in advance by the Principal Contractor to all individuals and companies involved in the transport of materials and plant to and from the Proposed Development. Would the Applicant explain how this would be enforced in terms of what penalties would be meted out to those contractors who do not comply with the agreed delivery routes?
TT.1.32	Applicant	Paragraph 7.8.3 of ES Appendix 2.8 CTMP [APP-112] mentions that the

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ExQ1	Question to:	Question:	
		Contractor is expected to meet the requirements of BS5288, 'Code of practice for noise and vibration control on construction and open sites'. Would the Applicant be amenable to changing this wording to read: "The applicant will comply with the requirements of BS5288, 'Code of practice for noise and vibration control on construction and open sites"?	
TT.1.33	Applicant	Paragraph 12.10.36 of ES Chapter 12 Traffic and Transport [APP-035] states that due to a negligible increase in traffic on the LRN, the impact on pedestrian, horse riding and cyclist amenity will not be material, and, if at all, only in isolated locations. Can the Applicant describe the isolated locations where these road users are likely to experience vehicular traffic problems?	
Water Environment and Flood Risk			
WFR1.1	Applicant and Stockton-on-Tees Council	Table 10-1 of ES Chapter 10 Hydrology and Flood Risk [APP-033] states that the applicant is awaiting response from Stockton-on-Tees Council on the use of Ballast slabs. Would the Applicant confirm if this has been agreed?	Stockton LLFA have no further comment to make regarding the use of ballast slabs. The applicant is proposing ballast slabs under some panels in certain locations with archaeology constraints – as Stockton only have the cable route within our borough, we are of the understanding that there won't be a requirement for ballast slabs within SBC boundary.
WFR1.2	Applicant	Paragraph 10.7.45 of ES Chapter 10 Hydrology and Flood Risk [APP-033]	

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ExQ1	Question to:	Question:	
		<p>states that results from the GeoSmart Groundwater Flood Risk Map indicates that most of the Order Limits is at negligible risk of groundwater flooding with small pockets of low and moderate groundwater flood risk (mostly around Panel Area F). However, no electrical infrastructure has been located within these zones. Would the Applicant explain what type of installation is proposed at the area of Panel F where there is likely to be moderate groundwater flood risk and the level of flood risk associated with such equipment?</p>	
WFR1.3	Applicant and Environment Agency (EA)	<p>Paragraph 5.4.13 of ES Chapter 5 Climate Change [APP-028] states that the probabilistic projections in the UKCP18 provide local low, central and high changes across the UK, equating to 10%, 50% and 90% probability levels respectively. In addition, paragraph 5.4.14 of same paper mentions that climate change projections for a range of meteorological parameters are presented for different probability levels within the Representative Concentration Pathways 8.5 (RCP8.5) high emission scenario for the near-term and long-term future time periods. IEMA guidance states that using the higher emissions scenario (RCP8.5 in</p>	

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ExQ1	Question to:	Question:
		<p>the latest UKCP18 projections) at the 50th percentile, for the 2080s timelines is best practice, unless a substantiated case can be made for not doing this (e.g. anticipated lifespan of the project is shorter than 2080s). Paragraph 5.4.15 of this document describes the methodology adopted.</p> <p>Would the Applicant confirm if the methodology used to arrive at an overall lifetime carbon reduction was based on the 50th percentile CCR (Climate Change Resilience) assessment?</p> <p>Would EA agree that this method sufficiently addresses its concern that there has been no assessment of higher, central and upper climate change flood levels thus resilience of the site is unknown (please refer to EA submission dated 17 May 2024 (Ref: A/2024/100084/01))?</p>
WFR1.4	EA	<p>Paragraph 10.7.35 of ES Chapter 10 Hydrology and Flood Risk [APP-033] states that the EA flood maps indicate that the Proposed Development is largely situated within Flood Zone 1, which is defined as an area having less than a 1 in 1,000 annual exceedance probability of flooding from main rivers. Therefore, the Proposed Development is not considered to be at a significant</p>

ExQ1: 30 July 2024

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ExQ1	Question to:	Question:
		<p>risk of river flooding. EA's submission dated 17 May 2024 (Ref: A/2024/100084/01) says that "For a development of this scale with a vulnerability classification of 'essential infrastructure' we would expect any assessment of fluvial flood risk to be based on detailed flood modelling."</p> <p>Would EA explain how its flood risk mapping was derived including the base data that was inputted into it, frequency of update, the objective of keeping it open for public interrogation and why this cannot be relied upon by the applicant?</p>
WFR1.5	Applicant and EA	<p>Paragraph 10.7.48 of ES Chapter 10 Hydrology and Flood Risk [APP-033] mentions that there are several small reservoirs surrounding the Proposed Development and runoff from the Order Limits may drain into Bishopton Lake. According to data from the EA, the eastern extent of the Order Limits, surrounding Bishopton and Carlton, is at significant risk of flooding from reservoir failure. Current reservoir regulation, enhanced by the Flood and Water Management Act 2010, aims to make sure that all reservoirs are properly maintained and monitored to detect and repair any problem. Therefore, the risk of reservoir flooding</p>

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ExQ1	Question to:	Question:
		<p>is not considered to be high in this area.</p> <p>Would the Applicant be able to provide evidence that most of these reservoirs have established and approved plans for maintenance and monitoring to detect and repair any problem?</p>
WFR1.6	EA	<p>EA's submission dated 17 May 2024 (Ref: A/2024/100084/01) states that the Planning Practice Guidance (PPG Paragraph: 006 Reference ID: 7-006-20220825) recommends that a lifetime of 75 years should be considered for non-residential development when assessing flood risk. However, the Flood Risk Assessment (FRA) states the development's design life is expected to be at least 40 years. However, the overriding Policy EN1 paragraph 5.8.36 stipulates that the applicant should ensure that 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).</p> <p>Would EA explain why with the mitigations put forward by the applicant, subject to other possible additions during this examination, the 40years would be inadequate?</p>

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ExQ1	Question to:	Question:
WFR1.7	Applicant and EA	<p>EA's submission dated 17 May 2024 (Ref: A/2024/100084/01) states that it is not possible at this time for us to support the applicant's request for disapplication. We have concerns about the lack of information regarding the disapplication of Flood Risk Activity Permits (FRAP) under the Environmental Permitting Regulations (2016). We are currently reviewing our standard Protective Provisions and will discuss this issue further with the applicant.</p> <p>Have the Applicant and EA now agreed on EA's Protective Provisions?</p>
WFR1.8	Applicant	<p>The third bullet point of paragraph 2.6.6 of ES Chapter 2 The proposed development [APP-025] mentions that designing, constructing and implementing the proposed development in such a way as to minimise the creation of waste and maximise the use of alternative materials with lower embodied carbon, such as locally sourced products and materials with a higher recycled content where feasible.</p> <p>Would the Applicant explain the features of this alternative materials with lower embodied carbon in comparison to other materials giving lower carbon saving that may have</p>

ExQ1: 30 July 2024**Responses due by Deadline 2: Thursday, 29 August 2024**

ExQ1	Question to:	Question:	
		been used in other similar development?	
WFR1.9	Applicant	The third bullet point of paragraph 2.6.6 of ES Chapter 2 The proposed development [APP-025] states that liaising with construction personnel for the potential to implement staff minibuses and car sharing options. Would the Applicant explain the practicality of this measure given the availability of a more effective scheme like clear-cut commitment to utilising the Tees Flex Bus Service?	
WFR1.10	Applicant	ES Appendix 10.2 Water Framework Directive Assessment [APP-153] and EA's submission dated 17 May 2024 (Ref: A/2024/100084/01) – Would the Applicant explain why the Water Framework Directives Assessment does not address the proposed drainage outfall into River Skerne, Billingham Beck and Bishopton Beck or the Directional Drilling under River Skerne, Billingham Beck and Bishopton Beck?	
WFR1.11	Darlington and Stockton-on-Tees Councils	Paragraph 4.2 of ES Appendix 10.1 Flood Risk Assessment and Drainage Strategy [AS-001] mentions the applicant's correspondence with the Lead Local Flood Authority [LLFA].	It does not appear that the FRA has yet been updated in relation to the issues SBC LLFA raised within the submitted LIR

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ExQ1	Question to:	Question:
		<p>Are Darlington LLFA and Stockton-on-Tees LLFA now content with the applicant's flood risk assessment and drainage strategy?</p>
WFR1.12	Applicant	<p>Table 4.2 of ES Appendix 10.1 Flood Risk Assessment and Drainage Strategy [AS-001] shows the maintenance plan which has been produced using the relevant guidance from CIRIA (Construction Industry Research & Information Association) SuDS (sustainable drainage system). Would the Applicant explain how the frequency of maintenance was derived, for example under landscaping, cutting the grass annually may be insufficient as grass generally grows faster during British summer time and the 5-yearly washing or replacement of overlying filter medium of the gravel aprons may not be adequate?</p>
WFR1.13	Applicant	<p>Table 2-1 of ES Appendix 10.1 Flood Risk Assessment and Drainage Strategy [AS-001] shows the number of switchgears, inverters, hybrid inverters (containing Battery Energy Storage Systems (BESS)), spare containers and a substation. Would the Applicant confirm the number of each of these equipment per site and submit corresponding clearly annotated ES</p>

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ExQ1	Question to:	Question:
		<p>Figures 2.3 to 2.8 General Arrangement [APP-041 to APP-046]?</p>
WFR1.14	Applicant	<p>Paragraph 2.3.28 of ES Chapter 2 The proposed development [APP-025] states that only in instances where the cable plough cannot be used, alternative methods, such as trenching or horizontal directional drilling (HDD), will be used in more constrained locations such as going underneath water courses and roads. Would the Applicant provide plans showing where trenching or horizontal directional drilling are likely to be used?</p>
WFR1.15	Applicant and EA	<p>Paragraph 10.7.43 of ES Chapter 10 Hydrology and Flood Risk [APP-033] states that an area of 3m flood depth has been estimated at Panel Area C (C06) around Square Wood. Paragraph 10.7.44 of same paper then mentions that the extensive drainage system installed at this location by the current landowner is not included in the EA flood maps. Therefore, there is reasonable evidence to believe that the depth has been inaccurately represented and the mapped flood extent is not accurate. It is not anticipated that flooding to such extreme depths would occur in this area.</p>

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ExQ1	Question to:	Question:
		<p>Would the Applicant describe the extensive drainage system installed at this location by the current landowner and what effect this would have had on the calculated flood depth?</p> <p>Would EA comment on the content of these two paragraphs?</p>
WFR1.16	Applicant	<p>ES Chapter 10 Hydrology and Flood Risk [APP-033] states that monitoring is proposed for inspection of silt accumulation in drainage to avoid potential blockage during operation. This is stated to be secured through the FRA and Drainage Strategy; however, this is not a certified document and these measures are not secured through the requirements of the dDCO. Can the Applicant explain how these measures are secured?</p>
WFR1.17	Applicant	<p>Paragraph 2.3.28 of ES Chapter 2 The Proposed Development [APP-025] states that only in instances where the cable plough cannot be used, alternative methods, such as trenching or horizontal directional drilling (HDD), will be used in more constrained locations such as going underneath water courses and roads. Paragraph 10.8.15 of ES Chapter 10 Hydrology and Flood Risk [APP-033] then states that where the 2 new watercourse crossings are proposed, if not</p>

ExQ1: 30 July 2024

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ExQ1	Question to:	Question:	
		adequately designed there is the potential for long-term erosion of the stream bed which could impact the natural morphology as well as increased risk of sediment pollution. Can the Applicant demonstrate how the design features of these two watercourse crossings would guide against long-term erosion of the stream bed?	
Cumulative Effects			
CU.1.1	Applicant Northern Power Grid (NPG)	The Applicant and Northern Power Grid are asked to provide the ExA with some evidence in relation to Norton's Substation capacity to absorb the energy produced by the Proposed Development and how this will be managed taking into consideration the cumulative effects of other energy generating projects. The ExA does not that a connection agreement has been secured with NPG for the generation of 180MW of electricity.	
CU.1.2	Applicant	Has the Applicant given any consideration in relation to any potential surplus in energy? And how likely is this to occur and how will its management be secured through the DCO?	

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ExQ1	Question to:	Question:
CU.1.3	Applicant	The Applicant recognises, in the ES Non-Technical Summary [APP-022] that there is expected to be a significant cumulative effect relating to the temporary loss of agricultural land. Can the Applicant please explain its position in relation to the cumulative effects of the proposal and how it has taken into consideration the cumulative effects of the Proposed Development on sensitive receptors, particularly those whose agricultural land will be lost?
CU.1.4	Applicant	The Applicant also mentions, in the ES Non-Technical Summary [APP-022], that it would manage their impact upon agricultural land via Soil Resource Management Plan. However the Soil Resource Management Plan [APP-116] does not seem to deal with cumulative effects. Can the Applicant please explain their approach?
CU.1.5	Applicant	Chapter 13 of the ES [APP-036] deals with cumulative effects. In it the Applicant states that although significant cumulative effects have been identified in relation to land use and socioeconomics there is no essential mitigation available to reduce this effect. Can the Applicant please clarify what additional mitigation it has

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ExQ1	Question to:	Question:
		considered and why it has been dismissed?
CU.1.6	Applicant	Can the Applicant please also confirmed how it has assessed the cumulative effects of the Proposed Development on identified residential receptors, particularly considering those that might be potentially affected by any visual and landscape impacts as well as an additional effect such as noise and/or traffic, during construction and also during operational and decommissioning stages.
CU.1.7	Applicant	How has the Applicant taken into consideration, in relation to need, the impact of other generating facilities located or proposed to be located within the vicinity of the Proposed Development?

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ANNEX A

[case name]:

List of all objections to the grant of Compulsory acquisition OR TEMPORARY POSSESSION powers (eXq1: Questions [Insert Nos.])

In the event of a new interest in the land, or Category 3 person, being identified the Applicant should inform those persons of their right to apply to become an Interested Party under s102A PA2008.

Obj No. ³	Name/ Organisation	IP/AP Ref No ⁴	RR Ref No ⁵	WR Ref No ⁶	Other Doc Ref No ⁷	Interest ⁸	Permanent/ Temporary ⁹	Plot(s)	CA? ¹⁰	Status of objection

3 Obj No = objection number. All objections listed in this table should be given a unique number in sequence.

4 Reference number assigned to each Interested Party (IP) and Affected Person (AP)

5 Reference number assigned to each Relevant Representation (RR) in the Examination library

6 Reference number assigned to each Written Representation (WR) in the Examination library

7 Reference number assigned to any other document in the Examination library

8 This refers to parts 1 to 3 of the Book of Reference:

- Part 1, containing the names and addresses of the owners, lessees, tenants, and occupiers of, and others with an interest in, or power to sell and convey, or release, each parcel of Order land;
- Part 2, containing the names and addresses of any persons whose land is not directly affected under the Order, but who “would or might” be entitled to make a claim under section 10 of the Compulsory Purchase Act 1965, as a result of the Order being implemented, or Part 1 of the Land Compensation Act 1973, as a result of the use of the land once the Order has been implemented;
- Part 3, containing the names and addresses of any persons who are entitled to easements or other private rights over the Order land that may be extinguished, suspended or interfered with under the Order.

9 This column indicates whether the applicant is seeking compulsory acquisition or temporary possession of land/ rights

10 CA = compulsory acquisition. The answer is ‘yes’ if the land is in parts 1 or 3 of the Book of Reference and National Grid are seeking compulsory acquisition of land/ rights.

4 Strategic Development Strategy

Presumption in favour of Sustainable Development

- 4.1 A cornerstone of the NPPF is the presumption in favour of sustainable development, which seeks a balanced approach between the economic, social and environmental dimensions of sustainable development. This policy acknowledges the pivotal nature of this presumption in favour of sustainable development.

Policy SD1 - Presumption in favour of Sustainable Development

1. In accordance with the Government's National Planning Policy Framework (NPPF), when the Council considers development proposals it will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF. It will always work proactively with applicants jointly to find solutions which mean that proposals for sustainable development can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area.
 2. Planning applications that accord with the policies in this Local Plan (and, where relevant, with policies in neighbourhood plans) will be approved without delay, unless material considerations indicate otherwise.
 3. Where there are no policies relevant to the application or relevant policies are out of date at the time of making the decision then the Council will grant permission unless material considerations indicate otherwise - taking into account whether:
 - Any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole; or,
 - Specific policies in that Framework indicate that development should be restricted.
- 4.2 The Council is committed to a positive approach to development in order to meet the needs of the Borough, consistent with balancing the economic, social and environmental dimensions of sustainable development.
- 4.3 Following the publication of the NPPF, the Planning Inspectorate published model wording for a presumption in favour of sustainable development policy. This wording has been incorporated into the Local Plan in Policy SD1 as an appropriate way of meeting the Government's expectation that Local Plans are based upon the presumption in favour of sustainable development.
- 4.4 The Local Plan provides a strong framework for how the Council, with the full engagement of local communities and other stakeholders, has determined the balance locally between the different dimensions of sustainable development.

Strategic Needs

Policy SD2 – Strategic Development Needs

1. The following strategic growth needs have been identified for the period 2017/18 to 2031/32, which will be met through new sustainable development and infrastructure provision that integrates positively with the natural, built and historic environment of the Borough.

Housing

2. To meet the housing requirement of 10,150 new homes over the plan period a minimum of:
 - a. 720 dwellings (net) will be delivered per annum from 2017/18 to 2021/22.
 - b. 655 dwellings (net) will be delivered per annum from 2022/23 to 2031/32.
3. The Strategic Housing Market Assessment for Stockton-on-Tees Borough identifies that there are specific needs with regard to housing type and tenure. This includes delivering homes to meet the needs of the ageing population.
4. To meet the needs of Gypsy and Travellers for 4 pitches the Council support the re-occupation of pitches on the existing site at Mount Pleasant Grange, Bowesfield Lane.

Economic Growth

5. In order to provide sufficient employment sites to meet the needs of existing businesses, new start-ups and major inward investment there is a requirement to allocate sufficient land for specialist industries, business, general industry and warehousing, as follows:
 - a. 120 hectares of land for specialist uses including, the chemical and process industry, energy generation, waste processing, port related uses and other uses, which demonstrate operational benefits to the North and South Tees Cluster.
 - b. 70 hectares of land at Durham Tees Valley Airport of which 50ha is for airport related use and 20 hectares of general employment land.
 - c. 110 hectares of land for general employment uses.
6. To meet the town centre use needs of the Borough, there is a need for:
 - a. Up to 2,700 sq m (gross) of convenience retail floorspace by 2031/2032.
 - b. Up to 4,500 sq m (gross) of comparison retail floorspace by 2021/22, although this could be met through the implementation of existing commitments. Beyond 2021/22 there may be a need to bring forward new comparison retail which will be determined by future retail capacity assessments.
 - c. Economic growth proposals which improve the quality, range and choice of retailers in Stockton Town Centre and Billingham District Centre.

Other Development Needs

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

4 Strategic Development Strategy

- 4.5 The NPPF requires Local Plans to be based on proportionate and up-to-date evidence about the economic, social and environmental characteristics and prospects of the area. To this end the Council has undertaken a number of evidence base reviews to understand the housing and economic growth needs of the Borough. This policy takes account of these reviews and sets out the strategic needs for the Borough.
- 4.6 The Strategic Housing Market Assessment (SHMA) established the Councils Objective Assessment of Housing Need (OAN) as a need for 11,060 dwellings between 2014 and 2032. The OAN for housing includes uplifts from the CLG Household projections to take account of long-term migration and concealed households. The Council has applied a further uplift to accommodate the needs of older people. In calculating the housing requirement, a backlog of housing which was not delivered between 2014/15 (the baseline for the projection) and 2016/17 (the start date of the plan period) has also been included. The housing requirement in the Local Plan (2017 – 32) is therefore 10,150 homes. Figure 8 below provides a simple summary of how the housing requirement was calculated.

FIGURE 8: Housing requirement components

Requirement	Total	Average
a. OAN Backlog (2014 to 2017)	2,060	687
b. Delivery	1,729	576
c. Residual Backlog (a - b)	332	-
d. OAN (2017 - 2032)	9,000	600
e. Older People's Need	793	53
f. Housing Requirement (c + d + e)	10,125	675
Housing Requirement (Rounded)	10,150	675

- 4.7 An uplift for older people's needs is required as the OAN projection assumed that there would be a major growth in older people living in residential care homes. However, national and local social care policy seeks to support people to live longer in their own home. As a result, older people will live longer in their own homes, which means that these properties will not be available to younger households. Further research estimates that this will add approximately 800 dwellings to the housing requirement over the plan period.
- 4.8 As older people's needs have been included in the housing requirement, in accordance with national guidance the Council will count the contribution that residential institutions/care homes will make on the basis of 1.35 bedspaces equals 1 dwelling.
- 4.9 The SHMA also identified the affordable housing requirement for the Borough for the period 2017/18 to 2031/32. This identified a need for 3,502 dwellings over the period, a total of 233 households per year, equating to 39.9% of the OAN (2017/18 to 2031/32). This need is addressed in section 5 of the Local Plan. However, the Council's evidence has established that the Local Plan cannot fully meet affordable housing needs as it is only viable to deliver this requirement on 20% of housing units on each site.

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- 4.10 The Council has considered, but discounted, an uplift to the housing requirement to meet the required number of affordable homes. In order to fully meet the modelled affordable housing need the Council would have to at least double the total housing requirement, and the benefit of meeting affordable housing supply in this manner would not outweigh the negative implications for the environment and infrastructure in the area, as well as the impact on the housing market and plans of adjoining local authorities. Smaller increases in the housing requirement would only deliver a modest affordable housing contribution leaving the need largely unmet.
- 4.11 Whilst the housing requirement should not be considered as a ceiling, Policy SD3 'Housing Strategy' and section 5 'Housing' identify sufficient sites to surpass the requirement, as well as setting out the Council's approach to other housing needs.
- 4.12 The SHMA included a Gypsy and Traveller Accommodation Assessment which was developed in accordance with national policy and included community interviews and surveys. The SHMA found a need for:
- four pitches for travelling households that meet the Government definition of Gypsies and Travellers in national policy;
 - two pitches for households where it is unclear whether or not they meet the definition in national policy; and
 - six pitches for non-travelling households identified for the purposes of the Equality Act 2010.
- 4.13 In accordance with national policy, the Local Plan identifies the need for 4 pitches, which are for households that meet the definition in national policy. As this need can be addressed by vacant pitches at the existing Bowesfield site there is no need to identify additional pitches. The Council has recognised that proposals may emerge for new provision for gypsies and travellers and included a criteria-based policy in the housing section of this Local Plan to provide a framework for determining relevant applications.
- 4.14 The Employment Land Review for the Borough (2016) included land projections based on population forecasts and economic activity rates included in the OAN/SHMA. The review also has regard to the ambitions of the Strategic Economic Plan produced by Tees Valley Combined Authority.
- 4.15 In accordance with national guidance, the review considered three scenarios: baseline job growth; past take-up; and future supply. The review also factored in an allowance for losses of employment land and previous take-up rates and concluded that there was a need to allocate at least 80 hectares of land for general employment use, which could potentially rise to 110 hectares of land depending on a range of factors including viability of industrial development. The review also recognised that there is no need to make further allowance on top of this requirement for other non-employment uses on industrial land over the plan period.
- 4.16 The NPPF also requires local planning authorities to 'plan positively for the location, promotion and expansion of clusters'. The Tees Valley is the home to an integrated cluster of chemicals and processing companies, with recent growth in the number of energy and waste businesses in the area. The market generally considers these areas as separate from the general employment land portfolio, and the Local Plan provides a separate need for 'specialist use' sites, which operate in the chemical industry; ports and airports; and marine and offshore sectors.

4 Strategic Development Strategy

- 4.17 The complex relationship between these uses and land take-up makes it difficult to estimate the future need for specialist use employment sites on the basis of projected employment or population change. The review therefore forecasts a need for about 120 hectares of employment land in the North Tees and Billingham area, based on the average take-up of employment land between 2008 and 2015.
- 4.18 In addition to the above, the Local Plan also recognises the importance of Durham Tees Valley Airport and the need to support further expansion linked to the airport in accordance with Aviation policy and the National Planning Policy Framework. The Local Plan therefore includes the need to provide sufficient specialist land (50ha) to support the expansion of airport related uses, which is supported by 20 hectares of general employment land on the south side of the airport.
- 4.19 The Stockton Town Centre Uses Study (2016) considers the convenience and comparison retail needs of the Borough. Figures quoted in Policy SD2 relate to the gross floorspace required to meet identified needs, including storage, staff and other areas. Comparison goods are retail items not bought on a frequent basis, for example televisions and white goods (fridges, dishwashers etc.) and convenience goods are those items bought for everyday needs such as food and other groceries, newspapers, drink and tobacco and chemists goods. The study identifies a need for up to 2,700 sq m of new convenience retail floorspace by 2032, with the actual requirement dependent on the turnover of new facilities. In terms of comparison floorspace, there is a need up to 2021 for 4,500sq m of floorspace. Beyond this, up to 2026, there is a potential need for up to 33,000 sq m of comparison retail floorspace, subject to further evidence of the need in subsequent future town centre use capacity studies.
- 4.20 However, due to uncertainty around the forecasts and the scale of need identified in the study to 2032 (56,000 – 80,000sq m) a cautious approach will be taken beyond 2021, which will be influenced by regular review of retail studies. This approach also reflects the qualitative need to improve the offer of existing town and district centres in the Borough in order to increase their market share relative to out of centre facilities.
- 4.21 The Town Centre Use Study (2016) also identifies needs for other uses including cinemas, tenpin bowling, bingo-halls, health and fitness clubs and food and beverage uses. The study found that there was a potential need for further cinema screens, food and drink, and bingo provision. However, given the potential volatility of these projections and the commercial led demand of these types of development, these needs are not expressed in the Local Plan. Planning applications for these uses will consider this evidence or any successor document as a material consideration, and will be determined in accordance with policies set out in this Local Plan.
- 4.22 It is not possible to identify all of the needs of the Borough which might occur over the plan period. However, where a strategic or local need is highlighted and evidenced over the plan period, the Council will seek to positively influence where the development need should be located, taking into account aspirations to promote economic growth, support key commercial locations and also embrace the principles of sustainable development set out within this plan.
- 4.23 Further site allocations and management policies to address economic growth needs are set out and discussed in detail within Policy SD4 'Economic Growth Strategy' and in section 3 'Economic Growth'.

4 Strategic Development Strategy

- 4.46 A number of tourism uses, such as hotels and cultural facilities are also highlighted as main town centre uses in national planning policy. Policy SD4 recognises the definition and identifies the main centres in the Borough as locations for this use. Whilst most economic growth uses are situated within the main built up area, the Council recognises that opportunities exist for agricultural, leisure and recreation related economic growth in country parks, the countryside and the river corridor. At the same time the policy recognises the intrinsic value of the countryside and the character and appearance of the tranquil river corridor and that development in these areas must be appropriate in terms of scale and character, taking in to consideration the surrounding site context against other policies within this Local Plan.

Natural, Built and Historic Environment

Policy SD5 - Natural, Built and Historic Environment

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

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

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- i. Considering development proposals within green wedges against Policy ENV6.
 - j. Ensuring development proposals are responsive to the landscape, mitigating their visual impact where necessary. Developments will not be permitted where they would lead to unacceptable impacts on the character and distinctiveness of the Borough's landscape unless the benefits of the development clearly outweigh any harm. Wherever possible, developments should include measures to enhance, restore and create special features of the landscape.
 - k. Supporting proposals within the Tees Heritage Park which seek to increase access, promote the area as a leisure and recreation destination, improve the natural environment and landscape character, protect and enhance cultural and historic assets, and, promote understanding and community involvement.
 - l. Preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of ground, air, water, light or noise pollution or land instability. Wherever possible proposals should seek to improve ground, air and water quality.
 - m. Encouraging the reduction, reuse and recycling of waste, and the use of locally sourced materials.
2. Meet the challenge of climate change, flooding and coastal change through a variety of methods including:
- a. Directing development in accordance with Policies SD3 and SD4.
 - b. Delivering an effective and efficient sustainable transport network to deliver genuine alternatives to the private car.
 - c. Supporting sustainable water management within development proposals.
 - d. Directing new development towards areas of low flood risk (Flood Zone 1), ensuring flood risk is not increased elsewhere, and working with developers and partners to reduce flood risk.
 - e. Ensuring development takes into account the risks and opportunities associated with future changes to the climate and are adaptable to changing social, technological and economic conditions such as incorporating suitable and effective climate change adaptation principles.
 - f. Ensuring development minimises the effects of climate change and encourage new development to meet the highest feasible environmental standards.
 - g. Supporting and encouraging sensitive energy efficiency improvements to existing buildings.
 - h. Supporting proposals for renewable and low carbon energy schemes including the generation and supply of decentralised energy.
3. Conserve and enhance the historic environment through a variety of methods including:
- a. Celebrating, promoting and enabling access, where appropriate, to the historic environment.
 - b. Ensuring monitoring of the historic environment is regularly undertaken.
 - c. Intervening to enhance the historic environment especially where heritage assets are identified as being at risk.
 - d. Supporting proposals which positively respond to and enhance heritage assets.

4 Strategic Development Strategy

- e. Recognising the area's industrial heritage, including early history, railway and engineering heritage and the area's World War II contribution.
 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.
- 4.47 Through the Economic Strategy and Growth Plan and this Local Plan, the Council is committed to ensuring that economic growth is achieved alongside the protection and enhancement of the natural, built and historic environment. Integral to this commitment is the need to ensure a credible and robust strategy towards mitigating and adapting to climate change and moving to a low carbon economy.
- 4.48 The Borough has a rich natural and historic environment from the numerous sites designated internationally, nationally and locally for their importance to biodiversity, which form an essential part of the green infrastructure and ecological networks to the varied archaeological heritage, which includes a Roman villa at Ingleby Barwick, several Anglo-Saxon cemeteries at Norton and the medieval ports of Yarm and Stockton. The Council supports development where it conserves and enhances the natural, built and historic environment.
- 4.49 The limits to development define the conurbation, Wynyard settlement and outlying villages, using identifiable features which represent the break between these areas and countryside beyond. The principle of the limits to development is to protect the intrinsic value of the countryside. Through the application of other policies within the Local Plan, the limits to development also serve to actively manage patterns of growth. It will be important to ensure that any development within the countryside maintains the physical identity and character of individual settlements; an important consideration will be to ensure that a sufficient gap is always maintained between settlements so that they are still perceived as being separate.
- 4.50 Stockton-on-Tees Green Infrastructure Strategy (2011) identifies ten broad themes or 'Strategic Objectives' which will be addressed through the future development and on-going management of the Borough's green infrastructure. The strategy highlights the existing green infrastructure components and assets which are significant at the Tees Valley or Borough-scale. These major green infrastructure components form the basis for the Borough's existing strategic green infrastructure network which incorporates:
- Primary Green Infrastructure Corridors: nine corridors identified within the Tees Valley Green Infrastructure Strategy. These corridors extend beyond the Borough boundary.
 - Secondary Green Infrastructure Corridors: thirteen corridors identified as part of the Stockton-on-Tees Green Infrastructure Strategy.
- 4.51 The preservation and enhancement of these green infrastructure networks forms an essential role in ensuring that ecological networks can be preserved and extended through the preservation, restoration and re-creation of priority habitats.

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- 4.52 The Borough is fortunate to have a number of areas of green space that extend from the countryside into the heart of the conurbation; many of these areas incorporate natural valleys associated with watercourses. These green wedges play an important role in maintaining local character and the separate identity of built-up areas; this is achieved, in part, through ensuring that development within this designation does not lead to the physical or visual coalescence of built-up areas. Beyond this, green wedges fulfil a range of other purposes including providing recreational opportunities and supporting ecological networks. The Council considers green wedges to be an important policy designation and continue to support their identification between built-up areas. Development proposals within the green wedge will be considered in accordance with Policy ENV6.
- 4.53 The Tees Lowlands National Character Area description, and the Stockton-on-Tees Landscape Character Assessment and Capacity Study (2011) provide the evidence base to consider proposals in landscape terms. The NPPF supports the protection and enhancement of valued landscapes and areas of tranquillity; countryside, limits to development and green wedge policies assist in delivering this aim. Proposals within and adjacent to these designations should be designed to avoid impacts on areas within that have remained relatively undisturbed by noise and are prized for their recreational and amenity value.
- 4.54 The Tees Heritage Park stretches from Yarm to Stockton, taking in all of the open land along the River Tees, including the Leven Valley and Bassleton Beck. Projects to enhance the environment of this area and improve access are being developed through a partnership approach involving organisations such as the Friends of Tees Heritage Park, Groundwork North East, Environment Agency, the Canal & River Trust, Natural England, Stockton-on-Tees Borough Council and Tees Valley Wildlife Trust. The first phase of the project was completed in 2012; this was largely on Council owned sites which comprise a 'core area' within the wider park. This policy reflects the Council's commitment to further schemes as and when funding is identified.
- 4.55 Meeting the challenge of climate change, flooding and coastal change is a theme which cuts across many sections of the Local Plan. It is important that the Local Plan is read as a whole as the policies contained within detail the approach to delivering sustainable development which encompasses the approach to meeting the challenge of climate change, flooding and coastal change.
- 4.56 The Council places great importance on the historic environment and has undertaken numerous schemes to enhance heritage assets. Projects have included the regeneration of Preston Hall Museum, the restoration of Ropner Park, the Stockton Heritage in Partnership (SHiP) scheme and the Central Stockton Townscape Heritage Initiative. This strategic approach to conserving and enhancing the historic environment, in combination with other policies within the Local Plan provides a positive strategy for the conservation and enjoyment of the historic environment. 2025 marks the 200th anniversary of the opening of the Stockton & Darlington Railway; the celebration of this event is an important element of the positive strategy.

Sustainable Design Principles

Policy SD8 – Sustainable Design Principles

1. The Council will seek new development to be designed to the highest possible standard, taking into consideration the context of the surrounding area and the need to respond positively to the:
 - a. Quality, character and sensitivity of the surrounding public realm, heritage assets, and nearby buildings, in particular at prominent junctions, main roads and town centre gateways;
 - b. Landscape character of the area, including the contribution made by existing trees and landscaping;
 - c. Need to protect and enhance ecological and green infrastructure networks and assets;
 - d. Need to ensure that new development is appropriately laid out to ensure adequate separation between buildings and an attractive environment;
 - e. Privacy and amenity of all existing and future occupants of land and buildings;
 - f. Existing transport network and the need to provide safe and satisfactory access and parking for all modes of transport;
 - g. Need to reinforce local distinctiveness and provide high quality and inclusive design solutions, and
 - h. Need for all development to be designed inclusively to ensure that buildings and spaces are accessible for all, including people with disabilities.
2. New development should contribute positively to making places better for people. They should be inclusive and establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit.
3. All proposals will be designed with public safety and the desire to reduce crime in mind, incorporating, where appropriate, advice from the Health and Safety Executive, Secured by Design, or any other appropriate design standards.
4. New development will seek provision of adequate waste recycling, storage and collection facilities, which are appropriately sited and designed.
5. New commercial development will be expected to provide appropriately designed signage and shop fronts.

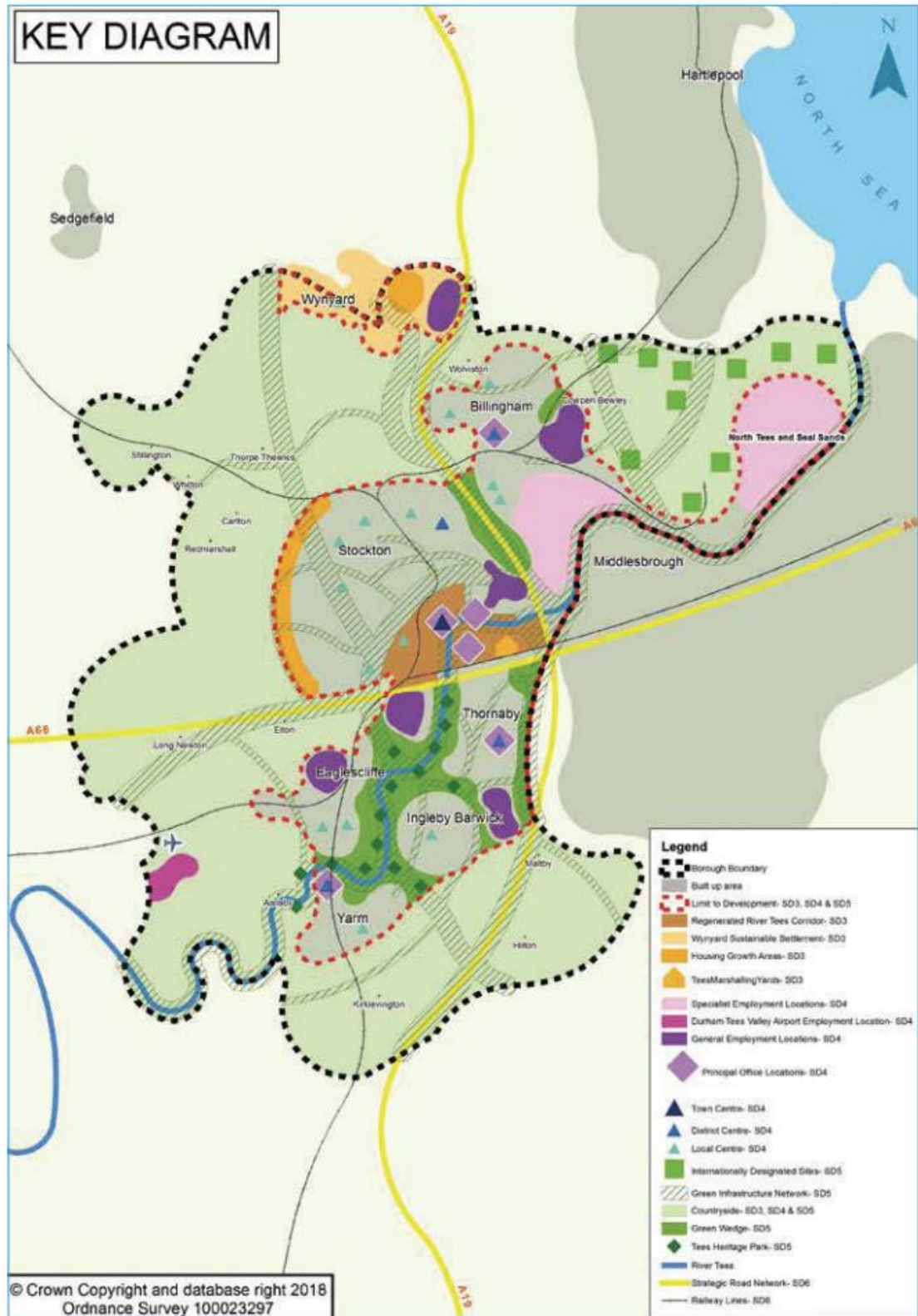
4 Strategic Development Strategy

- 4.71 The Council is committed to ensuring all new development fits in to the surrounding area ensuring both residential and commercial environments remain attractive places to live, work or invest. The principles set out above provide the contextual, design, and highway principles which every proposal should be assessed against, to ensure that it delivers a sustainable form of development.
- 4.72 These principles should be considered in combination with other policies within this Local Plan, including, where appropriate, environmental policies, open space requirements, affordable housing, transport, infrastructure policies and land-use designation policies which reference the context of the area, for example town centre and employment land designations.
- 4.73 Development should provide an acceptable level of amenity for future users and be of a scale and type that is in keeping with its surroundings. It should not adversely affect the amenity of the occupiers of neighbouring properties, through for example, loss of privacy, overshadowing, vibration, or pollution (including light, noise, fumes and waste).
- 4.74 As well as guiding the design of new build development, this policy also applies to proposals for the conversion of buildings and for the sub-division of residential properties, amongst other things. Of key importance is that the sub-division of premises does not individually or cumulatively lead to a negative impact on the living conditions of neighbouring residents, and that the internal layout of the accommodation should also be sensitively designed to ensure that occupants have sufficient living space which is sensibly arranged to avoid disturbance to existing residents and future occupants.
- 4.75 Public safety is of key importance in the development process. This should be considered in terms of the impact on human health from new development, in particular hazardous installations in the North Tees and Billingham areas. In these instances the Council will liaise with the Health and Safety Executive to understand issues affecting sites and make determinations on these issues.
- 4.76 The security of residents in the built environment is also a key issue of public safety and the Council will require a variety of design standards to be considered including Secured by Design.
- 4.77 In the design of new developments, applicants should also consider the policies set out throughout this Local Plan, in particular policies in the environment section which provide additional design guidance on energy efficiency and generation, flood risk, green infrastructure and the historic and natural environment.
- 4.78 The Sustainable Design Guide Supplementary Planning Document (SPD) provides further guidance to the public and developers on improving the design standards of new developments; this includes detailed guidance on the issues identified in this policy and other relevant Local Plan policies.

Key Diagram

- 4.79 The Key Diagram provides a geographic representation of the broad locations of strategic developments and land-uses identified in the 'Strategic Development Strategy' section of the report.

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Policy ENV 1 – Energy Efficiency

1. The Council will encourage all development to minimise the effects of climate change through meeting the highest possible environmental standards during construction and occupation. The Council will:
 - a. Promote zero carbon development and require all development to reduce carbon dioxide emissions by following the steps in the energy hierarchy, in the following sequence:
 - i. Energy reduction through 'smart' heating and lighting, behavioural changes, and use of passive design measures; then,
 - ii. Energy efficiency through better insulation and efficient appliances; then,
 - iii. Renewable energy of heat and electricity from solar, wind, biomass, hydro and geothermal sources; then
 - iv. Low carbon energy including the use of heat pumps, Combined Heat and Power and Combined Cooling Heat and Power systems; then
 - v. Conventional energy.
 - b. Require all major development to demonstrate how they contribute to the greenhouse gas emissions reduction targets set out in Stockton-on-Tees' Climate Change Strategy 2016; and
 - c. Support and encourage sensitive energy efficiency improvements to existing buildings.
2. Proposals are encouraged where development:
 - a. Incorporates passive design measures to improve the efficiency of heating, cooling and ventilation; and
 - b. Includes design measures to minimise the reliance on artificial lighting through siting, design, layout and building orientation that maximises sunlight and daylight, passive ventilation and avoids overshadowing.

Domestic

3. All developments of ten dwellings or more, or of 1,000 sq m and above of gross floor space, will be required to:
 - a. Submit an energy statement identifying the predicted energy consumption and associated CO2 emissions of the development and demonstrating how the energy hierarchy has been applied to make the fullest contribution to greenhouse gas emissions reduction; and
 - b. Achieve a 10% reduction in CO2 emissions over and above current building regulations. Where this is not achieved, development will be required to provide at least 10% of the total predicted energy requirements of the development from renewable energy sources, either on site or in the locality of the development.

8 Natural, Built and Historic Environment

Non domestic

4. All new non-residential developments up to and including 499 sq m of gross floor space will be completed to a Building Research Establishment Environmental Assessment Method (BREEAM) minimum rating of 'very good' (or any future national equivalent).
 5. All new non-residential developments of 500 sq m and above of gross floor space will be required to:
 - a. Submit an energy statement demonstrating how the energy hierarchy has been applied to make the fullest contribution to CO2 reduction; and
 - b. Be completed to a Building Research Establishment Environmental Assessment Method (BREEAM) minimum rating of 'very good' (or any future national equivalent).
- 8.8 It is the responsibility of local planning authorities to develop pro-active strategies to mitigate and adapt to climate change. The NPPF also expects local planning authorities to:
- support energy efficiency improvements to existing buildings;
 - when setting local requirements for sustainability, do so in a way that is consistent with the Government's zero carbon policy, and adopt nationally described standards;
 - take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption; and
 - have a positive strategy to generate energy from renewable and low carbon sources.
- 8.9 The Government's Housing Standards Review began in 2012 and set out to rationalise standards for new homes including those for energy, water efficiency and materials. On 27 March 2015, the Ministerial Statement announced a new approach to the setting of technical housing standards, with the Deregulation Act (2015) introducing requirements for housing standards, in particular energy and carbon emission performance, to be integrated into the Building Regulations.
- 8.10 The Ministerial Statement also noted that "A local planning authority in England may in their development plan documents include policies imposing reasonable requirements for a proportion of energy used in the development in their area to be energy from renewable sources in the locality of the development". This permissive power allows local authorities to continue to be able to set and apply policies in their Local Plans, which encourage renewable energy and reduction in CO2 emissions.
- 8.11 The Ministerial Statement expects local planning authorities to take the Government's intentions into account and not set energy efficiency conditions above a Code 4 Level requirement (which equates to 19% below Part L Building Regulations 2013). It also noted the continued intention of Government to implement the Zero Carbon Homes standard in 2016, with the recognition that this should not apply to small sites. However, a subsequent policy paper 'Fixing the Foundations' (July 2015) announced that the Government did not intend to pursue the zero carbon homes allowable solutions offsetting scheme, but would keep national policy on energy efficiency under review.
- 8.12 Whilst Building Regulations address the standard of energy efficiency in buildings, the Local Plan seeks to ensure that development is environmentally sustainable and as such, applications will need to demonstrate that energy efficiency considerations have guided the design process, using the energy hierarchy set out in Policy ENV1 above.

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- 8.13 This includes consideration of opportunities to incorporate passive design measures, for example maximising the potential for solar gain and natural ventilation through the siting, orientation and layout of a development. Other key considerations include the potential to connect to or incorporate district energy systems, renewable energy, water recycling and waste reduction.
- 8.14 Non-residential development was not affected by the Housing Standards Review described in section 8.9 and Planning Authorities are still enabled to require better than Building Regulations standards for new non-domestic buildings. The Building Research Establishment Environmental Assessment Method (BREEAM) is regarded as the measure of best practice in environmental design and management of non-domestic buildings. BREEAM assesses buildings' performance in aspects such as construction, energy use, pollution and water consumption and efficiency. In order to meet our adopted targets such as emissions reduction (where 75% of all CO2 emissions in Stockton-on-Tees is from industrial and commercial premises) then application of BREEAM is of significant value.
- 8.15 The Council also has a desire to significantly increase the energy efficiency of all properties in contributing to reducing the incidence of fuel poverty in Stockton-on-Tees. Fuel poverty affects the most vulnerable residents in our communities and can have significant adverse impacts on their health and well-being. The levels of fuel poverty have been increasing across the UK, with 2.38 million households nationally living in fuel poverty in 2014 compared to 1 million households in 2004.
- 8.16 As of 5th December 2014, successive Governments are bound by a statutory fuel poverty target: 'to ensure that as many fuel poor homes, as is reasonably practicable, achieve a minimum energy efficiency rating of band C by 2030'. (A band C rating is equivalent to a SAP rating of 69-80 points). The interim milestones to support this statutory target are:
- as many fuel poor homes as is reasonably practicable to band E by 2020 (A band E rating is equivalent to a SAP rating of 39 – 54 points).
 - as many fuel poor homes as is reasonably practicable to band D by 2025 (A band D rating is equivalent to a SAP rating of 55 – 68 points).
- 8.17 The energy efficiency of a property is measured by the Standard Assessment Procedure (SAP) rating on a scale of 1 to 100 e.g. the higher the number the more energy efficient the house. Households suffering from fuel poverty are more likely to be living in properties with low SAP ratings. 'Cutting the cost of keeping warm – a fuel poverty strategy for England' (2015) estimates that less than 5% of fuel poor homes in England have an energy efficiency rating of band C and above. This compares to around 18% across all households.
- 8.18 Tackling fuel poverty and promoting affordable warmth is a high priority for Stockton-on-Tees Borough Council, as set out in the adopted Affordable Warmth Strategy (2017), with an ambition to increase the average SAP rating of domestic housing stock year on year. While the rate of fuel poverty in Stockton-on-Tees at 12.3% (DECC annual estimates – June 2017) is the lowest in the Tees Valley and only just above the 10.6% average for England, this does represent 9,907 households experiencing fuel poverty and remains a significant challenge to be tackled. Encouraging higher standards to improve the thermal properties and energy efficiency of homes across our Borough are the very foundation of our Affordable Warmth Strategy that can be realised through the design and construction standards of new builds and the comprehensive retrofit across the existing stock, especially properties with lower SAP ratings. Stockton-on-Tees Borough Council will support proposals which seek to build to higher energy levels than currently required by Building Regulations in order to reduce carbon emissions and design out fuel poverty.

8 Natural, Built and Historic Environment

- 8.19 The standards set out in the policy will be reviewed to reflect any future change in national standards and/or any equivalent standards that might be introduced.
- 8.20 The need to tackle climate change by reducing carbon emissions, through the use of renewable energy is well established at national, regional and local levels. The Government's Energy White Paper set a target that by 2010, 10% of the UK's electricity would be from zero carbon or carbon neutral sources with 20% by 2020. Renewable sources of energy include wind, wave, tidal, hydro or solar power and biomass.

Policy ENV 2 - Renewable and Low Carbon Energy Generation

1. Development proposals will be supported where renewable energy measures are considered from the outset, including incorporating small-scale renewable and low carbon energy generation into the design of new developments where appropriate, feasible and viable, and where there would be no unacceptable adverse effects on landscape, ecology, heritage assets and amenity. The Council encourages and supports:
 - a. The local production of energy from renewable and low carbon sources to help to reduce carbon emissions and contribute towards the achievement of renewable energy targets; and
 - b. Community energy schemes that reduce, manage and generate energy to bring benefits to the local community.
 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.
- 8.21 The NPPF states that local planning authorities should design their policies to maximise renewable and low carbon energy development while ensuring that adverse impacts are addressed satisfactorily, including cumulative landscape and visual impacts. This policy seeks to support, in principle, schemes to generate energy from renewable and low carbon sources within the Borough where any impacts from the proposals can be satisfactorily addressed. The Council recognises the important contribution made by renewable energy generation in moving towards a low carbon economy.

8 Natural, Built and Historic Environment

Policy ENV4 - Reducing and Mitigating Flood Risk

1. All new development will be directed towards areas of the lowest flood risk to minimise the risk of flooding from all sources, and will mitigate any such risk through design and implementing sustainable drainage (SuDS) principles.
2. Development on land in Flood Zones 2 or 3 will only be permitted following:
 - 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:
 - 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
 - d. SuDS have regard to Tees Valley Authorities Local Standards for Sustainable Drainage (2015) or successor document.
5. Surface water run-off should be managed at source wherever possible and disposed of in the following hierarchy of preference sequence:
 - a. To an infiltration or soak away system; then,
 - b. To a watercourse open or closed; then,
 - c. To a sewer.
6. Disposal to combined sewers should be the last resort once all other methods have been explored.
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.
8. Within critical drainage areas or other areas identified as having particular flood risk issues the Council may:
 - 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.

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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.
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.
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.

- 8.34 Reducing and mitigating flood risk is an important issue for planning particularly as the effects of climate change are being realised. To ensure sustainable economic growth is achieved, it is essential that development (new and existing) is safe from flooding and incorporates approaches to reduce risk. When addressing flood risk, it is important to consider all sources of flooding which include fluvial, surface water, sewer and groundwater flooding. The Borough has been subject to severe flooding in the last few years. Over 200 homes and businesses suffered damage and disruption from severe weather events in September 2012, May 2013, September 2013 and December 2013.
- 8.35 The latest flood zone maps for the Borough are accessible through the Environment Agency and identify areas of land at risk from all sources of flooding. This policy seeks to ensure development will be located to minimise the risk of flooding from all sources. Development in areas at risk of flooding be required to apply the Sequential and Exception Tests (where required).
- 8.36 The Council has undertaken a Strategic Flood Risk Assessment (SFRA) which provides further information regarding flood risk including the impacts of climate change. The Council as the lead Local Flood Authority (LLFA) is responsible for preparing a local flood risk management strategy and maintaining a register of flood risk assets. Flood alleviation schemes have recently taken place at Port Clarence and Greatham South, and Lustrum Beck. The Council have identified in the Local Flood Risk Management Strategy opportunities to reduce and mitigate flood risk; this includes engagement in the development management process through the provision of pre-application advice.
- 8.37 Before deciding on the scope of a site specific flood risk assessment, the SFRA should be consulted along with the local planning authority, LLFA, the Environment Agency and Northumbrian Water. The completed Flood Risk Assessment should be submitted to the local planning authority for approval.
- 8.38 Sustainable drainage systems (SuDS) are now the preferred approach to managing rainfall from hard surfaces and can be used on any site. The primary purpose of SuDS is to mimic the natural drainage of the site prior to development. This is achieved by capturing rainfall, allowing as much as possible to evaporate or soak into the ground close to where it fell, then conveying the rest to the nearest watercourse to be released at the same rate and volumes as prior to development. There are many different SuDS features available to suit the constraints of a site. SuDS schemes provide many benefits beyond just reducing flood risk, such as assisting in improving water quality, creating new habitats for wildlife, providing a valuable amenity asset and passive cooling.

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- 8.39 To provide more information and technical guidance on SuDs techniques, the five Tees Valley Authorities (Middlesbrough Council, Stockton Borough Council, Darlington Borough Council, Redcar & Cleveland Council and Hartlepool Borough Council) have jointly produced the Tees Valley Authorities Local Standards for Sustainable Drainage (2015). The use and operation of SuDS should be demonstrated as part of the drainage strategy for the proposed development.
- 8.40 It should be noted that ground conditions in the Borough are not usually suitable for infiltration; therefore infiltration/soak away systems are not usually accepted as a method for surface water disposal. Appropriate assessments should be undertaken to determine ground conditions to determine the most appropriate methods for managing surface water.
- 8.41 The Council will require new development to take account of future predicted climate change in line with the priorities set out in the adopted Climate Change Strategy 2016, and ensure it is resilient to risk, adopting appropriate climate change mitigation and adaptation principles in line with Policy SD5.
- 8.42 Building on information in the SFRA 2010, the current SFRA identifies Lustrum Beck, Billingham and Yarm as draft or candidate Critical Drainage Areas; they have a significant history of flooding or are at risk of significant flooding. This flooding may be from a single source or multiple sources with complex interactions. In these areas and other areas with flood risk issues it may be beneficial to restrict runoff rates to a level to provide flood risk benefits. The Council may also seek contributions towards off-site enhancements directly related to flow paths from the development, to provide increased flood risk benefits to the site and surrounding areas.
- 8.43 Communities along Lustrum Beck have been the subject of severe flooding, most recently in September 2012. The Council are working in partnership with the Environment Agency to deliver a flood alleviation scheme for Lustrum Beck. The first phase of the scheme was completed in March 2017 and involved a range of measures including a new bespoke lifting screen at Primrose Hill culvert, the demolition and replacement of Londonderry Bridge, flood walls and embankments and a sustainable drainage scheme on the site of the former adult training centre on Wrensfield Road. A second phase of the scheme will use natural flood risk management techniques to hold back flows in the upper catchment of Lustrum Beck (Hartburn Beck) in the Coatham Woods area. Any development which would discharge into the Lustrum Beck catchment should not compromise the scheme and where possible enhance its benefits.

Natural Environment

- 8.44 The natural environment is vital in planning for our future due to its crucial role in sustaining human life. The natural environment delivers essential 'ecosystem services' such as the recycling of air and water; capturing and storing carbon in peat, woodland and soil; flood protection; and waste purification. People's connection with nature can improve their health and well-being, one of a range of social, economic and environmental services provided by the natural environment without which society could not function.
- 8.45 The planning system should contribute to and enhance the natural and local environment by:
- protecting and enhancing valued landscapes, geodiversity and soils;
 - recognising the wider benefits of ecosystem services;
 - minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government's commitment to halt the overall decline in biodiversity, including the establishment of coherent ecological networks that are more resilient to current and future pressures;

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- preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability; and
 - remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.
- 8.46 The NPPF states that local planning authorities should 'set out a strategic approach in their Local Plans, planning positively for the creation, protection, enhancement and management of networks of biodiversity and green infrastructure'. Policy SD5 - Natural, Built and Historic Environment provides the overarching strategic policy aimed at protecting and enhancing the local environment. The policies contained within this section seek to further develop Policy SD5.

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

1. The Council will protect and enhance the biodiversity and geological resources within the Borough. Development proposals will be supported where they enhance nature conservation and management, preserve the character of the natural environment and maximise opportunities for biodiversity and geological conservation particularly in or adjacent to Biodiversity Opportunity Areas in the River Tees Corridor, Teesmouth and Central Farmland Landscape Areas.
2. The Council will preserve, restore and re-create priority habitats alongside the protection and recovery of priority species.
3. Ecological networks and wildlife corridors will be protected, enhanced and extended. A principal aim will be to link sites of biodiversity importance by avoiding or repairing the fragmentation and isolation of natural habitats.
4. Sites designated for nature or geological conservation will be protected and, where appropriate enhanced, taking into account the following hierarchy and considerations:
 - 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:
 - 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.

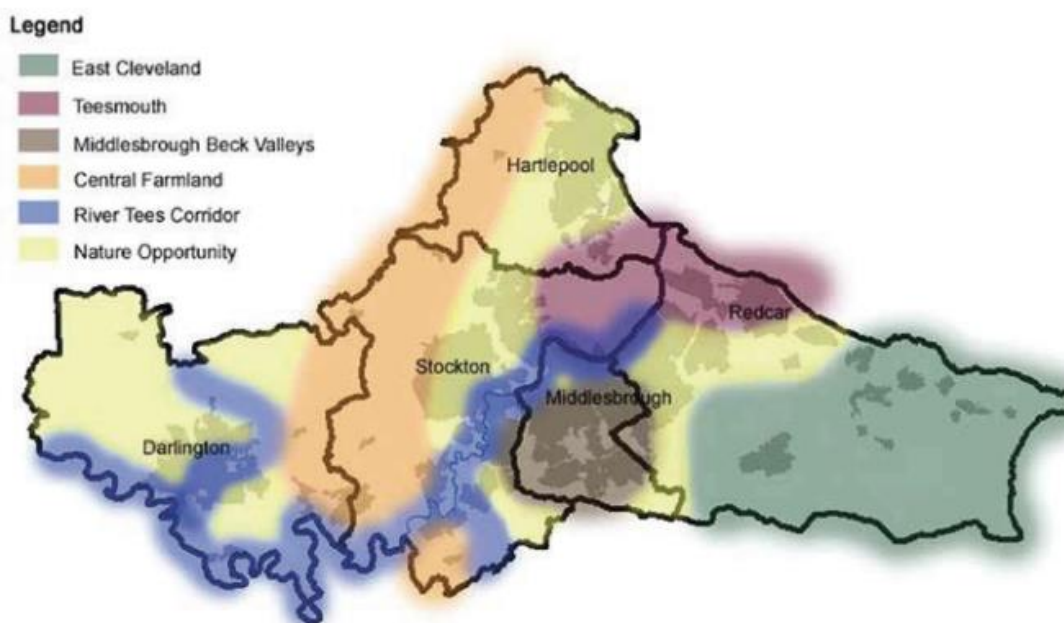
8 Natural, Built and Historic Environment

- 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:
 - 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.
5. Development proposals should seek to achieve net gains in biodiversity wherever possible. It will be important for biodiversity and geodiversity to be considered at an early stage in the design process so that harm can be avoided and wherever possible enhancement achieved (this will be of particular importance in the redevelopment of previously developed land where areas of biodiversity should be retained and recreated alongside any remediation of any identified contamination). Detrimental impacts of development on biodiversity and geodiversity, whether individual or cumulative should be avoided. Where this is not possible, mitigation and lastly compensation, must be provided as appropriate. The Council will consider the potential for a strategic approach to biodiversity offsetting in conjunction with the Tees Valley Local Nature Partnership and in line with the above hierarchy.
6. When proposing habitat creation it will be important to consider existing habitats and species as well as opportunities identified in the relevant Biodiversity Opportunity Areas. This will assist in ensuring proposals accord with the 'landscape scale' approach and support ecological networks.
7. Existing trees, woodlands and hedgerows which are important to the character and appearance of the local area or are of nature conservation value will be protected wherever possible. Where loss is unavoidable, replacement of appropriate scale and species will be sought on site, where practicable.
- 8.47 Stockton has a rich and diverse natural environment. The Borough contains designated sites of international, national and local importance which form an essential part of the Borough's ecological and green infrastructure networks. There is the potential for conflict between the natural environment and current/future land uses. Therefore, it is essential that the Local Plan satisfactorily manages development to ensure it does not harm the natural environment and where possible enhances it.

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- 8.48 Wherever possible, developments should achieve 'net gains' in biodiversity. To achieve this, it is important that biodiversity and geodiversity is considered in the design stage to ensure features of value are identified early in the planning process and measures put in place to secure their protection. The principal aim should be to avoid harm and where possible provide enhancements. This aim can be achieved through the preservation, restoration and re-creation of priority habitats, ecological networks, wildlife corridors and the protection and recovery of priority species.
- 8.49 Through the Tees Valley Nature Partnership (TVNP) and the implementation of the Stockton-on-Tees Green Infrastructure Strategy, partners are working together to enhance ecological networks and wildlife corridors in rural and urban areas. This includes projects to restore, create and manage habitats on individual sites, including many of the Borough's designated and non-designated wildlife sites.
- 8.50 The importance of creating larger and better connected areas of natural habitat is now recognised as a key strategy for maintaining biodiversity and enabling wildlife to adapt to climate change. Many organisations are now promoting the creation of ecological networks and the use of landscape-scale approaches to conservation. As part of the Natural Network and Opportunities Maps, TVNP has mapped and collated information on important biodiversity sites and species across the Tees Valley. Based on this, and analysis of other data, TVNP have identified 5 broad 'landscape areas' for habitat conservation, restoration and creation.
- 8.51 Within the Borough a number of priority habitats and species, mostly concentrated within Teesmouth but also along the River Tees corridor and scattered across the open farmland have been identified. This forms the basis for the three landscape areas of the River Tees, Teesmouth and Central Farmland, which are identified within the Borough and shown in Figure 17.

FIGURE 17: Landscape Areas in the Tees Valley



8 Natural, Built and Historic Environment

- 8.52 The Natural Networks and Opportunities Maps provide a basis on which to work at a 'landscape scale' to conserve, restore and create ecological networks, prioritising specific habitats and species where appropriate. Within the larger landscape areas, the Tees Valley Nature Partnership have undertaken work to identify Biodiversity Opportunity Areas (BOA) which are key areas for potential biodiversity enhancement. This is where targeted maintenance, restoration, creation, mitigation and offsetting measures should be adopted to enhance biodiversity and in turn help to deliver a wide range of ecosystem services. Collectively the BOAs form a strategic network, representing a significant environmental asset for the Tees Valley. At a more local level, the Council will identify projects within the Green Infrastructure Delivery Plan.
- 8.53 The concept of biodiversity off-setting may offer a future role in providing compensation for development which results in a loss of nature conservation value. Biodiversity offsetting generates extra investment for habitat creation by appropriate compensation schemes. A key principle of biodiversity accounting is that it is only after avoidance, mitigation and on-site compensation have been fully investigated that any residual environmental damage can be considered for compensation off-site.
- 8.54 Within Stockton there is one internationally designated site; the Teesmouth and Cleveland Coast Special Protection Area (SPA) and Ramsar site, which is situated in the north east of the Borough. The intertidal part of the SPA is termed a European Marine Site. Stockton has five nationally important Sites of Special Scientific Interest (SSSIs), these are Seal Sands, Cowpen Marsh, Whitton Bridge Pasture, Briarcroft Pasture, and the Tees and Hartlepool Foreshore and Wetlands. Parts of the SSSI within the Borough at Teesmouth are designated as a National Nature Reserve (NNR). Locally designated sites include twelve Local Nature Reserves and 56 Local Wildlife and Geological Sites.
- 8.55 Natural England have reviewed scientific evidence and undertaken a consultation relating to an extension of the Teesmouth and Cleveland Coast SPA. It is likely that the extension will be confirmed soon after the adoption of the Local Plan. The proposed boundary has been taken into account throughout the production of the Local Plan to ensure that the plan does not adversely impact habitats protected by the extended designation. Policy ENV5 provides the necessary safeguards to protect important habitats from unacceptable development, which allows the Local Plan to respond flexibly to any changes in circumstances.
- 8.56 Development proposals likely to have a significant effect upon a European site will need to be the subject of a thorough Appropriate Assessment (AA) and be tested against the legal protection and national policies prevailing at the time. Any development where the AA cannot rule out adverse effects upon the integrity on a European site, having taken into account any mitigation, will be refused unless there are no alternative solutions, the development is of overriding public interest and appropriate compensatory measures have been secured to ensure that the overall coherence of the Natura 2000 network is maintained.
- 8.57 The Tees Estuary is an area of significant economic importance, not only for the Tees Valley but also within a national and international context. As identified by the nature of allocations within Policies SD4 and EG4, the area is of particular importance to the chemical and processing sectors and provides access to deep water port facilities. The Council will continue to support further growth and investment in the area, while recognising the national and international importance of the Estuary and its surroundings for nature conservation.

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- 8.58 The Council alongside other relevant local authorities, the Local Enterprise Partnership, the Local Nature Partnership, statutory agencies, private sector businesses, and wildlife groups are members of the Tees Estuary Partnership which is coordinated by the Tees Industry Nature Conservation Association (INCA). Tees Estuary Partnership (TEP) has set a vision to “create an estuary that is an exemplar for nature conservation with thriving habitats and populations of birds and animals, and which drives sustainable economic growth and business investment in the area. All users of the estuary will have a common understanding of the environmental and socio-economic value of the Tees and the needs of other stakeholders. This promotes integrated and sustainable development of the estuary alongside improvement of the habitats and infrastructure.”
- 8.59 The TEP is currently in the process of producing a Strategic Master Plan for the estuary with key components relating to economic development and improving the environment where economic development takes place, and to habitat creation and enhancement opportunities. The TEP is also working with regulators and businesses to produce a Memorandum of Understanding in relation to the provision of advice, consents and assent. The Council supports the production of a Strategic Master Plan and Memorandum of Understanding for the Tees Estuary and will have regard to these when implementing Local Plan policies. The Strategic Master Plan will form the BOA for the Teesmouth landscape area identified in the National Network and Opportunities Maps.
- 8.60 The Tees Valley Nature Partnership acts as the Local Sites Partnership in the Tees Valley. The partnership has produced a guidance document for the selection of Local Wildlife and Geological Sites in the Tees Valley in accordance with Defra (2006) guidance. The Local Sites guidance is based on local scientifically based knowledge within the partnership, with criteria covering 8 habitat types and 15 species/groups. This guidance has been used to designate sites and will be used to monitor site conditions. Ancient woodland is captured within the criteria for Local Sites.
- 8.61 Trees, woodlands and hedgerows have nature conservation value and are significant elements of the landscape of the Borough. Hedgerows are identified in the UK Biodiversity Action Plan as the most significant wildlife habitat over wide stretches of lowland UK and are a priority habitat as they tend to support the greatest diversity of plants and animals. Trees, either individual or grouped, are important to the character and appearance of the local area and provide numerous other benefits including their nature conservation value. It is important that the impact of development proposals on trees, woodlands and hedgerows is taken into consideration during the design stage of proposals and that wherever possible they are retained, unless loss is unavoidable in which case replacement provision will be sought. This policy covers not only those trees, woodlands and hedgerows that are covered by Trees Preservation Orders and those within conservation areas, but also extends to cover those that are of importance to the character and appearance of the local area or are of nature conservation value.

8 Natural, Built and Historic Environment

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

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:
 - 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:
 - 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 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.

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- 8.62 Green Infrastructure is defined within the NPPF as "A network of multi-functional green space, urban and rural, which is capable of delivering a wide range of environmental and quality of life benefits for local communities." Stockton-on-Tees Green Infrastructure Strategy was adopted in 2011 identifying ten broad themes or 'Strategic Objectives' which will be addressed through the future development and on-going management of the Borough's green infrastructure. The strategy highlights the existing green infrastructure components and assets which are significant at the Tees Valley or Borough-scale. These major green infrastructure components form the basis for the Borough's existing strategic green infrastructure network which incorporates:
- Primary Green Infrastructure Corridors: nine corridors identified within the Tees Valley Green Infrastructure Strategy. These corridors extend beyond the Borough boundary.
 - Secondary Green Infrastructure Corridors: thirteen corridors identified as part of the Stockton-on-Tees Green Infrastructure Strategy.
- 8.63 The Borough's strategic green infrastructure network has been identified on the Key Diagram. Green infrastructure is a strategic concept requiring consideration as part of the planning application process. Policies regarding the countryside, green wedges, urban open space and nature conservation sites play an important role in contributing to the green infrastructure network. Other important elements of the green infrastructure include heritage assets and green infrastructure which contributes to their setting and important landscapes.
- 8.64 The Stockton-on-Tees Green Infrastructure Strategy also recognises neighbourhood-scale green infrastructure networks as being important. This third tier of green infrastructure is termed the 'Green Grid' and comprises local networks of urban open space, street trees and other landscape features. These 'Green Grids' exist in most urban and rural areas and collectively they make an important contribution to the overall aims of the Stockton-on-Tees Green Infrastructure Strategy. While they are not identified within the Local Plan and accompanying Policies Map it is possible to identify, plan and manage these 'Green Grid' networks; for example, they could form part of a neighbourhood plan or a new development proposal.
- 8.65 The Open Space Assessment and Strategy (2017) provides a robust and up-to-date quantitative and qualitative assessment of open space across the Borough with a site threshold of 0.2 ha applied to some typologies of open space. The Open Space Assessment and Strategy (2017) forms the basis for the open space identified on the Policies Map. However, there may other smaller amenity open spaces which contribute positively to the character of local communities. In such circumstances, proposals will also need to ensure the development does not significantly harm the character and appearance of the area or nature conservation interests.
- 8.66 The Open Space, Recreation and Landscaping SPD provides standards and guidance for the management and delivery of open space; including the circumstances in which open space will be required on-site as part of new development and when financial contributions sought. The Open Space Assessment and Strategy (2017) provides updated standards and guidance; it is the Council's intention to incorporate these within Supplementary Planning Documents which will replace the current Open Space, Recreation and Landscaping SPD.
- 8.67 Specific proposals for the development and enhancement of green infrastructure are set out in the Borough's Green Infrastructure Delivery Plan. The Delivery Plan is regularly updated and the Open Space Assessment and Strategy (2017) has informed a comprehensive review of the Delivery Plan.

8 Natural, Built and Historic Environment

8.68 Open spaces help to create high quality design and contribute to the distinctiveness, character and amenity of an area. The provision of open spaces also helps to support healthy lifestyles and improve quality of life; they can also provide multiple other benefits. This policy covers the following types of open spaces:

- Urban parks
- Natural and semi natural greenspaces
- Amenity green space
- Play areas
- Informal sports facilities
- Allotments/community gardens
- Green corridors
- Cemeteries, churchyards and burial grounds

8.69 The Borough is fortunate to have a number of areas of green space that extend from the countryside into the heart of the conurbation; many of these areas incorporate natural valleys associated with watercourses. These areas separating built-up areas within the conurbation (as defined by the limits to development) are designated as green wedge (as shown on the Policies Map). Green wedges are predominantly located to the south of the A66 and cover the land separating the built-up areas of Thornaby, Ingleby Barwick, Yarm, Eaglescliffe and Stockton. The remaining areas of green wedge are located in North Billingham and at Wynyard; the identification of green wedge at Wynyard aligns with the policy approach in the Hartlepool Local Plan.

8.70 Green wedges play an important role in maintaining local character and the separate identity of built-up areas; this is achieved, in part, through ensuring that development within this designation does not lead to the physical or visual coalescence of built-up areas. Beyond this, green wedges fulfil a range of other purposes including providing recreational opportunities and supporting ecological networks. In order for development within the green wedge to be acceptable, criteria within this policy needs to be met.



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- 8.71 Agricultural land is graded on a scale of 1 to 5, with the best and most versatile land defined as grades 1, 2 and 3a. The Council will take into account the economic and other benefits of the best and most versatile agricultural land, and furthermore avoid the use of the best and most versatile agricultural land in allocating sites. However, where significant development of agricultural land is demonstrated to be necessary, the use of areas of poorer quality land will be sought in preference to that of a higher quality.

Policy ENV7 – Ground, Air, Water, Noise and Light Pollution

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.
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.
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.
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:
 - 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.
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.
6. To improve the quality of the water environment the Council will:
 - 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
 - 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).

8 Natural, Built and Historic Environment

- 8.72 Development has the potential to increase pollution which can affect people's health and have detrimental impacts upon the amenity of existing and future occupants of land and buildings, the character and appearance of the local area and the environment. It is important to locate, design and manage new development so as not to give rise to unacceptable impacts. Certain land uses or features are particularly sensitive to pollution and should be given particular attention when considering development proposals; this includes but is not limited to the countryside, green wedge, heritage assets, water bodies and sites of nature conservation. It is also important not to locate new sensitive land uses in locations where they may be affected by the otherwise acceptable effects of established land uses.
- 8.73 Where development has the potential to lead to significant pollution, either individually or in combination, it will be necessary for planning applications to be supported by full and detailed assessments of the likely impacts. For development to be supported, such assessments will be required and demonstrate that pollution is or can, (through mitigation) be brought within acceptable levels. For the purposes of this policy 'levels' refers to statutory limits (such as those relating to air quality and contaminated land) and the wider consideration of impacts under the Environmental Protection Act (1990).
- 8.74 Stockton-on-Tees Council is committed to improving air quality as part of its commitment to protecting and enhancing the environment as well as improving public health. The annual health cost to society of the impacts of particulate matter alone in the UK is estimated to be around £16 billion (Defra: Abatement cost guidance for valuing changes in air quality). Local Air Quality Management Policy Guidance expects Local Authorities to work towards reducing emissions and/or concentrations of particulate matter PM2.5. The new Public Health Outcomes Framework includes particulate PM2.5 as an air pollution indicator. The National Air Quality Strategy introduced a system of local air quality management areas and Local Authorities are required to carry out periodic reviews of air quality and to assess current and likely future air quality against the air quality standards. During the preparation of the Local Plan, all Government air quality objectives were being met and there were no air quality management areas within the Borough or adjoining Boroughs.
- 8.75 Stockton Borough has a legacy of previously developed land which can make an important contribution to its land supply for development. It is the responsibility of the developer and/or landowner to ensure development on site(s) affected by contamination or land stability issues result in a safe development.
- 8.76 Planning applications for new development on sites which are contaminated or are underlain by potentially unstable land must be accompanied by information which shows that investigations have been carried out to determine the nature and extent of any hazard, as well as the possible impact it is likely to have on future users and the environment. Any assessment should set out the detailed measures needed to allow the development to proceed safely, including, as appropriate those needed to improve and treat the land, address land stability and any other public safety issues. A Preliminary Risk Assessment should be submitted as a minimum which includes a desk study, conceptual model and initial assessment of risk; this information must satisfactorily demonstrate to the local planning authority that the risk to human health and controlled waters has been fully understood and can be addressed through appropriate measures. After remediation, as a minimum, land should not be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act 1990. The aim is not to prevent development of the land but to ensure that new development is appropriate for its location and that the physical constraints on the land are taken into account at the planning application stage.

8.77 It is important to consider the protection of water quality to ensure it is maintained, and where possible, enhanced to meet European and national standards. It is important that discharges from new developments do not compromise the quality of river and coastal waters, nor should development be put at risk from water pollution. Assessment of land quality will be required during the redevelopment of sites with a previous industrial use to ensure any unacceptable risks identified are mitigated/remediated, where necessary, to protect controlled waters, in accordance with current guidance and best practice.

Historic Environment

8.78 The Borough's rich archaeological heritage includes sites as varied as a Roman Villa at Ingleby Barwick, several Anglo-Saxon cemeteries at Norton and the medieval ports of Yarm and Stockton. These ancient sites are complemented by more recent heritage such as the new town of Billingham founded around ICI in the early 1920s, and the latter 20th century oil and chemical industry based at Seal Sands. The legacy of this history can be seen in the landscape, buildings and documents we have today.

8.79 The historic environment encapsulates 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, and landscaped and planted or managed flora. Those elements of the historic environment that hold significance are called heritage assets. As a valuable and irreplaceable asset that is potentially vulnerable to damage and destruction through development and neglect, the historic environment needs to be identified, protected, conserved and enhanced. In addition to their cultural significance, the conservation of the historic environment also has social and economic implications and benefits.



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- We recognise and will continue supporting the contribution made to celebrating, protecting and interpreting our heritage by local communities, societies and volunteers.
- To provide the greatest possible access to our heritage for all of our communities and visitors to the Borough.
- To market our heritage as part of a wider strategy in re-shaping the perception and image of the Borough.
- To continue to conserve the historic and natural environment with the support of local groups, societies and volunteers through our ongoing regeneration, environment and research programmes.

Policy HE2 – Conserving and Enhancing Stockton's Heritage Assets

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:
 - 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; Egglescliffe, 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 Natural, Built and Historic Environment

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.
 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.
 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.
 12. Any reports prepared as part of a development scheme will be submitted for inclusion on the Historic Environment Record.
- 8.85 To understand the potential impact a proposal will have upon the significance of a heritage asset(s), the Council will require the applicant to detail this in an assessment supporting the planning application. As part of this the applicant will also be required to detail how the proposal has been informed by the historic environment. The level of detail should be proportionate to the assets importance and no more than is sufficient to understand the potential impact of the proposal on their significance. The assessment should consider the information and guidance contained within the following documents; where appropriate:
- Historic England Conservation Principles: Policies and Guidance for the Sustainable Management of the Historic Environment (2008).
 - Supplementary Planning Document 4: Conservation Area and Historic Environment Folder (2006).
 - Tees Archaeology: Historic Environment Record.
 - Historic Landscape Character - North Yorkshire, York and the Lower Tees Valley (2010).
- 8.86 The CaHEF is divided into sections covering all aspects of historic sites, buildings and monuments in the area, and seeks to outline the legislation surrounding them, the role they have within the Borough, and what may be done to maintain them for future generations to enjoy.
- 8.87 The HER is a database of the heritage assets within the Borough, and will form a vital part of the evidence base for the determination of planning applications. It includes information on all archaeological finds and sites as well as historic buildings and landscapes. The HER is publicly accessible being held and maintained by Tees Archaeology, a joint service shared with other Local Authorities. Where the Council require the recording and advance understanding of the significance of a heritage asset impacted upon by development, it will be necessary for the information to be submitted so that it can be recorded on the HER. The historic landscape characterisation is held within the Historic Environment Record; it seeks to identify and interpret the historic development of today's landscape. It places emphasis on the contribution that past historic processes make to the character of the landscape as a whole, not just selected 'special sites' and can contribute to a wider landscape assessment. This will help to guide decisions on its future change and management.

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- 8.88 Some heritage assets possess a level of interest that justifies designation and particular procedures apply to decisions that involve them. Designated heritage assets within the Borough include 8 Scheduled Monuments, 2 Registered Parks and Gardens, 11 Conservation Areas and almost 500 Listed Buildings (with the highest concentration being in Yarm, Norton and Stockton).
- 8.89 There are also non-designated heritage assets with local significance that are worthy of protection. These include but are not limited to Non-Scheduled Archaeology and assets on the Local List. Any building, monument, site, place, area or landscape will be considered a heritage asset where the Council identify it as having significance.

Policy HE3 – Stockton & Darlington Railway

1. The Council will support development which safeguards the route of the historic Stockton & Darlington Railway of 1825, the branch line to Yarm and associated structures, and which preserves and enhances this cultural asset, its archaeological remains and setting.
 2. The Council will require any proposal for development on or adjacent to the line(s) to show how the proposal has regard to the preservation of any physical remains along the route(s) and their interpretation on the ground, and otherwise respects and interprets the route(s) where those remains no longer exist.
- 8.90 The Stockton & Darlington Railway was opened on 27th September 1825 and was the first occasion passengers were pulled by a locomotive steam engine. It is of international importance in the development of rail transport and industrial technology.
- 8.91 Part of the line of the railway is still in use by the rail industry; however, a significant re-alignment of the route took place between Eaglescliffe and Mount Pleasant on 25th January 1853. This re-alignment meant that a significant length of the original line went out of use and now survives at various levels of preservation. In addition, a branch line to Yarm was opened on 17th October 1825 and abandoned due to a re-alignment in 1871. The route of this branch line also survives with a number of ancillary features and this policy seeks to preserve this heritage asset.
- 8.92 Stockton & Darlington Railway Historic Environment Audit was commissioned by Darlington Borough Council, Durham County Council and Stockton-on-Tees Borough Council which have within their boundaries the remains of the Stockton & Darlington Railway (S&DR). The report identifies why the S&DR is important in the history of railways and sets out its significance and unique selling point. This report provides an action plan and makes recommendations for the conservation, interpretation and management of this world class heritage asset so that it can take centre stage in a programme of heritage led economic and social regeneration by 2025 and the bicentenary of the opening of the line.
- 8.93 The purpose of this policy is to seek to ensure the continued preservation of these sections of the line and associated structures. The precise alignment is shown on the Policies Map.