

Application No: 22/02106/FUL

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Target decision date: 22 February 2023

Ward: Valley

Application type: full planning application

Location: Land to the East of Backworth Lane, Backworth, NEWCASTLE UPON TYNE

Proposal: Change of use of land and construction of solar PV panels (up to 28 MW), associated electrical infrastructure, operational buildings, substations, lattice tower, security fencing, CCTV, access tracks, landscaping and other ancillary works (ADDITIONAL INFORMATION)

Applicant: Northumberland Estates

Agent: Northumberland Estates

RECOMMENDATION: Application Permitted

INFORMATION

1.0 Summary Of Key Issues & Conclusions

1.0 Main Issues

1.1 The main issues for Members to consider in this case are:

- whether the principle of the development is acceptable;
- the impact upon surrounding occupiers;
- the impact of the proposal on the character and appearance of the surrounding area;
- whether sufficient parking and access would be provided;
- the impact on biodiversity and trees; and
- the loss of agricultural land.

1.1 Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. Members need to consider whether this application accords with the development plan and also take into account any other material considerations in reaching their decision.

2.0 Description of the Site

2.1 The site has an area of approximately 56.2 hectares and comprises seven agricultural fields, separated by hedgerows. It is located between Backworth Lane (B1322) in the west and Fisher Road in the east. The closest residential properties are located at West Lane Farm (approx. 140m to the south), within

Seghill, which lies approximately 1km to the north and Backworth (250m to the southeast).

2.2 The surrounding land is mainly agricultural with the exception of Backworth Pit Plantation, a Site of Local Conservation Importance, which is located to the northeast. A public right of way runs parallel to the site's eastern boundary.

2.3 The site lies within the Greenbelt and a designated Wildlife Corridor.

3.0 Description of the proposed development

3.1 Planning permission is sought for a 28MW solar farm comprising ground mounted solar arrays and associated infrastructure including substations, inverters, CCTV masts, security fencing, a steel lattice tee-off tower and internal access tracks.

3.2 The proposed solar farm would have a lifespan of 40 years and would supply enough electricity to power approximately 9,000 homes annually.

3.3 A new gated access is proposed onto Backworth Lane to provide construction and secondary operational access. The main operational access would be via an upgraded access from Fisher Road where a secondary operational access is also proposed.

3.4 The PV arrays would be arranged in rows on an east to west alignment, facing south. They would be mounted on aluminium frames and have a maximum height of 2.89m. Inverters would be distributed throughout the site. These measure 6.1m by 2.4m, and 3.3m in height. A 32m high lattice tower is proposed to connect to existing overhead electricity lines which cross the southeast corner of the site. The tower and 2no. substations would be located within a compound within the southeast part of the site. It is proposed to enclose the site with 2.15m high mesh fencing and install a CCTV system.

3.5 To allow access for maintenance purposes a network of tracks would be provided throughout the site. Existing tracks and field entrances that are currently used by agricultural vehicles would be used, and where new or upgraded tracks are required, these would take the appearance of farm tracks with a gravel surface.

4.0 Relevant Planning History

None.

5.0 Development Plan

5.1 North Tyneside Local Plan 2017

6.0 Government Policy

6.1 National Planning Policy Framework (July 2021)

6.2 Planning Practice Guidance (As amended)

6.3 Planning applications must be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF

is a material consideration in the determination of all applications. It requires LPAs to apply a presumption in favour of sustainable development in determining development proposals. Due weight should still be attached to Development Plan policies according to the degree to which any policy is consistent with the NPPF.

PLANNING OFFICERS REPORT

7.0 Main Issues

7.1 The main issues for Members to consider in this case are:

- whether the principle of the development is acceptable;
- the impact upon surrounding occupiers;
- the impact of the proposal on the character and appearance of the surrounding area;
- whether sufficient parking and access would be provided;
- the impact on biodiversity and trees; and
- the loss of agricultural land.

7.2 Consultation responses and representations received as a result of the publicity given to this application are set out in an appendix to this report.

8.0 Principle of the Proposed Development

8.1 Policy Background –

8.2 Paragraph 7 of NPPF states that the purposed of the planning system is to contribute to the achievement of sustainable development.

8.3 Paragraph 11 of NPPF introduces a presumption in favour of sustainable development, which amongst other matters states that decision takers should approve development proposals that accord with an up-to-date development plan without delay.

8.4 Paragraph 47 of NPPF identifies that Planning Law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.

8.5 Paragraph 120 of NPPF states:

Planning policies and decisions should:

- a) encourage multiple benefits from both urban and rural land, including through mixed use schemes and taking opportunities to achieve net environmental gains – such as developments that would enable new habitat creation or improve public access to the countryside;
- b) recognise that some undeveloped land can perform many functions, such as for wildlife, recreation, flood risk mitigation, cooling/shading, carbon storage or food production;
- c) give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs, and support appropriate opportunities to remediate despoiled, degraded, derelict, contaminated or unstable land;
- d) promote and support the development of under-utilised land and buildings,

especially if this would help to meet identified needs for housing where land supply is constrained and available sites could be used more effectively (for example converting space above shops, and building on or above service yards, car parks, lock-ups and railway infrastructure).

8.6 In respect of Green Belt development NPPF paragraphs 137 and 138 state:

The Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.

Green Belt serves five purposes:

- a) to check the unrestricted sprawl of large built-up areas;
- b) to prevent neighbouring towns merging into one another;
- c) to assist in safeguarding the countryside from encroachment;
- d) to preserve the setting and special character of historic towns; and
- e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land”.

8.7 NPPF paragraph 147 sets out that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

8.8 Paragraph 148 states that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt.

‘Very special circumstances’ will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

8.9 Paragraph 149 of NPPF sets out that the construction of new buildings within the Green Belt should be regarded as inappropriate, with the exception of:

- a) buildings for agriculture and forestry;
- b) the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;
- c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;
- d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;
- e) limited infilling in villages;
- f) limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites); and
- g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would: – not have a greater impact on the openness of the Green Belt than the existing development; or – not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and

contribute to meeting an identified affordable housing need within the area of the local planning authority.

8.10 Paragraph 151 of NPPF advises that when located in the Green Belt, elements of many renewable energy projects will comprise inappropriate development. In such cases developers will need to demonstrate very special circumstances if projects are to proceed. Such very special circumstances may include the wider environmental benefits associated with increased production of energy from renewable sources.

8.11 Local Plan Policy S1.4 of the Local Plan states that proposals for development will be considered favourably where it can be demonstrated that they would accord with the strategic, development management or area specific policies of this Plan. Should the overall evidence based needs for development already be met additional proposals will be considered positively in accordance with the principles for sustainable development.

8.12 Policy DM1.3 states that the Council will work pro-actively with applicants to jointly find solutions that mean proposals can be approved wherever possible that improve the economic, social and environmental conditions in the area through the Development Management process and application of the policies of the Local Plan. 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.

8.13 Policy S2.1 states that proposals that make an overall contribution towards sustainable economic growth, prosperity and employment in North Tyneside will be encouraged.

8.14 Policy S1.5 states: "The Green Belt in North Tyneside as defined on the Policies Map:

a. Checks the unrestricted spread of the built-up area of North Tyneside.

b. Prevents the merging of the following settlements:

- Killingworth with Wideopen Dudley/Annitsford and Seghill;
- Seaton Burn and Dudley with Cramlington;
- Shiremoor/Backworth with Seghill and Seaton Delaval/Holywell;
- Shiremoor with Wellfield/Earsdon; and,
- Whitley Bay with Seaton Delaval/Holywell and Seaton Sluice.

c. Maintains the separate character of:

- Seaton Burn;
- Wideopen/ Brunswick Green;
- Dudley/Annitsford; and,
- Earsdon.

c. Assists in the regeneration of the older parts of the urban area.

d. Safeguards the Borough's countryside from further encroachment and maintains openness."

8.15 Policy DM1.6 states "Proposals that are not inappropriate to the Green Belt, particularly those offering increased or enhanced access to the open countryside and that provide opportunities for beneficial use as a biodiversity resource, will be supported where they preserve the openness of the Green Belt and will not harm

the objectives of the designation. The Council will not permit additional development where it considers that the cumulative impact of these would be detrimental to the objectives of the Green Belt.”

8.16 Policy DM5.2 states: “The loss of any part of the green infrastructure network will only be considered in the following exceptional circumstances:

- a. Where it has been demonstrated that the site no longer has any value to the community in terms of access and function; or,
- b. If it is not a designated wildlife site or providing important biodiversity value; or,
- c. If it is not required to meet a shortfall in the provision of that green space type or another green space type; or,
- d. The proposed development would be ancillary to use of the green infrastructure and the benefits to green infrastructure would outweigh any loss of open space.

Where development proposals are considered to meet the exceptional circumstances above, permission will only be granted where alternative provision, equivalent to or better than in terms of its quantity and quality, can be provided in equally accessible locations that maintain or create new green infrastructure connections.

Proposals for new green infrastructure, or improvements to existing, should seek net gains for biodiversity, improve accessibility and multi-functionality of the green infrastructure network and not cause adverse impacts to biodiversity.”

8.17 Officer comments –

8.18 Greenbelt considerations

8.19 The site lies within the North Tyneside Green Belt as designated by Local Plan Policy S1.5.

8.20 The NPPF (Para.137) makes clear that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.

8.21 NPPF Para.149 states that the construction of new buildings in the Green Belt should be regarded as inappropriate unless the development is one of a number of specified exceptions. None of these exceptions apply in this case.

8.22 Under the terms set out within the NPPF, the proposed solar farm is inappropriate development and therefore, by definition, harmful to the Green Belt. NPPF para.147 states that inappropriate development should not be approved except in ‘very special circumstances’. LP Policy DM1.6 states that the Council will not permit additional development where it considers that the cumulative impact of these would be detrimental to the objectives of the Green Belt.

8.23 The assessment of whether ‘very special circumstances’ exist and whether they clearly outweigh the harm to the Green Belt, and any other harm, caused by the development is therefore key to determining whether planning permission should be granted.

8.24 NPPF par.148 makes clear that substantial weight should be given to any harm to the Green Belt. It follows that substantial weight should therefore be given to the harm to the Green Belt caused by the development by reason of inappropriateness.

8.25 In addition to the harm caused by inappropriateness, it is then necessary to consider the magnitude of the development's impact on the openness and permanence of the Green Belt, the two essential characteristics defined by para.137 of the NPPF, as well as any harm to the purposes of the Green Belt.

8.26 The site is currently undeveloped and comprises agricultural fields intersected by hedgerows.

8.27 National Planning Practice Guidance (Paragraph: 001 Reference ID: 64-001-20190722) sets out that assessing the impact of a proposal on the openness of the Green Belt, where it is relevant to do so, requires a judgment based on the circumstances of the case. By way of example, the courts have identified a number of matters which may need to be taken into account in making this assessment. These include, but are not limited to:

- openness is capable of having both spatial and visual aspects – in other words, the visual impact of the proposal may be relevant, as could its volume;
- the duration of the development, and its remediability – taking into account any provisions to return land to its original state or to an equivalent (or improved) state of openness; and
- the degree of activity likely to be generated, such as traffic generation.

8.28 In this case the development is not permanent but with an estimated lifespan on 40 years the duration is significant, albeit the land would be reinstated to its original state of openness following decommission of the site. The traffic movement and general increase in activity associated with the proposed development would not be significant.

8.29 The site is gently sloping with some hedgerows around the boundaries. At 2.9m high the solar array is relatively low in height and the visual impact could be mitigated by additional planting to screen views from outside the site. At 32m high the proposed lattice tower would be clearly visible but would be seen in the context of existing electricity infrastructure of a similar height which crosses the site's southeast corner. Nonetheless, it is officer opinion that the proposed development of existing agricultural fields with a 28MW solar farm, covering an area of approx. 56.2 hectares would result in a reduction in openness by virtue of the scale and the visual impact. However, taking into account that the impact would not be permanent, it is considered that this additional harm should be attributed moderate weight in the overall planning balance.

8.30 In terms of the impact on the five purposes of the Green Belt identified by NPPF:

- a) to check the unrestricted sprawl of large built-up areas and*
- b) to prevent neighbouring towns merging into one another*

Given the nature of the development it is not considered that the proposal would harm these particular purposes of the Green Belt.

c) to assist in safeguarding the countryside from encroachment

The development would encroach into the open countryside and therefore conflicts with this purpose of the Green Belt

d) to preserve the setting and special character of historic towns

There would be no impact on historic towns and therefore no conflict with this Green Belt purpose.

e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land

The Green Belt helps to direct new development towards existing urban areas. An Alternative Sites Assessment has been submitted which is discussed in the following section of this report which contains an assessment of whether 'very special circumstances' exist.

8.31 In assessing whether 'very special circumstances' exist regard must also be had to any other harm that may be caused by the development, in addition to Green Belt harm. The later sections of this report discuss the impacts of the development on the site and surroundings.

8.32 Summary of Green Belt harm

8.33 The development is inappropriate development within the Green Belt, and therefore harmful by definition. There would be additional harm caused by a temporary reduction in openness and encroachment into the countryside. In accordance with the NPPF, substantial weight should be attributed to the harm to the Green Belt caused by the proposed development.

8.34 Very Special Circumstances

8.35 Relevant policies –

8.36 Paragraph 152 of NPPF states "The planning system should support the transition to allow carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure."

8.37 Paragraph 158 of NPPF states: "When determining planning applications for renewable and low carbon development, local planning authorities should:

- a) not require applicants to demonstrate the overall need for renewable or low carbon energy, and recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions; and
- b) approve the application if its impacts are (or can be made) acceptable. Once suitable areas for renewable and low carbon energy have been identified in plans, local planning authorities should expect subsequent applications for commercial scale projects outside these areas to demonstrate that the proposed location meets the criteria used in identifying suitable areas."

8.38 Local Plan Policy DM7.6 states: "The Council will encourage the local production of energy from renewable and low carbon sources to help to reduce

carbon emissions. The Council will also encourage and support community energy schemes that reduce, manage and generate energy to bring benefits to the local community.

Where planning permission is required, proposals for development involving the provision of renewable and/or low carbon technologies, including micro-generation technologies, will be supported and encouraged except where the proposal would have unacceptable adverse effects that are not outweighed by the local and wider environmental, economic, social and other considerations of the development.

Commercial scale renewable energy generation projects will be supported in locations where other policies of the Plan can be satisfied. Developments of this type should be supported by a comprehensive assessment of their impact. When considering applications, regard will be given to the wider benefits of providing the energy from renewable sources as well as the potential effects at the local scale.”

8.39 Officer comments -

8.40 Despite the very strong presumption against inappropriate development within the Green Belt, the NPPF does not prevent such development if ‘very special circumstances’ exist that clearly outweigh the harm to the Green Belt by reason of inappropriateness, and any other harm.

8.41 What constitutes a case for ‘very special circumstances’ is not defined within either the NPPF or local policy. There could be a single factor that outweighs the harm, or a number of benefits which, when considered in isolation are not ‘very special’, but collectively amount to ‘very special circumstances’. The weight given to any particular factor is a matter of judgement for the decision maker.

8.42 Case law suggests that the following principles should be followed:

Identify (with evidence) an essential objective that the proposal is intended to meet;

Demonstrate that this objective could not reasonably be met in a less harmful way (i.e. consideration of sites outside the Green Belt, or less harmful sites within the Green Belt); and

Demonstrate that the proposed development would meet the essential objective and that doing so clearly outweighs the degree of harm caused by the proposal.

8.43 The applicant has put forward the following factors which they consider constitute ‘very special circumstances’:

- Renewable energy generation, and CO2 reduction, in the fight against climate change.
- Energy security at a time of high geopolitical tension.
- Lack of more suitable alternative sites.
- Temporary and reversible impacts.
- Significant biodiversity net gains, including hedgerow and tree planting.
- Resting the soil from intensive agricultural farming.

- Positive economic impacts in terms of employment and supporting the entire solar supply chain.

8.44 The applicant has advised that the proposed solar farm would generate 28 Mega Watts peak (MWp) of electricity per year over a period of 40 years. This would be enough to power approximately 9,000 homes annually and is the equivalent of offsetting 7,487tCO₂eq emissions per year.

8.45 The applicant has also highlighted the proposal would help to meet the need for the UK to strengthen its energy security to protect people and businesses from events occurring elsewhere in the world.

4.46 An Alternative Sites Assessment has been submitted with the planning application. It seeks to establish whether there are any alternative sites that could accommodate the proposed development. To accommodate the development the site must be of a sufficient area, in close proximity to a grid connection point and located outside of areas at risk of flooding. The assessment looks at four alternative sites within 3km of the grid connection point, two within the green belt and two outside.

8.47 Site 1 has an area of 66ha and lies to the east of Cramlington outside the Greenbelt, within the county of Northumberland. Whilst the site lies outside of the Green Belt, it is bordered by Greenbelt to the east and south. The scale of the solar farm would be such that almost the entire undeveloped area between East Cramlington and Seghill would be eroded which could result in unacceptable harm to openness of the area.

8.48 Site 2 lies to the northwest of Holystone and measures 78ha. It is located outside the Greenbelt. However, it is allocated for housing under Policy S4.4 of the Local Plan and therefore considered unsuitable for the proposed development.

8.49 Site 3 is located to the east of Holywell and site 4 comprises a former landfill site at Seghill. Both lie with the Greenbelt and are less suitable than the application site, due to the large grid connection distance and topographical constraints.

8.50 The applicant concludes that Site 1 offers the most suitable alternative to the proposed site, although the aforementioned proximity to the existing settlements would be potentially prohibitive due to the erosion of the open space that separates them. The suitability of the site would also be subject to the outcomes of further surveys, agreement for grid connection, and landowner agreement, none of which are guaranteed. They consider that the application site is the most realistic site for a solar farm development within the search area.

8.51 The proposed development has a lifespan of 40 years, after which the land would be reinstated to its original agricultural use. The hedgerows and trees planted as part of the development would remain to provide long term benefits to ecology.

8.52 The applicant considers that the proposal's temporary nature is a contributing factor to the proposed solar PV panel array's case for 'very special circumstances'.

8.53 The biodiversity benefits include the gapping up of existing hedgerows, the planting of new hedgerows, tree belts and the on and off-site habitat enhancement to deliver a net gain in biodiversity. The development would also allow the land around the solar arrays to be rested from agricultural use by setting to grass and possibly grazing. The applicant states that there is also evidence that soil moisture is better retained on fields with solar panels, and less prone to effects of Climate Change. They consider that the proposed development could result in net benefits for the soil health, benefitting crop productivity post decommissioning of the site.

8.54 In terms of the economic benefits, the applicant states that the development would help sustain and create employment opportunities in engineering, construction and transportation which would support the local and regional economy by bolstering local purchasing power for goods and services. The development would also provide opportunities for those in employment who would like to move into higher skilled positions, as well as providing career opportunities for those currently unemployed, and benefit the PV panel array supply chain.

8.55 As set out above there are three factors to consider in assessing whether 'very special circumstances' exist. Firstly, whether there is an essential objective which the proposal seeks to address, secondly whether that objective could be met in a less harmful way and lastly whether the development would meet the essential objective and that doing so clearly outweighs the degree of harm. The 'very special circumstances' put forward by the applicant are the renewable energy generation, energy security, the lack of alternative sites, the temporary impact, biodiversity gains and employment/economic benefits.

Is the objective of the development essential?

8.56 The provision of renewable and low carbon energy is central to the economic, social and environmental dimensions of sustainable development set out in the NPPF.

8.57 Both national legislation and international agreements set targets for the reduction of carbon emissions and the increase in renewable energy generation. In 2019 the Government amended the Climate Change Act 2008 by introducing a target for at least a 100% reduction of greenhouse gas emissions (compared to 1990 levels) in the UK by 2050. This is known as the commitment to 'net zero'. Paragraph 2 of the NPPF states planning decisions must reflect relevant international obligations, and the UK's legally binding commitments to energy targets is also an important material consideration.

8.58 The Energy White Paper (Energy White Paper: Powering our net zero future, December 2020) was issued by the Department for Business, Energy and Industrial Strategy (BEIS) in December 2020 to address the transformation of the UK's energy system towards the 2050 target for net-zero emissions. The Energy

White Paper sees the expansion of renewable technologies as a key contributor to achieving an affordable clean electricity system by 2050. It sets out that solar is one of the key building blocks of the future energy mix. In October 2021, the Government published the Net Zero Strategy: Build Back Greener. Under 'Key Policies' for power it explains that subject to security of supply, the UK will be powered entirely by clean electricity through, amongst other things, the accelerated deployment of low-cost renewable generation such as solar.

8.59 There is strong national and local policy support for the development of renewable energy sources, including solar power, to ensure the country has a secure energy supply, and to reduce greenhouse gas emissions. The proposed PV array would help North Tyneside and the UK Government achieve their respective net zero targets.

8.60 The policy support for renewable energy given in the Framework is caveated by the need for the impacts to be acceptable, or capable of being made so. Nevertheless, it is officer opinion that the renewable energy benefit of the proposal should be accorded substantial weight when assessing against harm to the Green Belt.

8.61 The development would create clear biodiversity improvements, and these are discussed in greater detail in the later sections of this report. It is officer opinion that these benefits should be afforded moderate to substantial weight.

8.62 The other benefits brought by the scheme are considered to carry some, but limited weight in the overall planning balance.

8.63 It is officer opinion that the first test of establishing whether development is designed to meet an essential objective has been satisfied.

Could the objective reasonably be met in a less harmful way?

8.64 The analysis conducted by the applicant looks at alternative sites, both outside and within the Green Belt, that could accommodate the development. It is considered that alternative sites have been fairly and reasonably discounted and that there are no alternative sites that could accommodate the development in a less harmful way.

8.65 It is also necessary to consider whether the application site could be developed in a way to reduce the impact on the Green Belt. If the quantum of development were reduced this would impact on the number of PV panels that could be accommodated and therefore reduce energy production. Steps have been taken to reduce the impact by providing a 10m width buffer between the site boundary and the security fence along the Fisher Road and B1322 boundaries.

8.66 Taking the above factors into account it is considered that all reasonable steps have been taken to minimise harm to the Green Belt while still allowing the objectives of the development and adequate mitigation to be achieved.

8.67 Summary of very special circumstance issues

8.67 For the reasons set out above it is considered that the provision of a solar PV array, which will deliver clear benefits in terms of renewable energy generation and achieving the national and local net-zero carbon aims, is an essential objective, and that alternative less harmful ways of delivering these benefits have been reasonably discounted. The NPPF is clear that the planning system should support the transition to a low carbon future and support renewable and low carbon energy and associated infrastructure (para.152). It also advises (par.151) that 'very special circumstances' for Greenbelt development may include the wider environmental benefits associated with increased production of energy from renewable sources. It is therefore considered that the first two requirements of a 'very special circumstances' case, as outlined above, are satisfied.

8.68 It is the opinion of officers that the renewable energy benefit of the proposal should be accorded substantial weight when assessing against harm to the Green Belt. Substantial weight should also be given to the lack of alternative sites and moderate to substantial weight should be given to the ecological benefits of the development. The other benefits outlined by the applicant should, in officer opinion, be afforded some but limited weight in the overall planning balance.

9.0 Impact on surrounding occupiers

9.1 Paragraph 185 of NPPF states that planning decisions should ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution. In doing so they should mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development, and avoid noise giving rise to significant adverse impacts on health and quality of life.

9.2 Policy S1.4 of the Local Plan states that development should be acceptable in terms of their impact upon local amenity for new or existing residents and businesses, adjoining premises and land uses.

9.3 Policy DM6.1 (b and f) states that proposals should demonstrate a positive relationship to neighbouring buildings and spaces and a good standard of amenity for existing and future residents and users of buildings and spaces.

9.4 Policy DM5.19 states that amongst other matters development that may cause pollution will be required to incorporate measures to prevent or reduce the pollution so as not to cause nuisance or unacceptable impacts to people. Potentially polluting development will not be sited near to sensitive areas unless satisfactory mitigation measures can be demonstrated.

9.5 The closest residential properties are located at West Lane Farm (approx. 140m to the south), Backworth (250m to the southeast) and within Seghill, which lies approximately 1km to the north.

9.6 There is the potential for residential to be affected by noise during the construction period and once the solar farm is operational. Noise from construction activity would be short term and could be mitigated by the imposition

of conditions to restrict working hours and requiring that a Construction Management Plan is submitted for approval.

9.7 The only requirement for staff to visit the site once the solar farm is operational would be for maintenance purposes. It is not therefore considered that noise from vehicle movements would be detrimental to the amenity of nearby residents. Noise would however be generated by the associated infrastructure such as transformers.

9.8 The Manager of Environmental Health has been consulted and provided comments. She recommends that conditions are attached to ensure that noise from the external plant and equipment is considered, and mitigation measures taken to ensure that noise is adequately mitigated.

9.9 It is officer opinion that the impact of noise on surrounding occupiers is acceptable subject to the imposition of the conditions recommended by the Manager of Environmental Health.

9.10 Excluding the lattice tower, structures within the site are relatively low, with the solar panels measuring 2.89m in height and the transformers measuring up to 6.8m. The separation from residential properties is considered to be sufficient to ensure that occupiers are not adversely affected in terms of light or outlook.

9.11 A Glint Assessment has been submitted. This looks at the effect of reflected sunlight on receptors, including residential properties, within the vicinity of the site. Modelling is used to identify that six points within the vicinity of the site have the potential to receive glint in amounts that could have a material impact. The point with the highest exposure to potential glint effects is located to the south of the site at West Farm. Here glint is modelled to occur for approximately 0.37% of annual daylight hours. The effects would be reduced by a proposed 3m hedgerow in the southern part of the site and all effects would occur before 06:30 when there are likely to be less observers.

9.12 Residential housing to the southeast at the entrance to Backworth Village is predicted to receive 32 minutes of glint annually which would be reduced by the proposed boundary hedging. A row of residential properties to the southeast of the site is predicted to receive 584 mins of glint annually which again would be reduced by the proposed 3m hedgerow. The assessment concludes that glint would not have a material impact on properties surrounding the site and that any glimpses of glint would be no worse than viewing a sunlight reflection from window glass or still water.

9.13 Members need to consider whether the impact on existing occupiers would be acceptable. It is officer advice that the impact would be acceptable and in accordance with Policies DM6.1 (b and f) and DM5.19.

10.0 Landscape and visual impact

10.1 NPPF states that the creation of high-quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable

development, creates better places in which to live and work and helps make development acceptable to communities.

10.2 NPPF (para. 130) states that planning decisions should ensure that developments:

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
- e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
- f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

10.3 NPPF (para.174) states that planning policies and decisions should contribute to and enhance the natural and local environment by:

- a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);
- b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;

10.4 Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes (NPPF para. 134).

10.5 Policy DM6.1 of the Local Plan states that applications will only be permitted where they demonstrate high and consistent design standards. Designs should be specific to the place, based on a clear analysis the characteristics of the site, its wider context and the surrounding area.

10.6 The development comprises 2.89m high solar panels and associated plant and equipment, including a 32m high lattice tower. 2.15m high security fencing is proposed around the site boundaries. All existing trees and hedgerows to the site boundaries would be retained and hedgerows would be gapped up and managed to grow approximately 3m tall. A 10m wide buffer with additional tree and scrub planting would be provided between the site boundary and the security fencing along the B1322 and Fisher Road boundaries. 10m wide woodland belts would also be planted to the north and south of the development to screen views

from Seghill and Backworth. The proposed planting would be retained following decommission of the solar farm.

10.7 A Landscape and Visual Impact Assessment (LVIA) has been submitted as part of the application to assess the effects on the landscape as a resource in its own right and the visual effects on specific views and the general visual amenity experienced by people.

10.8 A desk based analysis was carried out to determine the visibility of the site from surrounding locations and receptors, and a series of viewpoints were identified to illustrate the potential visual effects; 8 of these are included in the LVIA.

10.9 The LVIA notes that the site lies within the South East Northumberland Coastal Plain National Character Area (NCA 13). The northeast part of the site lies within Backworth 'C' Pit Landscape of Note area of the North Tyneside Landscape and Character Description (2014).

10.10 The site is located on a gentle north facing slope and comprises 7no. agricultural fields, 3no. of which are improved grassland and 4no. are in arable use. There are 'gappy' hedgerows along the field boundaries, some trees along the eastern boundary and an area of woodland adjacent to the northeast corner of the site.

10.11 The Site does not sit within, or adjacent to, any landscape designations such as National Parks, Areas of Outstanding Natural Beauty or Special Landscape Areas.

10.12 The LVIA states that the site and surrounding area of undulating farmland does have some scenic value that is likely to be valued locally. However, given the presence of large settlements in the surrounding area and the lack of rare or important features the landscape value of the site is assessed as medium to low.

10.13 There would be some localised impacts on the landscape during the six month construction period both in terms of the land use of the site and the impact on the tranquillity of the site. The effects are assessed as "slight-moderate adverse" given their localised and short-term impact.

10.14 Once operational the landscape character of the site would be altered by the change to the land use and the introduction of buildings and structures. The surrounding woodland to the east and the landform of the site would mean that the development would be mainly perceptible from a limited area around the site. The new lattice tower, with a height of 32m, would be more visible but due to its location between existing towers of a similar height it would not appear out of character. The LVIA acknowledges that the landscape character of the site would be changed but notes that these changes would only be perceptible at site level and within 1km of the site. The effect on landscape character is assessed as up to "moderate adverse" within and immediately surrounding the site itself and "slight-moderate adverse" for the wider landscape character.

10.15 After decommissioning the site would be restored to agricultural land, leaving no residual adverse effects on the site or its setting.

10.16 The main visual impacts of the development, as described within the LVIA, are listed below:

1) Construction vehicle movements, construction compound and construction activities.

These would be temporary and mitigated by the existing boundary vegetation.

2) The completed solar farm and associated structures.

The development would be most visible from receptors within 1km of the site.

The panels would be 2.9m high and coloured dark blue/grey/black. The associated infrastructure, excluding the 32m high lattice tower, would not be significantly higher. Mitigation would be in the form of retained and additional hedgerow, scrub and tree planting.

3) Site access

The main access would be from Fisher Road and utilises an existing field access. Vegetation removal is not therefore required. New tracks would also be constructed within the site. Boundary vegetation would be retained and enhanced to provide screening.

10.17 Eight viewpoints from where the site was anticipated to be visible are used within the LVIA. The magnitude of the impact, sensitivity of the receptor and the level and nature of the effects are considered. A summary of the viewpoints and the predicted effects is set out below.

1) Northeast along the B1322 near West Farm

The majority of the site is visible adjacent to the road due to the lack of boundary vegetation. The solar panels would be seen against a woodland backdrop to the northeast. The lattice tower would be seen alongside the existing tower. There would be a “moderate to substantial” adverse effect on road users. Once the boundary planting is established the effect is predicted to reduce to “slight adverse”. Effects on West Farm would be “moderate-substantial” adverse initially, reducing to “moderate” over time. Views from the residential properties themselves at West Farm would be limited by the intervening farm buildings and sheds.

2) Southeast along A19 near Seghill

The solar panels and lattice tower would be seen on the gently rising fields towards Backworth. It would contrast with the existing view but would not block views of the wider landscape. There would be an initial “moderate” adverse effect on road users and residential receptors at Seghill, reducing to “slight to moderate” adverse once the boundary planting is established.

3) North/northwest from B1317 (adjacent to A19)

The site is visible in the middle distance broken up by intervening features. A “slight to moderate” adverse effect is predicted for road users with a “moderate” adverse effect for nearby residents. In the medium to long term the proposed

planting would reduce the effect to “slight” adverse and “slight to moderate” adverse respectively.

4) Northwest from Fisher Road on the edge of Backworth

This view looks northwest across agricultural fields. The solar panels within the southern fields would be seen in relatively close proximity. There would also be some views of the substation and the lattice tower. Effects on the visual amenity of recreational users of the public right of way (PROW) would be “moderate – substantial” adverse. Once the hedgerow planting has established this would reduce to “slight – moderate” adverse.

5) West from the spoil heap near Holywell Grange Farm

Views towards the site are screened by landform and vegetation. Only the lattice tower would be visible, alongside the existing tower. There would be a “slight-moderate” adverse effects on the visual amenity of recreational users of the PROW.

6) West from Front Street on the edge of Earsdon

The site is screened by landform and vegetation. Only the lattice tower would be visible, alongside the existing tower. There would be a “slight” adverse effect for nearby residents.

7) East/northeast from footpath near Burradon House

This view looks east/northeast across open agricultural fields and the A19. Views of the solar farm would be screened by vegetation and only the additional lattice tower would be visible alongside the existing. There is predicted to be a “slight-moderate” adverse effect on recreational users of the PROW.

8) North from public open space west of Backworth adjacent to B1322

This view looks north from the public open space and the majority of the site is visible in the middle distance. The solar panels would be visible and would contrast with the existing landscape. There would also be views of the substation and other structures within the site compound, along with the proposed lattice tower. A belt of woodland planting is proposed to the north of Backworth to provide screening. It would be managed to maintain some longer distance views towards the distant landscape.

Effects on visual amenity are assessed as “substantial” adverse for residents, reducing to “moderate” adverse in the long term once the proposed planting has established.

10.18 To summarise, the highest levels of effect are predicted for road and footpath users immediately adjacent to the site and for residents on the northern edge of Backworth who would experience “substantial” adverse effects initially due to the close proximity to the development and elevated views over the site. The effects would be reduced as planting along the site boundaries grows and provides screening. The LVIA concludes that the proposal would result in some localised landscape and visual impacts, however these would reduce with distance and over time. In addition, at the end of the development’s design life the site would be restored to its current condition, with no residual adverse landscape or visual effects.

10.19 It is officer opinion that the harmful impacts of the development in landscape and visual impact terms should be given moderate weight in the overall planning balance. This is considered a fair weighting given the need for a proportionate response to harm to reflect the importance of the site relative to the 'great' weight that must be afforded to the landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty required by NPPF Paragraph 176.

11.0 Heritage Impact

11.1 NPPF para.194 states that in determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. 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.

11.2 Para.199 of NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

11.3 Policy S6.5 of the Local Plan states that the Council aims to pro-actively preserve, promote and enhance its heritage assets.

11.4 Policy DM6.6 states that proposals that affect heritage assets or their settings, will be permitted where they sustain, conserve and, where appropriate, enhance the significance, appearance, character and setting of heritage assets in an appropriate manner.

11.5 Policy DM6.7 seeks to protect, enhance and promote the Borough's archaeological heritage.

11.6 The application is accompanied by an Archaeological Desk-Based Assessment, Geophysical Survey and Heritage Statement.

11.7 The Archaeological Desk-Based Assessment states that there is no direct evidence of prehistoric or Roman activity within the site, although there may be some, as yet unidentified, remains given the proximity of several enclosed settlements outside the site. It notes that the site has been used for agriculture as well as being encroached by industrial activities and transport, such as brickworks in the 19th and 20th centuries and the Burradon and Holywell Wagonway. While there is some potential for an archaeological resource to be present in parts of the site that have not been subject to opencast mining the report considers that, given the limited groundworks associated with the development, any impact on this would be limited.

11.8 The Tyne and Wear County Archaeologist has been consulted and provided comments. She states that some of the features identified in the geophysical survey merit further investigation and that archaeological trial trenching should be

carried out. She recommends that conditions are imposed in respect of a programme of archaeological fieldwork and the publication of a report detailing the findings.

11.9 The Heritage Statement identifies designated and non-designated heritage assets within the vicinity of the site. These assets comprise the non-designated remains of two waggonways adjacent to the site, the scheduled ancient monuments of West Backworth medieval settlement and Burradon House enclosure and Backworth Village Conservation Area.

11.10 Due to the separation distance of approx. 200m and the difference in elevation it is not considered that the proposed solar farm would result in any harm to views of or from West Backworth medieval settlement. The impact on Burradon House enclosure is also considered to be acceptable given that intervening landscape and wooden embankment of the A19 restrict any views between the site and the SAM.

11.11 The northern edge of Backworth Conservation Area is located adjacent to the southeast edge of the site. This part of the conservation area comprises open space containing ridge and furrow earthworks which provide evidence of the village's original rural context. While there are views between the village and the site it is considered that the difference in land levels prevents the development impacting on the setting of the village and the rural buffer around the village would be maintained.

11.12 In respect of the wagonways, which are non-designated heritage assets, the Heritage Statement advises that their rural setting would be removed by the development. However, given that the setting is not pertinent to the wagonway's significance it concludes that there would be no adverse effect on their significance.

11.13 It is officer opinion that the submitted information adequately assesses the impact on heritage assets there setting and demonstrates that the proposed development would not have an unacceptable impact upon these assets. The proposal is therefore considered to comply with NPPF (para.194 and 189) and LP policies S6.5, DM6.6 and DM6.7.

12.0 Highway impacts

12.1 NPPF recognises that transport policies have an important role to play in facilitating sustainable development, but also contributing to wider sustainability and health objectives.

12.2 All development that will generate significant amounts of movement should be required to provide a Travel Plan (TP), and the application should be supported by a Transport Statement (TS) or Transport Assessment (TA) so the likely impacts of the proposal can be fully assessed.

12.3 Paragraph 111 of NPPF states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

12.4 Policy DM7.4 seeks to ensure that the transport requirements of new development, commensurate to the scale and type of development, are taken into account and seek to promote sustainable travel to minimise environmental impacts and support residents and health and well-being.

12.5 The Transport and Highways SPD sets out the Council's adopted parking standards.

12.6 A Transport Assessment has been submitted in support of the application and considers the impact of the development during the construction and operational phases.

12.7 Construction and secondary operational access to the proposed development would be via a new gated access onto Backworth Lane on the western site boundary. Primary operational and maintenance access would be via an upgraded gated access from Fisher Road in the east. A secondary upgraded access from Fisher Road would also be used during the operational phase. The applicant has stated that Fisher Road would be reinforced and maintained in good condition on completion of construction.

12.8 The Transport Statement states that all construction traffic would access the site via the A19 and Backworth lane. The maximum number of vehicle movements per day during the construction phase is expected to be approximately 64 two-way movements comprising 54 cars/LGVs and 10 HGVs. The only requirement for staff to visit the site during the operational phase will be for relatively infrequent maintenance purposes (approximately once per week).

12.9 The Highway Network Manager has been consulted and provided comments. He notes that vehicle movements to the site post-construction would be minimal and therefore raises no objections to the proposal.

12.10 There are no public rights of way within the site. The nearest public right of way is located along the site's eastern boundary and follows the course of Fisher Road. This PROW would be retained.

12.11 Having regard to the above, it is officer advice that the proposal complies with the advice in NPPF, Policy DM7.4 and the Transport and Highways SPD.

13.0 Biodiversity and trees

13.1 An environmental role is one of the three dimensions of sustainable development according to NPPF, which seeks to protect and enhance our natural, built and historic environment by amongst other matters improving biodiversity.

13.2 Paragraph 174 of NPPF states that planning policies and decisions should contribute to and enhance the natural and local environment by minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.

13.3 Paragraph 180 of NPPF states that when determining planning application that if significant harm to biodiversity cannot be avoided, or as a last resort compensated for, then planning permission should be refused.

13.4 Local Plan Policy S5.4 states that the Borough's biodiversity and geodiversity resources will be protected, created, enhanced and managed having regard to their relative significance. Priority will be given to:

- a. The protection of both statutory and non-statutory designated sites within the Borough, as shown on the Policies Map;
- b. Achieving the objectives and targets set out in the UK Post-2010 Biodiversity Framework and Local Biodiversity Action Plan;
- c. Conserving, enhancing and managing a Borough-wide network of local sites and wildlife corridors, as shown on the Policies Map; and
- d. Protecting, enhancing and creating new wildlife links.

13.5 Policy DM5.5 of the Local Plan states that all development proposals should:

- a. Protect the biodiversity and geodiversity value of land, protected and priority species and buildings and minimise fragmentation of habitats and wildlife links; and,
- b. Maximise opportunities for creation, restoration, enhancement, management and connection of natural habitats; and,
- c. Incorporate beneficial biodiversity and geodiversity conservation features providing net gains to biodiversity, unless otherwise shown to be inappropriate.

Proposals which are likely to significantly affect nationally or locally designated sites, protected species, or priority species and habitats (as identified in the BAP), identified within the most up to date Green Infrastructure Strategy, would only be permitted where:

- d. The benefits of the development in that location clearly demonstrably outweigh any direct or indirect adverse impacts on the features of the site and the wider wildlife links; and,
- e. Applications are accompanied by the appropriate ecological surveys that are carried out to industry guidelines, where there is evidence to support the presence of protected and priority species or habitats planning to assess their presence and, if present, the proposal must be sensitive to, and make provision for, their needs, in accordance with the relevant protecting legislation; and,
- f. For all adverse impacts of the development appropriate on site mitigation measures, reinstatement of features, or, as a last resort, off site compensation to enhance or create habitats must form part of the proposals. This must be accompanied by a management plan and monitoring schedule, as agreed by the Council.

Proposed development on land within or outside a SSSI likely to have an adverse effect on that site would only be permitted where the benefits of the development clearly outweigh both the impacts that it is likely to have on the features of the site that make it of special scientific interest and any broader impacts on the SSSI national network.

13.6 Local Plan Policy DM5.6 states that proposals that are likely to have significant effects on features of internationally designated sites, either alone or in-combination with other plans or projects, will require an appropriate

assessment. Proposals that adversely affect a site's integrity can only proceed where there are no alternatives, imperative reasons of overriding interest are proven and the effects are compensated.

13.7 Policy DM5.7 states that that development proposals within a wildlife corridor, as shown on the Policies Map, must protect and enhance the quality and connectivity of the wildlife corridor. All new developments are required to take account of and incorporate existing wildlife links into their plans at the design stage. Developments should seek to create new links and habitats to reconnect isolated sites and facilitate species movement.

13.8 Policy DM5.9 supports the protection and management of existing woodland trees, hedgerow and landscape features. It seeks to secure new tree planting and landscaping scheme for new development, and where appropriate, promote and encourage new woodland, tree and hedgerow planting schemes and encouraging native species of local provenance.

13.9 The application site is located within a Wildlife Corridor and Backworth C Pit Site of Local Nature Conservation Interest (SLNCI) is located adjacent to the site's northern boundary.

13.10 An Ecological Impact Assessment, Biodiversity Net Gain (BNG) Assessment, Tree Constraints Assessment and planting plans have been submitted in support of the application.

13.11 The Ecological Assessment states there would be no adverse impact on any national or internationally designated sites due to the separation distance and the type of habitats present within the site that would be affected. It also states that while there would be no direct impact on Backworth C Pit SLNCI the proposed solar array would result in some minimal habitat loss within 100m of the boundary. To mitigate this a 10m – 30m wide habitat buffer is proposed adjacent to the SLNCI where the existing modified grassland would be enhanced to provide improved habitat. There is also the potential for the SLNCI to be affected by dust during the construction phase. A Construction Environmental Management Plan (CEMP) will be required to address this.

13.12 Habitats within the site are dominated by intensively managed arable and modified grassland. Within the site there are boundary hedgerows (including their associated mature trees) which meet the descriptions of Habitats of Principal Importance. The site also includes a pond, dense scrub and tall ruderal vegetation.

13.13 The development would result in the loss of the arable fields and small sections of hedgerow where required for access tracks and cable crossings. The majority of hedgerows and all mature trees would be retained and incorporated into a 5m wide grassland buffer on either side of each hedgerow.

13.14 It is proposed to plant new species rich hedgerows within the site and the adjacent land to the north and to gap up the existing hedgerows along the site boundaries. Grassland under the solar arrays within the four arable fields would

be sown with native wildflower species and the existing modified grassland would be retained and managed through low intensity mowing and/or sheep grazing.

13.15 It is proposed to retain and enhance the existing scrub along the dismantled railway and to plant an area of woodland on the land immediately to the north of the site.

13.16 An existing badger set would be retained and protected during the construction and operational phases.

13.17 The Ecological Assessment advises that the hedgerows and dense scrub on the site offer suitable bat foraging and commuting habitat. Bat surveys have therefore been carried out and found low bat activity levels within the site. Given that the existing trees and hedgerows would be retained no significant adverse impact on bats is expected.

13.18 Breeding bird surveys have been carried out. Of the 10no. species recorded 3no. (skylark, yellowhammer and tree sparrow) are on the red list of Birds of Conservation Concern. 4no. species (reed bunting, skylark, tree sparrow and yellowhammer) are also listed on both the Newcastle and North Tyneside BAP Farmland Birds Species Action Plan and as Species of Principal Importance. The arable fields within the site were found to support three probable skylark breeding pairs.

13.19 The Ecological Impact Assessment states that the key adverse impact on nesting birds would be the loss of arable fields and sections of hedgerows, and disturbance from development activities. It considers that in the absence of mitigation, there is likely to be an adverse effect on the bird assemblage. To mitigate this impact it is proposed to manage the grassland around the solar arrays to make it more suitable for bird species and allow the habitat buffers to develop into taller sward to provide more suitable foraging habitat for bird species such as barn owls. It is also proposed to install 10no. bird boxes on trees within the site. With the mitigation measures set out the Ecological Impact Assessment concludes that breeding birds are unlikely to be significantly affected in the long-term.

13.20 Wintering bird surveys have also been conducted. Of the 26no. species of birds recorded, 6no. species have been identified for conservation action. All of the bird species of conservation concern are common and well-represented wintering species throughout the county, and the retention of the majority of the hedgerows, trees, scrub and pond would maintain overwintering habitat used by these birds. The construction of the solar farm has the potential to displace species that prefer an open landscape, including skylark, golden plover, lapwing and curlew. To mitigate this impact it is proposed to enhance the habitats with two arable fields immediately to the north of the site in order to provide additional features suitable for wintering birds.

13.21 The Ecological Impact Assessment set out that there would be no adverse impact on other protected species, including great crested newt, reptiles, butterfly or hedgehog.

13.22 Through habitat retention, enhancement and additional planting the proposed development result in a BNG in excess of 17% for habitats and 50% for hedgerows.

13.23 The Biodiversity Officer and landscape Architect have provided comments. They note that the majority of boundary habitat features and breeding and wintering bird habitat would be retained, protected and enhanced through on-going conservation management and habitat creation. They also state that any potential risks to protected species would be avoided, or mitigated, and that an overall enhancement for these species is likely through suitable habitat creation. It is noted that areas of hedgerow and trees will need to be removed for site access and it is recommended that a condition is imposed requiring the submission of an arboricultural impact assessment, tree protection plan and arboricultural method statement. It is considered that the proposed mitigation measures will ensure that impacts on protected and priority species are addressed, the wildlife corridor is protected and enhanced and BNG delivered.

13.24 Natural England have also provided comments. They raise no objections in terms of the impact on designated sites.

13.25 Subject to the conditions recommended by the Landscape Architect and Biodiversity officer it is considered that the development would not have an adverse impact on protected species and will provide for enhancements to biodiversity in accordance with the NPPF and Local Plan Policies S5.4, DM5.5, DM5.6, DM5.7 and DM5.9.

14.0 Loss of Agricultural Land

14.1 NPPF para.174 (b) states that planning decisions should contribute to and enhance the natural and local environment by recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland.

14.2 Footnote 58 of NPPF states that where significant development of agricultural land is demonstrated to be necessary, areas of poorer quality land should be preferred to those of a higher quality.

14.3 Planning Practice Guidance (Paragraph: 013 Reference ID: 5-013-20150327) encourages solar farms to be sited on previously developed non-agricultural land and states that where a solar farm involves greenfield land consideration should be given to whether (i) the proposed use of any agricultural land has been shown to be necessary and poorer quality land has been used in preference to higher quality land; and (ii) the proposal allows for continued agricultural use where applicable and/or encourages biodiversity improvements around arrays.

14.4 Local Plan Policy DM5.8 states that development of "best and most versatile" agricultural land will normally only be permitted where it can be demonstrated that:

a. The need for the development clearly outweighs the need to protect such land in the long term; or,

- b. In the case of temporary/potentially reversible development (for example, minerals), that the land would be reinstated to its pre-working quality; and,
- c. There are no suitable alternative sites on previously developed or lower quality land.

The Council will require all applications for development to include realistic proposals to demonstrate that soil resources were protected and used sustainably, in line with accepted best practice.

14.5 The NPPF sets out that the “best and most versatile land” (BMV) is classed as grades 1, 2 and 3a in the Agricultural Land Classification (ALC).

14.6 An Agricultural Land Classification Assessment has been submitted in support of the application. The agricultural land within the site comprises 18.27ha of grade 3(a) and 36.61ha of grade 3b. 1.29ha is in non-agricultural use.

14.7 The proposal would result in a temporary loss of agricultural land for a period of 40 years. Of the land lost approximately 33% comprises BMV agricultural land.

14.8 While there would be a temporary reduction in agricultural production the development would not result in the permanent loss of BMV agricultural land as a resource for future generations. The solar panels would be secured to the ground by steel piles with limited soil disturbance and could be removed in the future with no permanent loss of agricultural land quality provided that appropriate soil management is employed. Although some components of the development, such as construction of a sub-station, may permanently affect agricultural land this would be limited to small areas.

14.9 An Alternative Sites Assessment has been submitted which demonstrates that there are no other sites either within or outside the Greenbelt that would be suitable for the proposed development.

14.10 Natural England raise no objections to the loss of agricultural land subject to the imposition of conditions to secure appropriate agricultural land management and/or biodiversity enhancement during the lifetime of the development, and to require that the site is restored to its former condition when the development is decommissioned.

14.11 It is officer opinion that the proposal would not conflict with para.174 of NPPF or LP Policy DM5.8 given that the impacts of the development are temporary/reversible and there are no suitable alternative sites on previously developed or lower quality land.

15.0 Other issues

15.1 Contaminated Land

15.2 Paragraph 184 of NPPF states that where a site is affected by contamination of land stability issues, responsibility for securing safe development rests with the developer and/or landowner.

15.3 Policy DM5.18 'Contaminated and Unstable Land'; states that where the 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 be accompanied by a report.

15.4 The site lies within the Contaminated Land Buffer Zone and the Coal Authority's defined Development High Risk Area. The application is supported by a Coal Mining Risk Assessment and Phase 1 Geoenvironmental Desk Study.

15.5 The Contaminated Land Officer has been consulted and provided comments. She recommends conditions to address contamination and gas risk.

15.6 The Coal Authority have also provided comments. They raise no objections and recommend the imposition of a condition requiring that a signed statement is submitted prior to the development being brought into use to confirm that the site is, or has been made, safe and stable.

15.7 Subject to these conditions, it is officer advice that the proposal complies with NPPF (para.184) and policy DM5.18 of the Local Plan 2017.

15.8 Flooding

15.9 The National Planning Policy Framework states that when determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment.

15.10 Policy DM5.12 of the Local Plan states that all major developments will be required to demonstrate that flood risk does not increase as a result of the development proposed, and that options have been undertaken to reduce overall flood risk from all sources, taking into account the impact of climate change over its lifetime.

15.11 Policy DM5.14 states that applicants will be required to show, with evidence, they comply with the Defra technical standards for sustainable drainage systems (unless otherwise updated and/or superseded. On brownfield sites, surface water run off rates post development should be limited to a maximum of 50% of the flows discharged immediately prior to the development where appropriate and achievable. For greenfield sites, surface water run off post development must meet or exceed the infiltration capacity or the greenfield prior to development incorporating an allowance for climate change.

15.12 The application site is located within Flood Zone 1 and is at low risk of surface water flooding. A Flood Risk Assessment has been submitted in support of the application.

15.13 There will be a negligible increase in impermeable ground as a result of the proposed development. The Flood Risk Assessment concludes that the management of grass around the solar panels, along with precautionary attenuation provided in the form of linear swales and filter drains will ensure that flood risk from the site is not increased by the proposed development and that there will be negligible impact on surface water quality.

15.14 Members need to consider whether the proposed development is acceptable in terms of flood risk. It is the view of officers that the proposed development accords with the relevant national and local planning policies.

15.15 Crime Impact

15.16 Para.'s 92 and 130 of the NPPF seek to ensure that planning decisions create safe places so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion.

15.17 LP Policy DM6.1(c) requires proposals to demonstrate a safe environment that reduces opportunities for crime and antisocial behaviour.

15.18 The Design Quality SPG (4.13) notes that the use of good design is essential to provide well-planned and attractive environments, which indirectly influence levels of anti-social behaviour and crime.

15.19 It is proposed to enclose the site with 2.15m high mesh fencing which includes an electronic intruder detection system and CCTV cameras.

15.20 Northumbria Police have provided comments and state that they have no objections to the development. They note the potential for larger solar arrays to attract criminal interest and advise that consideration is given to a more resilient fencing system.

15.21 It is recommended that a condition is imposed to control all boundary enclosures. This will allow an alternative fencing design to be used if considered necessary by the applicant.

15.22 Given that Northumbria Police has raised no objections and that security measures are proposed, the proposal is considered to accord with LP Policy DM6.1 (c) and NPPF para.'s 92 and 130.

15.23 Aircraft safety

15.24 The submitted Glint and Glare Assessment has been reviewed by Newcastle Airport. They note that the development has the potential to create glint towards aircraft between 05:41 and 06:15 but agree with the conclusion of the Assessment, which states that while glint will be visible to aircraft any visible effect would not be sustained for extended durations. Newcastle Airport do not object to the application.

15.25 S106 Contributions

15.26 Paragraph 54 of NPPF states that local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition.

15.27 Paragraph 56 of NPPF states that planning obligations must only be sought where they meet all of the following tests:

a) Necessary to make the development acceptable in planning terms;

- b) Directly related to the development; and
- c) Fairly and reasonably related in scale and kind to the development.

15.28 Policy S7.1 states that the Council will ensure appropriate infrastructure is delivered so it can support new development and continue to meet existing needs. Where appropriate and through a range of means, the Council will seek to improve any deficiencies in the current level of provision.

15.29 Policy DM7.2 states that the Council is committed to enabling a viable and deliverable sustainable development. If the economic viability of a new development is such that it is not reasonably possible to make payments to fund all or part of the infrastructure required to support it, applicants will need to provide robust evidence of the viability of the proposal to demonstrate this. When determining the contributions required, consideration will be given to the application's overall conformity with the presumption in favour of sustainable development.

15.30 Policy DM7.5 states that the Council will seek applicants of major development proposals to contribute towards the creation of local employment opportunities and support growth in skills through an increase in the overall proportion of local residents in education or training. Applicants are encouraged to agree measures with the Council to achieve this, which could include:

- a. The development or expansion of education facilities to meet any identified shortfall in capacity arising as a result of the development; and/or,
- b. Provision of specific training and/or apprenticeships that:
 - i. Are related to the proposed development; or,
 - ii. Support priorities for improving skills in the advanced engineering, manufacturing and the off-shore, marine and renewables sector where relevant to the development.

15.31 The Council's adopted SPD on Planning Obligations (2018) states that the Council takes a robust stance in relation to ensuring new development appropriately mitigates its impact on the physical, social and economic infrastructure of North Tyneside. Notwithstanding that, planning obligations should not place unreasonable demands upon developers, particularly in relation to the impact upon the economic viability of development. The Council will consider and engage with the applicants to identify appropriate solutions where matters of viability arise and require negotiation.

15.32 Following consultation with service providers a contribution towards employment and training initiatives within the borough has been requested. The applicant has agreed to a condition requiring that apprenticeship opportunities are provided during the construction phase.

15.33 A CIL payment will not be required for this development.

15.34 Local Financial Considerations

15.35 Paragraph 11 of National Planning Practice Guidance states that Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that a local planning authority must have regard to a local financial consideration as far

as it is material. Section 70(4) of the 1990 Act (as amended) defines a local financial consideration as a grant or other financial assistance that has been, will or that could be provided to a relevant authority by a Minister of the Crown (such as New Homes Bonus payments) or sums that a relevant authority has received, or will or could receive, in payment of Community Infrastructure Levy.

15.36 Whether or not 'a local financial consideration' is material to a particular decision will depend on whether it could help make the development acceptable in planning terms.

15.37 The proposal would result in the creation of jobs during the construction phase and would benefit the solar farm construction supply chain. It is considered these factors are material in terms of making this development acceptable in planning terms.

16.0 Conclusions

16.1 The proposed development is located within the North Tyneside Greenbelt. NPPF makes clear that exceptions can be made to the strong presumption against inappropriate development in the Green Belt in 'very special circumstances'. The determination of this application is therefore based on an assessment of whether 'very special circumstances' exist as explained and defined in the NPPF.

16.2 Earlier sections of the report identify that in officer opinion the first two 'very special circumstances' tests are satisfied – that the generation of renewable energy is an essential objective with clear public benefits; and that alternative, less harmful ways of meeting that objective have been fairly and reasonably discounted.

16.3 The third test is set out in NPPF as follows: "‘very special circumstances’ will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations." This part of the assessment requires decision makers to weigh cumulative harm against the cumulative benefits of the proposals. If the benefits clearly outweigh the harm caused, then planning permission should be granted.

16.4 The development is inappropriate development in the Green Belt and is therefore harmful by definition. It will also result in a reduction in openness by virtue of the scale and the visual impact. Finally, the proposed development will result in encroachment into the countryside, the protection of which is one of five purposes of Green Belt designation. In accordance with the NPPF, substantial weight should be attributed to the harm to the Green Belt caused by the proposed development.

16.5 The loss of openness described above would also have a detrimental landscape and visual impact on the character of the area. Given that the adverse impact would be temporary and reduced by the proposed landscape mitigation scheme it is considered that the landscape and visual harm should be afforded moderate weight in the overall planning balance.

16.6 In contrasts the benefits of the development are the provision of renewable and low carbon energy which would help North Tyneside and the UK Government achieve their respective net zero targets. It has been demonstrated through the application that there are no alternative more suitable sites capable of accommodating the proposed development. The provision of renewable and low carbon energy is central to the economic, social and environmental dimensions of sustainable development set out in the NPPF. It is therefore considered that this benefit should be afforded substantial weight in the overall planning balance.

16.7 The development would create clear biodiversity improvements and achieve a significant biodiversity net gain. It is officer opinion that these benefits should be afforded moderate to substantial weight.

16.8 The other benefits brought by the scheme are considered to carry some, but limited weight in the overall planning balance.

16.9 It is officer opinion that the impacts on residential amenity, the highway network, historic environment, agricultural land and flood risk are acceptable. These factors are therefore considered to be neutral in the overall planning balance.

16.10 Having assessed and balanced the cumulative harm against the cumulative benefits of the proposed development above, it is officer opinion that the benefits of the proposed development outweigh the harm to the Green Belt, justifying the proposal on the basis of 'very special circumstances'. It follows that the benefits of the proposed development would significantly and demonstrably outweigh adverse impacts in accordance with NPPF Paragraph 148.

16.11 The application is therefore recommended for conditional approval.

RECOMMENDATION: Application Permitted

Conditions/Reasons

1. The development to which the permission relates shall be carried out in complete accordance with the following approved plans and specifications.
 - Application form
 - Application boundary NT15582/015
 - Site plan general arrangement PV array 1392-111 Issue H
 - Site plan general arrangement site security 1392-112 Issue B
 - Sections array field sections 1392-131 Issue D
 - Elevations PV array typical section and key dimensions 1392-121 Issue C (Sheets 1 and 2)
 - Elevations central inverter 1392-122 Issue B (sheets 1 and 2)
 - Elevations substation 1392-124 Issue A
 - Elevations aux service building 1392-125 Issue B (sheets 1 and 2)
 - Elevations DNO substation 1392-126 Issue A (sheets 1 to 3)

- Elevations spares store 1392-127 Issue A
- Elevations security fencing 1392-128 Issue A
- Elevations CCTV 1392-129 Issue A
- Sections typical access track 1392-312 Issue A
- Sections typical transformer access track 1392-313 Issue A
- Proposed planting plan NT15582-019 Rev.A
- Proposed planting plan wider area NT15582-020 Rev.A
- Transport Statement October 2022
- Glint Assessment October 2022
- Flood Risk Assessment October 2022

Reason: To ensure that the development as carried out does not vary from the approved plans.

2. Standard Time Limit 3 Years FUL MAN02 *

3. The development hereby permitted shall be for a temporary period only to expire 40 years after the first export date of the development. Written confirmation of the first export date shall be provided to the local planning authority within one month after the event.

Reason: The development is not considered suitable for permanent retention due to the location within the Greenbelt and the landscape and visual impacts; having regard to the NPPF and Policies S1.5 and DM1.6 of the North Tyneside Local Plan.

4. The scheme for parking and turning of associated service vehicles shall be laid out in accordance with the approved plans prior to the development being brought into use. This scheme shall be retained thereafter and not used for any other purpose.

Reason: In the interests of highway safety and of the development having regard to policy DM7.4 of the North Tyneside Local Plan (2017).

5. Notwithstanding Condition 1, no development shall commence until a Construction Method Statement for the duration of the construction period has been submitted to and approved in writing by the Local Planning Authority. The approved statement shall: identify the access to the site for all site operatives (including those delivering materials) and visitors, provide for the parking of vehicles of site operatives and visitors; details of the site compound for the storage of plant (silos etc) and materials used in constructing the development; fuels and waste as well concrete mixing and use of fires; provide a scheme indicating the route for heavy construction vehicles to and from the site; a turning area within the site for delivery vehicles; dust suppression scheme (such measures shall include mechanical street cleaning, and/or provision of water bowzers, and/or wheel washing and/or road cleaning facilities, and any other wheel cleaning solutions and dust suppressions measures considered appropriate to the size of the development). The scheme must include a site plan illustrating the location of facilities and any alternative locations during all stages of development. It must also include tree protection measures for the trees to be retained. Cabins, storage of plant and materials and parking must not be located within the RPA of the retained trees as defined by the Tree Protection Plan. The approved statement shall be implemented and complied with during and for the life of the works associated with the development.

Reason: This information is required pre-development to ensure that the site set up does not impact on highway safety, pedestrian safety, retained trees (where necessary) and residential amenity having regard to policies DM5.19, DM5.9 and DM7.4 of the North Tyneside Local Plan (2017) and National Planning Policy Framework.

6. Notwithstanding Condition 1, no development shall commence until a scheme to show wheel washing facilities and mechanical sweepers to prevent mud and debris onto the public highway has been submitted to and approved in writing by the Local Planning Authority. This scheme shall include details of the location, type of operation, and maintenance/phasing programme. Construction shall not commence on any part of the development other than the construction of a temporary site access and site set up until these agreed measures are fully operational for the duration of the construction of the development hereby approved. If the agreed measures are not operational then no vehicles shall exit the development site onto the public highway.

Reason: This information is required pre-development to ensure that the site set up does not impact on highway safety, pedestrian safety, retained trees (where necessary) and residential amenity having regard to policies DM7.4 of the North Tyneside Local Plan (2017) and National Planning Policy Framework.

7. Prior to the development being brought into use a noise scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme must ensure that the rating level from plant and equipment, as measured one metre from façade for the closest residential property, does not exceed the background noise level. The measurement shall be carried out in accordance with BS4142. If any mitigation is required as part of the approved scheme, this shall be carried out in full prior to the development being brought into use.

Reason: To safeguard the amenity of nearby residents having regard to policy DM5.19 of the North Tyneside Local Plan (2017) and National Planning Policy Framework.

8. Within one month of the plant and equipment being installed acoustic testing must be undertaken to verify compliance with condition 7 and a report of the findings submitted to and approved in writing by the Local Planning Authority.

Reason: To safeguard the amenity of nearby residents having regard to policy DM5.19 of the North Tyneside Local Plan (2017) and National Planning Policy Framework

9. Restrict Hours No Construction Sun BH HOU004 *

10. Prior to the occupation of the development, or it being taken into beneficial use, a signed statement or declaration prepared by a suitably competent person confirming that the site is, or has been made, safe and stable for the approved development shall be submitted to the Local Planning Authority for approval in writing. This document shall confirm the methods and findings of any targeted intrusive site investigations and the completion of any remedial works and/or mitigation necessary to address the risks posed by past coal mining activity. The intrusive site investigations and remedial works should have been carried out in accordance with authoritative UK guidance.

Reason: In order to ensure the safety and stability of the development, in accordance with paragraphs 183 and 184 of the National Planning Policy Framework and Policy DM5.18 of the North Tyneside Local Plan.

11. Site Investigation

CON004

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12. Should the Phase 2 Site Investigation works required under Condition 11 conclude that remediation works are required, then prior to the commencement of the development a detailed Remediation Method Statement shall be submitted to and approved in writing by the Local Planning Authority. The remediation method must include phase 1 and 2 reports in accordance with BS10175 risk assessment pre and post remediation scheme. The method statement must specify remediation for each identified contaminants giving installation or construction methods required to break pathway, or specifying disposal; or in situ treatment as deemed appropriate, the handling and disposal of contaminants to prevent spread of contaminants and the critical control checks required to ensure remediation areas, handling and deposition areas and installation drawings of gas protection scheme must be included.

The design of the remediation strategy should consider the results from the previous two phases of investigation and consider the proposed use/layout of the development.

The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protections Act 1990 in relation to the intended use of the land after remediation. An options appraisal will only be acceptable upon the inclusion of the recommended preferred option.

The Remediation Method Statement should be written in accordance with the current government guidelines including but not exclusive of those including in the BS10175 2011+A1 2013, BS 5930 2015 +A12020, Development on Land Affected by Contamination YALPAG Version 11.2 - June 2020, Land Contamination Risk Management.

Reason: To ensure that the potential contamination of the site is properly investigated and its implication for the development approved fully taken into account having regard to policy DM5.18 of the North Tyneside Local Plan (2017) and National Planning Policy Framework.

13. Should a Remediation Method Statement be required under Condition 12 above, then prior to the first occupation of the development hereby permitted, a Remediation Validation report for the site must be submitted to and approved in writing by the Local Planning Authority. A Validation report (sometimes referred to as a Verification report) is used to demonstrate remediation completed in accordance with submitted and approved remediation report.

This report must contain the following:

- A summary of site investigation and remediation works undertaken with accompanying site layout identifying source / treatment areas;

- Confirmation of Required Concentration of Reduction Targets, and/or Cover and Break Screens;
- Post Remediation Interpretative report of Sampling to demonstrate compliance with quantitative goals.
- An explanation / discussion of any anomalous results, or failure to meet agreed target values, alongside additional work proposed and actioned;
- Demonstrate via photographic and documentation evidence of remedial measures;
- Post-remediation contaminated land risk assessment profile;
- Cross sectional diagrams for the site and detailed plans of the site.

The Remediation Validation report should be written in accordance with the current government guidelines including but not exclusive of those including in the BS10175 2011+A1 2013, BS 5930 2015 +A12020, Verification Requirements for Cover Systems YALPAG Version 3.4 - November 2017, Land Contamination Risk Management - Environment Agency.

Reason: To ensure that the potential contamination of the site is properly investigated and its implication for the development approved fully taken into account having regard to policy DM5.18 of the North Tyneside Local Plan (2017) and National Planning Policy Framework.

14. Unexpected Hotspots	CON007	*
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15. Gas Investigate no Development	GAS006	*
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16. Prior to development commencing an employment and training plan, which includes a scheme for the provision of 3no. apprenticeships for North Tyneside residents and a programme for monitoring and demonstrating compliance of appointing apprentices, shall be submitted to and approved in writing by the Local Planning Authority. The apprenticeship schemes shall be run in full accordance with the agreed details.

Reasons: To contribute towards the creation of local employment opportunities and support growth in skills inline with policy DM7.5 of the North Tyneside Local Plan 2017.

17. Details of all boundary walls, fences and any other means of enclosure shall be submitted to and approved in writing by the Local Planning Authority prior to installation. Badger access points (badger gates) and small mammal access points must be provided within any new or permanent fencing to allow the passage of wildlife throughout the site. The locations and specifications of the badger and small mammal access points shall be detailed on the fencing plans. The fencing shall be installed in accordance with the agreed details prior to the development being brought into use.

Reason: In the interests of visual amenity and crime prevention; having regard to policies DM6.1 of the North Tyneside Local Plan.

18. If the solar farm hereby permitted ceases to operate for a continuous period of 12 months, then a scheme for the decommissioning and removal of the solar farm and ancillary equipment together with the restoration of the site shall be submitted within 6 months of the end of the cessation period to the Local Planning Authority for written approval. The scheme shall make provision for:

- a. the removal of the solar panels and associated above ground works approved under this permission;
- b. the management and timing of any works;
- c. a traffic management plan to address likely traffic impact issues during the decommissioning period;
- d. an environmental management plan to include details of measures to be taken during the decommissioning period to protect wildlife and habitats;
- e. details of site restoration; and
- f. an implementation timetable.

The decommissioning of the site shall be carried out in accordance with the approved scheme.

Reason: To ensure that the decommissioning and restoration of the site is carried out in a managed approach that minimises the impacts on the natural environment and highway safety in accordance with Policies DM5.5, DM5.7, DM5.9, DM5.19 and DM7.4 of the North Tyneside Local Plan.

19. Within a period of 39 years and 6 months following the first export date, a scheme for the decommissioning of the solar farm and its ancillary equipment and restoration of the site, shall be submitted to written approval by the local Planning Authority (except in the event that Condition 18 has been triggered and decommissioning has been completed). The scheme shall incorporate the criteria set out within Condition 18 as a minimum. The decommissioning of the site shall be carried out in accordance with the approved scheme.

Reason: To ensure that the decommissioning and restoration of the site is carried out in a managed approach that minimises the impacts on the natural environment and highway safety in accordance with Policies DM5.5, DM5.7, DM5.9, DM5.19 and DM7.4 of the North Tyneside Local Plan

20. The solar farm and its ancillary equipment shall be dismantled and removed from the site and the land restored in accordance with the approved decommissioning and restoration scheme within a period of 40 years and 6 months following the first export date.

Reason: The development is not considered suitable for permanent retention due to the location within the Greenbelt and the landscape and visual impacts; having regard to the NPPF and Policies S1.5 and DM1.6 of the North Tyneside Local Plan.

21. Notwithstanding condition 1, details of the proposed materials, colours and finishes of all solar panels, frames, buildings and equipment shall be submitted to and approved in writing by the local planning authority prior to their installation. The development shall thereafter be carried out in accordance with the approved details and be maintained as such for the lifetime of the development.

Reason: To secure a satisfactory external appearance; having regard to policy DM6.1 of the North Tyneside Council Local Plan 2017.

22. Prior to installation of any floodlighting or other form of external lighting , a lighting scheme shall be submitted to and approved in writing by the Local Planning Authority. This shall include the following information:

- a statement of frequency of use, and the hours of illumination;

- a site plan showing the area to be lit relative to the surrounding area, indicating parking or access arrangements where appropriate, and highlighting any significant existing or proposed landscape or boundary features;
- details of the number, location and height of the proposed lighting columns or other fixtures;
- the type, number, mounting height and alignment of the luminaires;
- the beam angles and upward waste light ratio for each light;
- an isolux diagram showing the predicted illuminance levels at critical locations on the boundary of the site and where the site abuts residential properties or the public highway to ensure compliance with the institute of lighting engineers Guidance Notes for the reduction of light pollution to prevent light glare and intrusive light for agreed environmental zone ; and
- where necessary, the percentage increase in luminance and the predicted illuminance in the vertical plane (in lux) at key points.

The lighting shall be installed and maintained in accordance with the approved scheme.

Reason: In the interest of visual amenity and wildlife protection having regard to policies DM5.5 and DM5.19 of the North Tyneside Local Plan (2017).

23. A Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority prior to development commencing. The CEMP shall include details of pollution control measures, habitat and species protection measures, measure to protect the Backworth C-Pit SLCI and pre-commencement checking surveys for those protected species identified within the EclA (BSG Nov 2022) during construction works. Thereafter the development must be implemented in accordance with the approved details.

Reason: This information is required prior to commencement to ensure that local wildlife populations are protected from the outset in the interests of ecology, having regard to the NPPF and Policy DM5.5 and DM5.7 of the North Tyneside Local Plan.

24. No development shall commence until a fully detailed on-site and off-site landscape plan has been submitted to and approved in writing by the Local Planning Authority. The landscape scheme shall include a fully detailed specification, ground preparation details and full details of the species and sizes for all new plant species and shall be in accordance with the habitat creation and enhancement details set out within an updated Biodiversity Metric and BNG Report (as required by condition 25).

The landscape scheme shall include details of the following:

- Details and extent of new native scrub, woodland and hedgerow planting
- Details of planting to enhance existing woodland, scrub and hedgerows
- Details of species rich grassland creation within the development site including the enhancement of existing modified grassland to species rich grassland in areas outside of the solar arrays
- Details of wetland scrapes to be provided off-site for farmland birds
- Details of 5m wide species rich field margins to be created off-site around all field boundaries to the north of the development site for farmland birds.
- Standard trees are to be included to the existing and new planting areas to the boundaries of the site and along Fisher Lane and shall be a minimum 12-

14cm girth and planted at regular intervals (no greater than 50m from each other) and include a variety of native species including trees of a larger growing scale.

The landscaping scheme shall be implemented in accordance with the approved details within the first available planting season following the approval of details. All hard and soft landscape works shall be carried out in accordance with the approved details and to a standard in accordance with the relevant recommendations of British Standard 8545:2014. Any trees or plants that, within a period of five years after planting, are removed, die or become seriously damaged or defective, shall be replaced with others of species, size and number as originally approved, by the end of the first available planting season thereafter.

Reason: This information is required prior to commencement to ensure that adequate mitigation is proved; in the interests of ecology and to ensure a satisfactory standard of landscaping having regard to policies DM6.1, DM5.5 and DM5.7 of the North Tyneside Local Plan (2017).

25. Prior to development commencing, an updated Biodiversity Metric and Biodiversity Net Gain (BNG) Assessment, to accord with the updated and approved on-site and off-site landscape plans shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development must be implemented in accordance with the approved details.

Reason: This information is required prior to commencement to ensure that adequate mitigation is proved in the interests of biodiversity; having regard to policies DM5.5 and DM5.7 of the North Tyneside Local Plan (2017).

26. Within 4 weeks of development commencing a 'Landscape Ecological Management & Monitoring Plan' (LEMMP) for on-site and off-site habitat mitigation and landscaping shall be submitted to and approved in writing by the Local Planning Authority. The LEMMP shall be in accordance with the details set out within the updated and approved Biodiversity Metric, BNG Report and detailed Landscape Plan and shall be implemented on completion of works for a minimum period of 40 years. The Management Plan will be a long-term management strategy and will set out details for the creation, enhancement, management and monitoring of landscaping and ecological habitats within the site for a minimum period of 40 years. The Plan will also include details of regular Net Gain Assessment updates at agreed timescales that include habitat condition assessments to evidence the success of the scheme and net gain delivery. Thereafter, these areas shall be managed and maintained in full accordance with these agreed details unless first agreed in writing by the Local Planning Authority.

The Plan shall also include the following:

- Soil analysis/testing of the land proposed for conversion/enhancement to species rich grassland (including 5m wide field margins off-site) in accordance with appropriate Natural England Technical Information Notes (TINs), to ensure appropriate techniques and seed mixes are used to successfully establish species rich grassland and to enable future monitoring to be undertaken
- Details of ground preparation for the creation of species rich grassland, wildflower seed specifications and methods of establishment
- Management of species rich and modified grasslands using a combination of sheep grazing and mowing

- Details of an Ecological Clerk of Works (ECoW) to undertake pre-development checks for protected species and to oversee the habitat creation works and monitor the site
- Details of the type and quality (condition) of species rich grassland that will be targeted within the site which will include species rich grassland outside of the solar arrays being managed to achieve a target 'moderate' condition
- Details of the management company responsible for undertaking the habitat creation and management of the site;
- Details of a regular soil analysis programme (including methodology) to monitor nutrient levels within the grassland and the success of the arable conversion to species rich grassland. Soil data will be submitted, when required, as part of the regular Monitoring Reports
- Details of the regular monitoring of habitats and species within the development site and the off-site compensation land, at agreed timescales, to ensure the delivery of species rich grassland and other habitats are successful. Monitoring will include regular botanical surveys, breeding and wintering bird surveys, invertebrate surveys and monitoring of the site for bats, with details of survey methodologies and timings to be included. Monitoring Reports will be submitted to the LPA for approval and will include Net Gain Assessment updates to evidence the success of the scheme and to ensure habitats are meeting target condition;
- Details of corrective actions that will be undertaken if arable conversion is unsuccessful or if monitoring demonstrates that the condition of the species rich grassland does not meet the objectives of the Plan and fails to support target bird species.

The development shall be carried out in accordance with the approved details and the habitat creation within the off-site compensation site shall be completed in accordance with the approved details prior to the commencement of construction works on the development site.

Reason: In the interests of biodiversity and to ensure a satisfactory standard of landscaping having regard to policies DM5.5 and DM5.7 of the North Tyneside Local Plan (2017).

27. Any excavations left open overnight shall have a means of escape for mammals that may become trapped in the form of a ramp at least 300mm in width and angled no greater than 45°.

Reason: To ensure that local wildlife populations are protected in the interests of biodiversity, having regard to the NPPF and Policy DM5.5 and DM5.7 of the North Tyneside Local Plan.

28. No vegetation removal or works to features (buildings) that could support nesting birds will take place during the bird nesting season (March-August inclusive) unless a survey by a suitably qualified ecologist has confirmed the absence of nesting birds immediately prior to works commencing.

Reason: To ensure that local wildlife populations are protected in the interests of biodiversity, having regard to the NPPF and Policy DM5.5 and DM5.7 of the North Tyneside Local Plan.

29. 20no. bird boxes (various designs including tree sparrow, hole and open fronted) shall be provided in suitable locations within and adjacent to the

development site. Details of bird box specifications and locations must be submitted to and approved in writing by the Local Planning Authority within 4 weeks of development commencing. The boxes shall be installed in accordance with the approved plans prior to the solar farm being brought into use and thereafter retained.

Reason: To ensure that local wildlife populations are protected in the interests of biodiversity, having regard to the NPPF and Policy DM5.5 and DM5.7 of the North Tyneside Local Plan

30. 15no. bat boxes (various designs) shall be provided in suitable locations within and adjacent to the development site. Details of bat box specifications and locations must be submitted to and approved in writing by the Local Planning Authority within 4 weeks of development commencing. The boxes shall be installed in accordance with the approved plans prior to the solar farm being brought into use and thereafter retained.

Reason: To ensure that local wildlife populations are protected in the interests of biodiversity, having regard to the NPPF and Policy DM5.5 and DM5.7 of the North Tyneside Local Plan.

31. No trees, shrubs or hedges within the site shall be felled, uprooted, wilfully damaged or destroyed, cut back in any way or removed during the development phase other than in accordance with the approved AIA or without the prior written consent of the Local Planning Authority. Any trees, shrubs or hedges removed without such consent, or which die or become severely damaged or seriously diseased within three years from the completion of the development hereby permitted shall be replaced with trees, shrubs or hedge plants of similar size and species until the Local Planning Authority gives written consent to any variation.

Reason: In order to safeguard existing trees, the amenity of the site and locality, and in the interests of good tree management having regard to Policy DM5.9 of the North Tyneside Local Plan (2017).

32. Prior to any ground being broken on site and in connection with the development hereby approved (including demolition works, tree works, soil moving, hardstandings, temporary access construction and / or widening or any operations involving the use of motorised vehicles or construction machinery, site security fencing, services), a fully detailed Arboricultural Impact Assessment (AIA) and Site Specific Arboricultural Method Statement (SSAMS) incorporating a Tree Protection Plan (TPP) in accordance with BS5837:2012 'Trees in relation to design, demolition and construction - Recommendations' shall be submitted to and approved in writing by the Local Planning Authority. No development or other operations shall take place except in complete accordance with the approved AIA, SSAMS and TPP.

Reason: This information is required pre-development in order to safeguard existing trees, the amenity of the site and locality, and in the interests of good tree management having regard to Policy DM5.9 of the North Tyneside Local Plan (2017).

33. Prior to commencement of development, the trees and hedgerows within the site and those adjacent to and overhanging the site that are to be retained shall be protected by fencing in the locations shown and detailed in a Tree Protection Plan (as required by condition 32). Due to the size of the site, a

phased programme of installation can be considered with the installation of permanent fencing to the boundaries of the site being acceptable as tree protective fencing as long as it is installed as a first operation. No operational work, site clearance works or the development itself shall commence until the fencing is installed. The protective fence shall remain in place until the works are complete or unless otherwise agreed in writing with the Local Planning Authority. The protective fence is not to be repositioned without the approval of the Local Authority. Nothing shall be stored or placed within any fenced area, and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the prior written consent of the local planning authority.

Reason: This information is required pre-development in order to safeguard existing trees, the amenity of the site and locality, and in the interests of good tree management having regard to Policy DM5.9 of the North Tyneside Local Plan (2017).

34. An arboricultural consultant shall be appointed to advise on the tree management for the site and to undertake regular supervision visits to oversee the agreed tree protection and visit as required to oversee any unexpected works that could affect the trees. The supervision is to be undertaken in accordance with the Site Specific Arboricultural Method Statement (SSAMS). This condition may only be fully discharged on completion of the development subject to satisfactory written evidence of regular monitoring and compliance by the pre-appointed tree specialist during construction.

Reason: In order to safeguard existing trees, the amenity of the site and locality, and in the interests of good tree management having regard to Policy DM5.9 of the North Tyneside Local Plan (2017).

35. A landscape plan for the restoration of the site, shall be submitted to and approved by the Local Planning Authority within 6 months after the first export date of the development. The plan shall include: long term design objectives, details for the removal of all machinery, plant, buildings, structures and associated foundations, hardstanding's, concrete structures, crushed rock, liners and haul road and car parking; details for the regrading and replacement of soils to the approved levels and contours and its restoration to appropriate quality agricultural land. The Plan shall specify that any land within the site that becomes available prior to the 40 year duration shall be developed as species rich grassland habitat. The landscape restoration plan shall be implemented in accordance with the approved details.

Reason: In the interests of biodiversity and to ensure a satisfactory standard of landscaping having regard to policies DM5.5 and DM5.7 of the North Tyneside Local Plan (2017).

Statement under Article 35 of the Town & Country (Development Management Procedure) (England) Order 2015):

The Local Planning Authority worked proactively and positively with the applicant to identify various solutions during the application process to ensure that the proposal comprised sustainable development and would improve the economic, social and environmental conditions of the area and would accord with the development plan. These were incorporated into the scheme and/or have been secured by planning condition. The Local Planning Authority has therefore

implemented the requirements in Paragraph 38 of the National Planning Policy Framework.

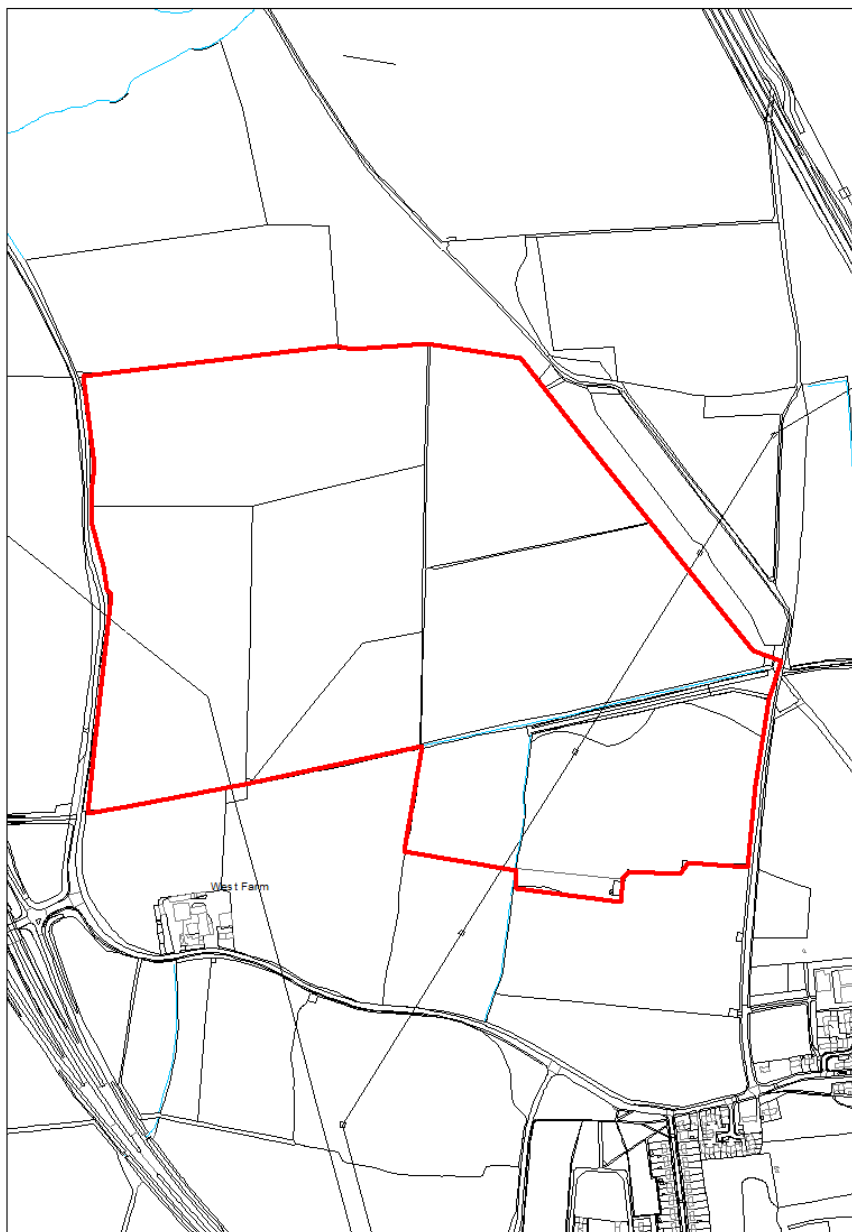
Informatives

Do Not Obstruct Highway Build Materials (I13)

Contact ERH Erect Scaffolding on Rd (I12)

Highway Inspection before dvlpt (I46)

No Doors Gates to Project Over Highways (I10)



Application reference: 22/02106/FUL

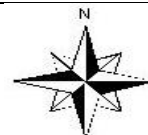
Location: Land To The East Of, Backworth Lane, Backworth

Proposal: Change of use of land and construction of solar PV panels (up to 28 MW), associated electrical infrastructure, operational buildings, substations, lattice tower, security fencing, CCTV, access tracks, landscaping and other ancillary works

Not to scale

Date: 27.04.2023

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Consultations/representations

1.0 Internal Consultees

1.1 Highway Network Manager

1.2 This application is for a change of use of land and construction of solar PV panels (up to 28 MW), associated electrical infrastructure, operational buildings, substations, lattice tower, security fencing, CCTV, access tracks, landscaping and other ancillary works.

1.3 The site is accessed via Fisher Road and vehicle trips associated with the site post-construction will be minimal and limited to routine maintenance and parking and turning areas have been provided to accommodate associated service vehicles. Conditional approval is recommended.

1.4 Recommendation - Conditional Approval

1.5 Conditions:

Notwithstanding the details submitted, the scheme for parking and turning of associated service vehicles shall be laid out in accordance with the approved plans. This scheme shall not be used for any other purpose and retained thereafter.

Reason: In the interests of highway safety and of the development having regard to policy DM7.4 of the North Tyneside Local Plan (2017).

Notwithstanding Condition 1, no development shall commence until a Construction Method Statement for the duration of the construction period has been submitted to and approved in writing by the Local Planning Authority. The approved statement shall: identify the access to the site for all site operatives (including those delivering materials) and visitors, provide for the parking of vehicles of site operatives and visitors; details of the site compound for the storage of plant (silos etc) and materials used in constructing the development; provide a scheme indicating the route for heavy construction vehicles to and from the site; a turning area within the site for delivery vehicles; dust suppression scheme (such measures shall include mechanical street cleaning, and/or provision of water bowzers, and/or wheel washing and/or road cleaning facilities, and any other wheel cleaning solutions and dust suppressions measures considered appropriate to the size of the development). The scheme must include a site plan illustrating the location of facilities and any alternative locations during all stages of development. The approved statement shall be implemented and complied with during and for the life of the works associated with the development.

Reason: This information is required pre-development to ensure that the site set up does not impact on highway safety, pedestrian safety, retained trees (where necessary) and residential amenity having regard to policies DM5.19 and DM7.4 of the North Tyneside Local Plan (2017) and National Planning Policy Framework.

Notwithstanding Condition 1, no development shall commence until a scheme to show wheel washing facilities and mechanical sweepers to prevent mud and debris onto the public highway has been submitted to and approved in writing by the Local Planning Authority. This scheme shall include details of the location, type of operation, maintenance/phasing programme. Construction shall not commence on any part of the development other than the construction of a temporary site access and site set up until these agreed measures are fully operational for the duration of the construction of the development hereby approved. If the agreed measures are not operational then no vehicles shall exit the development site onto the public highway.

Reason: This information is required pre-development to ensure that the site set up does not impact on highway safety, pedestrian safety, retained trees (where necessary) and residential amenity having regard to policies DM5.19 and DM7.4 of the North Tyneside Local Plan (2017) and National Planning Policy Framework.

1.6 Manager of Environmental Health (Pollution)

1.7 I have concerns over potential noise arising from the plant and equipment installed as part of this development.

1.8 I would recommend conditions are attached to ensure noise from the external plant and equipment is considered and mitigation measures taken such as acoustic screening and enclosures, etc to reduce noise levels from the site if noise levels from the external plant and equipment are considered to give rise to significant adverse impacts. I note that the applicant has advised that low level lighting will be provided for site cabins and given the distance the site is located from residential properties it is unlikely to give rise to nuisance.

1.9 If planning consent is to be given, I would recommend the following:

External plant and equipment:

A noise scheme must be submitted to the planning authority for written approval and implemented prior to development to ensure the rating level from plant and equipment, as measured one metre from facade of the closest residential property, does not exceed the background noise level. The measurement shall be carried out in accordance with BS4142.

It will be necessary following installation of the plant and equipment that acoustic testing is undertaken to verify compliance with this condition within one month of its installation and submitted for written approval prior to the operation of the plant.

NO104 this will include details of the noise levels expected to be created by the combined use of external plant and equipment to ensure compliance with the noise rating level.

NOI02
HOU04
SIT03

1.10 Manager of Environmental Health (Contaminated Land)

1.11 This application is for Change of use of land and construction of solar PV panels (up to 28 MW), associated electrical infrastructure, operational buildings, substations, lattice tower, security fencing, CCTV, access tracks, landscaping and other ancillary works.

1.12 The Phase 1 desk study report states:

A ground investigation is required on site to support foundation design for any future buildings with in ground foundations. It would be considered prudent to take some limited soil samples for general contamination testing within these areas during the investigation to confirm that the assumptions in the initial CM are accurate and robust (see Table 6 for potential contaminants).

The testing suite should be widened accordingly in the highly unlikely event that suspected contamination is identified during the work, such as ash, free phase oils, fibrous materials or unusually coloured ground.

The potential for ground gas risks should be considered further once layouts are confirmed.

Combined gas and groundwater monitoring wells should be installed during the investigation if gas risks to buildings are considered to be present, with a programme of post works ground gas monitoring undertaken in accordance with the requirements of guidance such as CIRIA C665, BS8485:2015+A1 2019 and CL:AIRE Good Practice for Risk Assessment for Coal Mine Gas Emissions.

Alternatively, it may be possible to seek regulatory approval for fitting basic gas protection within any uninhabitable buildings, in lieu of a monitoring programme.

1.13 Based on the above comments the following should be attached:

Con 004

Con 005

Con 006

Con 007

Gas 006

1.14 Biodiversity Officer and Landscape Architect

1.15 The site is located to the east and north of the B1322 (Backworth Lane). There is a PROW, wildlife site (Backworth Colliery pit plantation SLCI) and plantation woodland planting along the eastern boundary. The SLCI consists of a mixed plantation woodland. Beyond the site there are a number of arable farmland fields to the northern, eastern, southern and western boundaries and the Seaton Burn Watercourse is approximately 500m to the north adjacent to arable fields which are not part of the development site but will provide some additional enhancement areas for wildlife as part of the scheme. The development site consists of a network of agricultural fields bounded by hedgerows. Habitats consist of modified grassland fields, cereal crops and non-cereal crops, temporary grass and clover leys, mixed native scrub, a pond and native hedgerows.

1.16 The land is located within the greenbelt and within a designated wildlife corridor, therefore, the following Local Plan Policies apply to the scheme:

1.17 Local Plan:

DM1.6 Positive uses within the Green Belt
S5.4 Biodiversity and Geodiversity
DM5.5 Managing effects on Biodiversity and Geodiversity
DM5.7 Wildlife Corridors
DM5.9 Trees, Woodland and Hedgerows

1.18 A number of ecology and landscape documents have been submitted to support the application:

1.19 Ecological Impact Assessment:

1.20 An Ecological Impact Assessment (EclA) of the site was undertaken in 2022 by BSG Ecology. The majority of the site was noted as being located in a rural setting supporting modified grassland under grazing management and arable fields with boundary hedgerows. A pond, areas of scrub and areas of bare ground were also noted within the site. Further arable and grassland fields are adjacent to the site's southern boundary and sections of the north and east boundaries and an area of plantation woodland is adjacent to sections of the east and north boundary. Pasture and arable fields with boundary hedgerows, and occasional woodland blocks, are present in the wider landscape in all directions.

1.21 The solar panel arrays will be located entirely within arable and modified grassland fields. The arable fields will be converted to flower-rich grassland. The modified grassland beneath the arrays will be retained as improved grassland. Habitats of higher ecological value (i.e., the pond, hedgerows and scrub) will be retained and protected / enhanced by a semi-natural habitat buffer of between 5 m and 30 m in width. Site access will be via existing farm tracks where possible; however, minor hedgerow loss will occur to facilitate access and cable routing.

1.22 An 'Extended Phase 1 Habitat Survey' of the site was undertaken in August 2022 and included an assessment of the potential of the site to support protected or notable species of nature conservation interest, including Section 41 'Species of Principal Importance' (SPI) as listed in the NERC Act (2006). Survey included bat activity survey (remote monitoring), breeding and wintering bird surveys and an assessment of two ponds within and adjacent to the site for great crested newt, including environmental DNA (eDNA) sampling and analysis in May 2022. Impacts on statutory and non-statutory sites have been assessed as part of the application and the EclA concludes that the scheme will not give rise to direct impacts upon the Northumbria Coast SPA and Ramsar or Holywell Pond SSSI. The site is also not considered likely to be functionally linked to the SPA / Ramsar given the habitats present and that none of the qualifying bird species have been recorded during the breeding and wintering bird surveys. With regard to non-statutory designated sites, Backworth C-Pit SLCI is located adjacent to the boundary and has the potential to be impacted by the scheme design and through construction impacts. As a result, an ecological habitat buffer of between 10 m and 30 m adjacent to the SLCI to protect and enhance the site is proposed, in addition to a Construction Environmental Management Plan (CEMP) with measures to ensure construction works do not impact the site.

1.23 In terms of habitat within the site, the scrub and pond habitat will be retained and the majority of trees and hedgerows, with the exception of small sections to accommodate access tracks and cable routes, will be retained. Development is proposed on the arable fields, which will all be lost and modified grassland which will be largely retained under the arrays. Proposed habitat mitigation and enhancement includes:

Grassland buffer of at least 5 m in width on each side of each hedgerow to protect the hedgerow.

Tree and hedgerow protection measures

New species rich native hedgerows on and off-site and gapping up of existing hedgerows

Creation of species rich grassland under the solar arrays within the arable crop fields

Existing modified grassland under solar arrays to the east of the site managed through a low intensity mowing regime to create a more structured sward

Native scrub planting in the buffer to Backworth C-Pit Plantation SLCI

1.24 The EclA also states that where conversion of arable and improved grassland to wildflower grassland is proposed, appropriate ground / soil preparation will be undertaken. It is likely that the soil nutrient levels within the arable and modified grasslands are unsuitable for the immediate establishment of wildflower meadow species. A two-stage process is therefore proposed to establish the meadow grassland in these areas. The first stage (which may last for 2 to 3 years) involves seeding a grassland mix (within the arable fields) which is maintained with regular cutting (which are removed from site) to reduce the level of nutrients from the soil. Once nutrient levels have been reduced, the second stage involves rotovating and overseeding the newly established grassland with a wildflower rich meadow mix.

1.25 Given the type of land that is being converted (arable to species rich grassland), soil testing to determine soil type, nutrient levels (fertility) and pH should first be undertaken to determine what methods are required to successfully establish a species rich grassland and the appropriate seed mix to use for that soil type. It is recommended that the creation of the species rich grasslands within the site should follow Natural England's Technical Information Notes (TIN) in relation to soil testing and arable conversion to species rich grassland such as TIN035; TIN036; TIN066 and TIN067. Details of soil testing, ground preparation and species rich grassland establishment details, should be provided within a detailed 'Landscape Ecology Management & Monitoring Plan' (LEMMP) which will be conditioned as part of the application.

1.26 With regard to protected species, bat activity levels within the site were low. Six species of bats were recorded during the remote detector surveys with common pipistrelle (90%) accounting for the majority of passes recorded. The hedgerows and dense scrub on the site offer suitable bat foraging and commuting habitat for bats with the arable and grassland fields providing more limited value. The site also has habitat connectivity to wider areas of suitable habitat within the surrounding landscape to the north, east and west where further areas of woodland and farmland are present. Habitat for bats is largely being retained and the wider site will be enhanced with species rich grassland that will benefit bats. In addition, the development will not involve any working

after dark during the construction phase and no lighting other than PIR security lighting is proposed during the operational phase. Therefore, impacts on bats are considered to be negligible.

1.27 The eDNA survey for ponds within and adjacent to the site were negative for great crested newt and this species is scoped out of the assessment as their presence is unlikely. Habitats within the site are considered unlikely to be of high importance for notable invertebrate species. The grassland has a short sward height and limited floristic diversity, and pesticides are likely to be regularly applied to the arable fields. The Site is, therefore, likely to be of site value for invertebrates. Suitable habitat exists for reptiles, such as grass snake *Natrix Helvetica* but is considered unlikely to support more than very low numbers of common reptile species such as grass snake. As a result, a precautionary method of working will be adopted in the limited areas of suitable habitat to avoid any risk to reptiles, if present, and habitat to accommodate any displaced animals provided in advance of site clearance. The details will be provided within a CEMP. Other notable species such as hedgehog, brown hare, red squirrel and common toad, were considered not likely to be significantly adversely affected and were, therefore, scoped out and not considered further in the assessment.

1.28 Breeding and wintering bird surveys undertaken at the site identified increased numbers of bird species of conservation concern including breeding lapwing and skylark and overwintering golden plover, skylark and lapwing utilising the two off-site arable fields. These bird species typically prefer large open agricultural fields, and the installation of the solar arrays may result in the avoidance of these fields by these species. The bird surveys recorded much lower levels of golden plover, skylark and lapwing activity within the fields associated with the development site. The Report concludes that whilst the proposed development may result in some impacts on these species, the retention of the two arable fields to the north has avoided more significant impacts and has retained a habitat resource for golden plover, skylark and lapwing.

1.29 In terms of the impacts of the scheme on birds of conservation concern such as skylark, lapwing and overwintering golden plover, discussions with the applicant have taken place to ensure off-site compensation is provided for overwintering birds such as golden plover and on-site habitats are enhanced further to provide good quality breeding and foraging habitat for farmland birds including skylark and lapwing as well as pollinators and other wildlife. This will secure positive ecological outcomes and help protect and enhance the wildlife corridor in accordance with Planning Policy.

1.30 The applicant has confirmed they undertake the following as additional measures:-

Manage and maintain the newly created species rich grassland areas that are not located under the arrays (as shown on Figure 1 below outlined yellow) in 'moderate' condition.

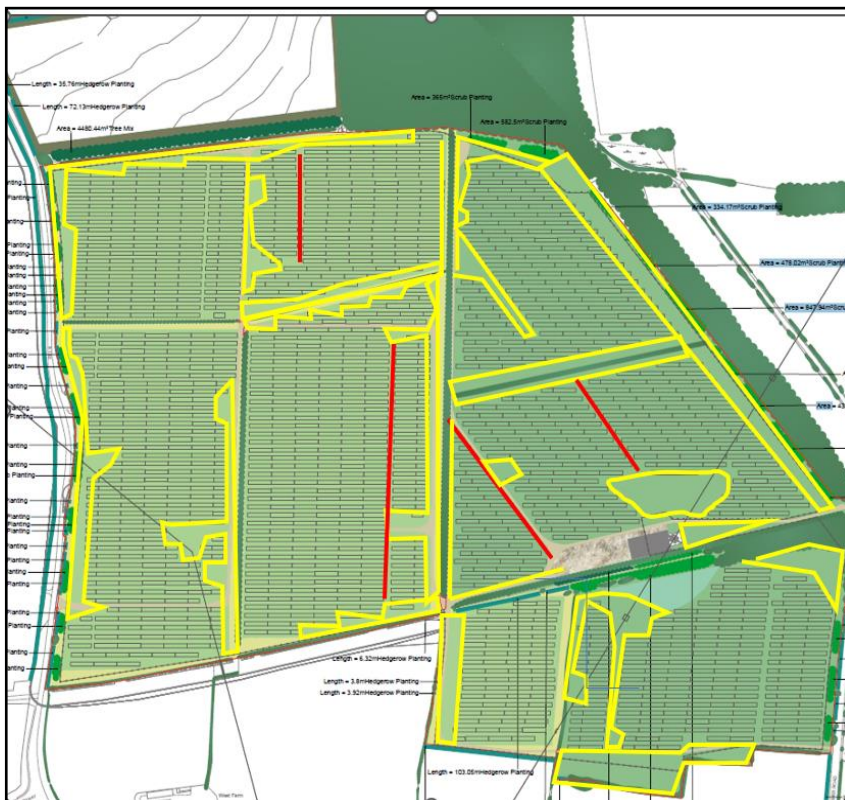
Enhance the modified grassland areas not located under the arrays to species rich grassland (other neutral grassland) as indicated on Figure 1 below.

Manage the species rich grassland areas with a combination of mowing and sheep grazing which will be agreed on a trial basis with the applicant
 Provision of wetland scrapes and minimum 5m wide species rich wildflower field margins within the two arable fields to the north of the development site. This is indicated on the 'Wintering Bird Enhancement Plan' dated 01/03/23 but this plan needs to be updated to show creation of species rich field margins around all field boundaries rather than just existing margins being retained.

1.31 The above additional measures will require on and off-site landscape and planting proposals to be updated and an updated Metric and BNG Assessment to be submitted. However, these can be conditioned as part of the application.

1.32 The above measures will ensure that impacts on protected and priority species are addressed and the wildlife corridor is protected and enhanced in accordance with Planning Policy. The scheme will also deliver a net gain for biodiversity in accordance with Planning Policy and the NPPF.

Figure 1: Additional Grassland Enhancement Areas (highlighted yellow)



1.33 Biodiversity Net Gain Report & Metric Calculation

1.34 The BNG Report and Metric Calculation (BSG Ecology Nov 2022) show that baseline habitats within the site include 28ha of cereal crops and 26ha of modified grassland as well as a pond and some mixed scrub and bare ground. In addition there is 4.7km of native hedgerows in and around the site. Post

development habitat creation includes species rich grassland, native scrub, woodland and hedgerow creation on-site and enhancement of existing modified grassland, scrub, pond and hedgerows. Off-site habitat creation and enhancement includes new woodland screening planting and hedgerows and the enhancement of existing hedgerows. Habitat creation and enhancement is shown on the 'Proposed Planting Plan' (DWG No: NT15582-019 Rev A) and provides a combined on-site and off-site net gain of 17.45% for area habitats and 50.30% net gain for hedgerows.

1.35 The Landscape Plans for on-site and off-site habitat mitigation will change in accordance with the details set out above to provide additional enhancements on and off-site for farmland birds and to enhance the wildlife corridor. As a result, an updated Metric, BNG Assessment and Landscape Plan will need to be provided for approval by way of condition. This is considered acceptable as net gain is likely to increase as a result of this.

1.36 Landscape Strategy

1.37 Along the B1322, the majority of the site will be visible from the road as the existing hedgerow is not continuous and lacks any significant screening of the site. Following earlier comments, revised drawings NT15582/019 Rev A and 020 Rev A (included in the Landscape And Visual Appraisal (LVA) Part 2, show all existing hedgerows and vegetation to be retained, with the exception of pinch point locations as shown on the Pre-Development tree constraints Assessment v03 March 2023.

1.38 The existing hedgerows would be gapped up and managed to grow to approximately 3m tall which will provide a level of screening and additional hedgerow planting, with standard trees, would be carried out on the eastern, western and southern boundaries with additional hedgerow and scrub planting within the site as shown on Drawing NT15582/019. Woodland belts are proposed to the north and south to provide screening of the development in the views from Backworth and Seghill, and hedgerows in the wider area would be gapped up and managed to provide additional screening, as illustrated on Drawing NT15582/020.

1.39 Drawings NT15582/020 Rev A NT15582/019 Rev A and 020 Rev A contained within the Landscape And Visual Appraisal (LVA) Part 2, show a total of 13no. native standard trees (cherry, apple and birch) incorporated into the existing and new hedgerow mixes to the boundaries of the site. The drawings submitted individually with the planning application don't show these additional trees. Nevertheless, a site of this size could incorporate greater numbers of standard trees to the hedgerows particularly to the western boundary of the site and along Fisher Road with possibly the introduction of more larger scale trees such as oak, beech or lime. The applicant has also agreed to further amendments outlined above in relation to enhancement of off-site field margins with species rich grassland and enhancement of some modified grassland areas within the development site to species rich grassland. A suitably worded condition will ensure that an appropriate landscape plan is developed.

1.40 Arboricultural impact Assessment

1.41 The site is a series of arable fields and pasture intersected by hawthorn dominated flail managed hedgerows. There is plantation woodland on the north-eastern boundary which extends to the south, a belt of scrub, natural regeneration and planted trees growing alongside a Burn on the northern boundary and fragmented groups of trees within the site which may be relics from a former land use or planting schemes. None of the trees within the property are protected by Tree Preservation Orders and the site is not within a Conservation Area. None of the hedgerows within the site are of a size, quality or composition to be classified as Nationally important under the 1997 Hedgerow Regulations. However these hedgerow and tree groups are visible from many viewpoints around the immediate and wider vicinity and make a significant contribution to the character and quality of our landscape. The combined structural tree cover is an important existing landscape feature and supports the biodiversity of the immediate and wider area. Therefore, the development is required to meet Local Plan Policy DM5.9 Trees, Woodland and Hedgerows.

1.42 A revised Pre-Development tree constraints Assessment v03 (March 2023) has been submitted which provides arboricultural information and advice regarding the constraints presented by the presence of individual trees, groups of trees, woodlands and hedgerows within and directly adjacent to the site, and have been categorised with regard to their quality and retention value using criteria outlined in BS 5837:2012 'Trees in relation to design, demolition and construction – Recommendations'.

1.43 The site comprises of a mix of deciduous and conifer trees including, sycamore, ash, hawthorn, elder, alder, scots pine, birch, willow, whitebeam and rowan. Five separate tree groups were surveyed, 3no groups have been categorised as 'C' and 2no as category 'B'. Eleven separate hedgerows have been identified and surveyed as a mix of category B and C, and 2no area of woodland have also been surveyed, one as category C and one as category B.

1.44 Eight locations through the site have been identified where sections of hedgerow /trees may need to be removed for site access. No detailed quantities or measurements (m² or linear m) has been provided so it is difficult at this stage to fully assess the impacts. It is noted, however, in section 4.4 that '*A detailed Arboricultural Impact Assessment (AIA), Tree Protection Plan (TPP) and site specific arboricultural method statement (SSAMS) will be produced on completion of the final development layout*'. Whilst this is information that should be provided to support the application submission, a condition will be applied to ensure this information is provided.

1.45 Landscape/Visual

1.46 Following comments resulting from the consultation process in November 2022, the following additional information was requested:
The removal of some solar panels along the eastern and western site boundaries to provide wider buffers for habitat creation and screening,
the provision of field margins and scrapes in the north and;
a photomontage for Viewpoint 1.

1.47 An updated Landscape And Visual Appraisal (LVA) has been submitted which provides this additional information and the revised planting plans illustrate the additional planting proposed (Revised planting plans NT15582-019 Rev A and 020 Rev A).

1.48 The principal access to the site would be from Fisher Road on the eastern side of the site. All existing trees and hedgerows to the field boundaries would be retained with adequate Root Protection Areas (RPAs) allowed for, the existing hedgerows would be gapped up and managed to grow to approximately 3m tall. There would be additional hedgerow and scrub planting along key areas, notably on the eastern, western and southern site boundaries and 10m wide woodland belts would be planted to the north and south of the development to screen views from the settlements of Backworth and Seghill. The landscape proposals are illustrated on the revised drawings NT15582/019 Rev A and 020 Rev A (included in the Landscape And Visual Appraisal (LVA) Part 2

1.49 To secure the proposed development, perimeter security fencing at a height of 2.15m would be installed around the parcels of arrays proposed within the separate field enclosures. The typical minimum distance between edge of the arrays to the fence would be 3m with a further (minimum) distance of around 5m between the fencing and existing field boundaries. In addition to fencing, discreet pole-mounted CCTV security cameras (approximately 4m in height) would be positioned at intervals along the inside edge of the fencing. Badger friendly and small mammal access points will be provided at various locations to allow the passage of wildlife across the site.

1.50 The operational lifespan for the development is up to 40 years, at the end of which it would be dismantled, and the site restored to agricultural use. The proposed planting would be retained as permanent landscape features.

1.51 The 'Landscape and Visual Appraisal' looks at the landscape value of the site and surrounding area which is considered to be medium to low. The site itself and the wider area undulating farmland does have some scenic value that is likely to be valued locally. However, given that there is the presence of large areas of settlement and development in the surrounding area and no presence of rare or important elements and features, and the site itself is not recognised by any landscape designation, it is considered that the area of the site and its immediate surroundings does not constitute a "valued landscape".

1.52 The site is currently managed predominantly as agricultural grassland and arable land. The solar panels and associated buildings and structures, including the inverters and substation, would introduce features and structures, resulting in a noticeable alteration to the land use and a change to the character of the site. However plantation woodland along field boundaries and the majority of hedgerows within the site and to the boundaries of the site would all be retained. Additional hedgerow, woodland and scrub planting is proposed which would become positive landscape features in the future.

1.53 The Landscape and Visual Appraisal concludes that the proposed solar farm development would result in localised adverse landscape effects and visual

effects, with higher levels of effect in and immediately around the site itself and towards the northern edge of Backworth. Beyond the site boundaries, effects would reduce with distance and the screening impact of vegetation and topography. The effects of the solar farm would reduce with time and management of the existing vegetation and new woodland belts, boundary hedgerows and hedgerow and scrub planting that will provide greater screening. At the end of the development's design life, it would be dismantled and restored to its current condition, with the exception of the proposed planting which would be retained as permanent landscape features, so the adverse effects of the scheme are reversible and there would be no residual adverse landscape or visual effects.

1.54 Conclusions

1.55 The development site supports valuable boundary habitat features (hedgerows, trees and scrub) and provides breeding and wintering habitat for farmland birds such as skylark, lapwing and golden plover. With the exception of the removal of some small areas of these boundary features for access and cable works, the majority of these habitats will be retained and protected and will be enhanced through on-going conservation management and through the creation of semi-natural buffer habitat including the enhancement / creation of wildflower grassland. The arable fields under and around the solar arrays will be converted to wildflower grassland and managed through a combination of mowing and grazing and the existing modified grassland beneath the arrays to the east will be retained in its current form and areas outside of the arrays will be converted to species rich grassland. These areas will also be managed through mowing and grazing. There will also be additional areas of habitat creation including scrub and hedgerow planting.

1.56 Any potential risks to individuals or populations of protected species (e.g. bats, breeding birds and badgers) will be avoided, or mitigated, and an overall enhancement for these species groups is likely, through suitable habitat creation and the provision of bat and bird boxes. The habitat creation will also be of benefit to invertebrates, amphibians, small mammals and reptiles. Mitigation measures will be implemented via a detailed CEMP and LEMMP (Landscape, Ecology Management and Monitoring Plan) and a landscape condition will ensure that additional enhancements agreed with the applicant will be incorporated into the scheme to provide habitat for farmland birds and other wildlife, enhancement of the wildlife corridor and net gains for biodiversity.

1.57 If the application is recommended for approval, the following conditions should be attached to the planning application:

1.58 Conditions:

1) A Construction Environmental Management Plan (CEMP) shall be submitted to the LPA for approval prior to development commencing on site and shall include details of pollution control measures, habitat and species protection measures, protection of the Backworth C-Pit SLCI and pre-commencement checking surveys for those protected species identified within the EcIA (BSG Nov 2022) during construction works.

2) Prior to development commencing on site, a fully detailed on-site and off-site landscape plan shall be submitted to and approved in writing by the Local Planning Authority. The landscape scheme shall include a fully detailed specification, ground preparation details and full details of the species and sizes for all new plant species and shall be in accordance with the habitat creation and enhancement details set out within an updated Biodiversity Metric and BNG Report. The landscape scheme shall include details of the following:

- Details and extent of new native scrub, woodland and hedgerow planting
- Details of planting to enhance existing woodland, scrub and hedgerows
- Details of species rich grassland creation within the development site including the enhancement of existing modified grassland to species rich grassland in areas outside of the solar arrays
- Details of wetland scrapes to be provided off-site for farmland birds
- Details of 5m wide species rich field margins to be created off-site around all field boundaries to the north of the development site for farmland birds.

Standard trees are to be included to the existing and new planting areas to the boundaries of the site and along Fisher Lane and shall be a minimum 12-14cm girth and planted at regular intervals (no greater than 50m from each other) and include a variety of native species including trees of a larger growing scale.

The landscaping scheme shall be implemented in accordance with the approved details within the first available planting season following the approval of details. All hard and soft landscape works shall be carried out in accordance with the approved details and to a standard in accordance with the relevant recommendations of British Standard 8545:2014. Any trees or plants that, within a period of five years after planting, are removed, die or become seriously damaged or defective, shall be replaced with others of species, size and number as originally approved, by the end of the first available planting season thereafter.

3) Prior to development commencing on site, an updated Biodiversity Metric and Biodiversity Net Gain (BNG) Assessment shall be submitted to the LPA for approval in writing and shall be in accordance with the updated and approved on-site and off-site landscape plans

4) Within 4 weeks of any of the development hereby approved commencing on site, a 'Landscape Ecological Management & Monitoring Plan' (LEMMP) for on-site and off-site habitat mitigation and landscaping shall be submitted to and approved in writing by the Local Planning Authority. The Plan shall be in accordance with the details set out within the updated and approved Biodiversity Metric, BNG Report and detailed Landscape Plan and shall be implemented on site on completion of works for a minimum period of 40 years. The Management Plan will be a long-term management strategy and will set out details for the creation, enhancement, management and monitoring of landscaping and ecological habitats within the site for a minimum period of 40 years. The Plan will also include details of regular Net Gain Assessment updates at agreed timescales that include habitat condition assessments to evidence the success of the scheme and net gain delivery. Thereafter, these areas shall be managed and maintained in full accordance with these agreed details unless first agreed in writing by the Local Planning Authority.

The Plan will also include the following:

Soil analysis/testing of the land proposed for conversion/enhancement to species rich grassland (including 5m wide field margins off-site) in accordance with appropriate Natural England Technical Information Notes (TINs), to ensure appropriate techniques and seed mixes are used to successfully establish species rich grassland and to enable future monitoring to be undertaken

Details of ground preparation for the creation of species rich grassland, wildflower seed specifications and methods of establishment

Management of species rich and modified grasslands using a combination of sheep grazing and mowing

Details of an Ecological Clerk of Works (ECoW) to undertake pre-development checks for protected species and to oversee the habitat creation works and monitor the site

Details of the type and quality (condition) of species rich grassland that will be targeted within the site which will include species rich grassland outside of the solar arrays being managed to achieve a target 'moderate' condition

Details of the management company responsible for undertaking the habitat creation and management of the site;

Details of a regular soil analysis programme (including methodology) to monitor nutrient levels within the grassland and the success of the arable conversion to species rich grassland. Soil data will be submitted, when required, as part of the regular Monitoring Reports

Details of the regular monitoring of habitats and species within the development site and the off-site compensation land, at agreed timescales, to ensure the delivery of species rich grassland and other habitats are successful. Monitoring will include regular botanical surveys, breeding and wintering bird surveys, invertebrate surveys and monitoring of the site for bats, with details of survey methodologies and timings to be included. Monitoring Reports will be submitted to the LPA for approval and will include Net Gain Assessment updates to evidence the success of the scheme and to ensure habitats are meeting target condition;

Details of corrective actions that will be undertaken if arable conversion is unsuccessful or if monitoring demonstrates that the condition of the species rich grassland does not meet the objectives of the Plan and fails to support target bird species.

All works shall be completed in accordance with the approved details and habitat creation within the off-site compensation site shall be completed in accordance with the approved details prior to the commencement of construction works on the development site.

5) Badger access points (badger gates) and small mammal access points will be provided within any new or permanent fencing at various locations within the development site, to allow the passage of wildlife throughout the site. The locations and specifications of the badger and small mammal access points shall be detailed on fencing plans and submitted to the LPA for approval prior to the installation of fencing.

6) Any excavations left open overnight shall have a means of escape for mammals that may become trapped in the form of a ramp at least 300mm in width and angled no greater than 45°.

7) No vegetation removal or works to features (buildings) that could support nesting birds will take place during the bird nesting season (March-August inclusive) unless a survey by a suitably qualified ecologist has confirmed the absence of nesting birds immediately prior to works commencing.

8) 20no. bird boxes (various designs including tree sparrow, hole and open fronted) will be provided in suitable locations within and adjacent to the development site. Details of bird box specifications and locations must be submitted to and approved in writing by the Local Planning Authority within 4 weeks of development commencing on site and will be installed in accordance with the approved plans prior to the completion of works and permanently retained.

9) 15no. bat boxes (various designs) will be provided in suitable locations within and adjacent to the development site. Details of bat box specifications and locations must be submitted to and approved in writing by the Local Planning Authority within 4 weeks of development commencing on site and will be installed in accordance with the approved plans prior to the completion of works and permanently retained.

10) No trees, shrubs or hedges within the site shall be felled, uprooted, wilfully damaged or destroyed, cut back in any way or removed during the development phase other than in accordance with the approved AIA or without the prior written consent of the Local Planning Authority. Any trees, shrubs or hedges removed without such consent, or which die or become severely damaged or seriously diseased within three years from the completion of the development hereby permitted shall be replaced with trees, shrubs or hedge plants of similar size and species until the Local Planning Authority gives written consent to any variation.

11) Prior to any ground being broken on site and in connection with the development hereby approved (including demolition works, tree works, soil moving, hardstandings, temporary access construction and / or widening or any operations involving the use of motorised vehicles or construction machinery, site security fencing, services), a fully detailed Arboricultural Impact Assessment (AIA) and Site Specific Arboricultural Method Statement (SSAMS) incorporating a Tree Protection Plan (TPP) in accordance with BS5837:2012 'Trees in relation to design, demolition and construction – Recommendations' is to be submitted to and approved in writing by the Local Planning Authority. No development or other operations shall take place except in complete accordance with the approved AIA, SSAMS and TPP

12) Prior to commencement of any works starting on site, the trees and hedgerows within or adjacent to and overhang the site that are to be retained are to be protected by fencing and in the locations shown and detailed in a Tree Protection Plan (to be submitted) unless otherwise agreed in writing by the Local

Planning Authority. Due to the size of the site, a phased programme of installation can be considered with the installation of permanent fencing to the boundaries of the site being acceptable as tree protective fencing as long as it is installed as a first operation. No operational work, site clearance works or the development itself shall commence until the fencing is installed. The protective fence shall remain in place until the works are complete or unless otherwise agreed in writing with the Local Planning Authority. The protective fence is NOT to be repositioned without the approval of the Local Authority. Nothing shall be stored or placed within any fenced area, and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the prior written consent of the local planning authority.

13) The contractors construction method statement relating to traffic management/site compounds/contractor access, temporary parking, on site welfare facilities, loading, unloading and storage of equipment, materials, fuels and waste as well concrete mixing and use of fires must be submitted in writing and approved by the Local Planning Authority and include tree protection measures for the trees to be retained. Cabins, storage of plant and materials, parking are not to be located within the RPA of the retained trees or hedgerows as defined by the Tree Protection Plan and maintained for the duration of the works.

14) An arboricultural consultant is to be appointed by the developer to advise on the tree management for the site and to undertake regular supervision visits to oversee the agreed tree protection and visit as required to oversee any unexpected works that could affect the trees. The supervision is to be undertaken in accordance with the Arboricultural Method Statement (SSAMS). This condition may only be fully discharged on completion of the development subject to satisfactory written evidence of regular monitoring and compliance by the pre-appointed tree specialist during construction.

15) A landscape plan for the restoration of the site, shall be submitted to and approved by the Local Planning Authority prior to the occupation of the development for its permitted use and include: long term design objectives, details for the removal of all machinery, plant, buildings, structures and associated foundations, hardstanding's, concrete structures, crushed rock, liners and haul road and car parking; details for the regrading and replacement of soils to the approved levels and contours and its restoration to appropriate quality agricultural land. The Plan shall incorporate details of any land within the site that becomes available prior to the 40 year duration (as a result of changes in technology/reduction in number of solar arrays etc) to be developed as species rich grassland habitat.

2.0 External Consultees

2.1 Newcastle Airport

2.2 The application has been supported by a Glint and Glare Assessment undertaken by Wardell Armstrong. Within the Glint and Glare Assessment, the report makes reference to potential impacts to neighbouring aviation receptors. Newcastle Airport welcomes the fact that ForgeSolar, a reputable glint and glare assessor has undertaken the assessment which has provided the data for this

report. The report measured glint effects on critical flight times against the runway.

2.3 The report highlighted that the solar array has the potential to create glint towards aircraft between 05:41 and 06:15AM. This would equate to 301 minutes of glare per year. While undesirable, this is a reasonable level that would not warrant a formal objection to the proposal.

2.4 Newcastle Airport agrees with the conclusion that while glint will be visible to Aircraft, any effect visible would not be sustained for extended durations. As a result of this, the Airport raises no objection to the proposals.

2.5 Coal Authority

2.6 The Coal Authority Response: Material Consideration

2.7 I have reviewed the proposals and confirm that the application site falls within the defined Development High Risk Area; therefore within the application site and surrounding area there are coal mining features and hazards which need to be considered in relation to the determination of this planning application.

2.8 The Coal Authority records indicate that the site lies within an area of probable unrecorded shallow coal mining. In addition, the site is within the boundary of a site from which coal has been removed by surface mining (opencast) methods. This could affect the safety and stability for any 'sensitive' structures (structures that require foundation works) required to facilitate this proposal.

2.9 The planning application is accompanied by a Coal Mining Risk Assessment (1462R001i1 Final, 14 October 2022) prepared for the proposed development by DBS Environmental Limited. The Assessment has been informed by an appropriate range of sources of historical, geological and coal mining information (Section 2). We note that the report author identifies that solar panels are exempt from needing a Coal Mining Risk Assessment to support a planning application, however as ancillary buildings within in-ground foundations are required as part of the proposal, the Assessment will assist with the design and layout of the site and assess the coal mining legacy risks to the overall development.

2.10 Having carried out a review of the available information, including opencast abandonment plans the report author informs that whilst probable shallow coal seams are recorded within the site, the majority of the coal seams within the opencast area will have been removed by the opencast workings. However, shallow coal seams and / or workings are likely to still be present within the southern part of the site. Therefore, recommendations have been made that a borehole investigation is required prior to commencement of development if any ancillary buildings with in-ground foundations are proposed within the southern area. Depending on the findings will determine whether any ground stabilisation works will be required to mitigate the risk of ground instability to the 'sensitive' structures.

2.11 Section 6.1 informs that the risk to the site from opencast workings is low however, no 'sensitive' structures should straddle the opencast highwall(s) due to differential settlement. Recommendations have been made that an inspection of the high wall position should be carried out as part of the site appraisal to confirm if this is visible and its position can be confirmed.

2.12 We are pleased to note that the layout (Drawing No. 1392-111 Revision G – Site Plan General Arrangements PV Array) has afforded due consideration to the opencast workings and the ancillary buildings are proposed outside this area.

2.13 Any targeted intrusive site investigations within the southern part of the site should be designed and undertaken by competent persons to ensure that these are appropriate to assess the ground conditions on the site to establish the coal-mining legacy present and the risks it may pose to the development and inform any mitigation measures that may be necessary.

2.14 The applicant is aware that Permission is required from the Coal Authority Permit and Licensing Team before undertaking any activity, such as ground investigation and ground works, which may disturb coal property. Please note that any comments that the Coal Authority may have made in a Planning context are without prejudice to the outcomes of a Permit application.

2.15 Mine Gas

It should be noted that wherever coal resources or coal mine features exist at shallow depth or at the surface, there is the potential for mine gases to exist. These risks should always be considered by the LPA. The Planning & Development team at the Coal Authority, in its role of statutory consultee in the planning process, only comments on gas issues if our data indicates that gas emissions have been recorded on the site. However, the absence of such a comment should not be interpreted to imply that there are no gas risks present. Whether or not specific emissions have been noted by the Coal Authority, local planning authorities should seek their own technical advice on the gas hazards that may exist, and appropriate measures to be implemented, from technically competent personnel.

2.16 Sustainable Drainage

Where SUDs are proposed as part of the development scheme consideration will need to be given to the implications of this in relation to the stability and public safety risks posed by coal mining legacy. The developer should seek their own advice from a technically competent person to ensure that a proper assessment has been made of the potential interaction between hydrology, the proposed drainage system and ground stability, including the implications this may have for any mine workings which may be present beneath the site.

2.17 The Coal Authority Recommendation to the LPA

In light of the above, the Coal Authority recommends the imposition of the following condition:

Prior to the occupation of the development, or it being taken into beneficial use, a signed statement or declaration prepared by a suitably competent person confirming that the site is, or has been made, safe and stable for the approved

development shall be submitted to the Local Planning Authority for approval in writing. This document shall confirm the methods and findings of any targeted intrusive site investigations and the completion of any remedial works and/or mitigation necessary to address the risks posed by past coal mining activity. The intrusive site investigations and remedial works should have been carried out in accordance with authoritative UK guidance.

2.18 This is our recommendation for condition wording. Whilst we appreciate that you may wish to make some amendment to the choice of words, we would respectfully request that the specific parameters to be satisfied are not altered by any changes that may be made.

2.19 The Coal Authority has no objection to the proposed development subject to the imposition of the conditions to secure the above.

2.20 Northumbria Police

2.21 Northumbria Police have no objection to the proposed development, however we would ask that the following recommendation is passed on to the Agent/Applicant.

2.22 Nationally larger solar arrays have attracted criminal interest and subsequent attacks have been organised and their impact extensive. It is notable therefore that such organised attacks frequently involve the use of powered cutting gear and therefore one has to consider whether a basic 2.15m mesh fence provides significant delay or deterrence.

2.23 The purpose of any boundary treatment is simply to Deter or Delay and for that reason we recommend that large scale solar arrays are protected by a fencing system tested to an appropriate standard. Given the scale of investment, the location and likely response we would recommend that the appropriate standard would be LPS 1175 – Issue 8.1 D15. The rationale for that recommendation is based upon the likelihood that potential offenders would likely come equipped with category D tools (i.e. Disc grinder, Fire axe, Jigsaw, Sledgehammer plus Cat. A, B, C tools) and to enable a realistic response we would seek to delay any attack by at least 15 minutes.

2.24 Natural England

2.25 SUMMARY OF NATURAL ENGLAND'S ADVICE

2.26 DESIGNATED SITES – NO OBJECTION

2.27 SOILS AND BEST & MOST VERSATILE LAND - NO OBJECTION - SUBJECT TO APPROPRIATE MITIGATION BEING SECURED

2.28 We consider that without appropriate mitigation the application may result in losses or sub-optimal management of the site's soil resources.

2.29 In order to mitigate these potential adverse effects and make the development acceptable, a suitable condition should be attached to any planning approval in order to safeguard soil resources.

2.30 Natural England's advice on other natural environment issues is also set out below.

2.31 Designated Sites – No objection

Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on designated sites and has no objection.

2.32 Soils and Agricultural Land Quality – No objection subject to mitigation being secured.

2.33 Under the Town and Country Planning (Development Management Procedure) (England) Order 2015 (DMPO) Natural England is a statutory consultee on development that would lead to the loss of over 20ha of 'best and most versatile' (BMV) agricultural land (land graded as 1, 2 and 3a in the Agricultural Land Classification (ALC) system, where this is not in accordance with an approved plan.

2.34 We note from the submitted soils report¹ that 28Ha out of the site's 50.6 Ha total extent have been surveyed. This application may therefore affect an unknown extent of BMV agricultural land (up to 22.6Ha). Reference to the archaeological geophysical survey report² showing the extent of the site subject to open cast coal mining suggests much of the site's soils result from restoration measures.

2.35 Notwithstanding the in principle need for further information we consider that the proposed development, if temporary as described, is unlikely to lead to significant permanent loss of BMV agricultural land, as a resource for future generations. This is because the solar panels would be secured to the ground by steel piles with limited soil disturbance and could be removed in the future with no permanent loss of agricultural land quality likely to occur, provided the appropriate soil management is employed and the development is undertaken to high standards. Although some components of the development, such as construction of a sub-station, may permanently affect agricultural land this would be limited to small areas.

2.36 However, during the life of the proposed development it is likely that there will be a reduction in agricultural production over the whole development area. Your authority should therefore consider whether this is an effective use of land in line with planning practice guidance which encourages the siting of large scale solar farms on previously developed and non-agricultural land. We acknowledge the application site's previous use for coal mining accordingly. Paragraph 174b and footnote 53 of the National Planning Policy Framework (NPPF) states that:

'Planning policies and decisions should contribute to and enhance the natural and local environment by:

recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic

and other benefits of the best and most versatile agricultural land, and of trees and woodland.'

Footnote 53: Where significant development of agricultural land is demonstrated to be necessary, areas of poorer quality land should be preferred to those of a higher quality.

2.37 We would also draw to your attention to Planning Practice Guidance for Renewable and Low Carbon Energy (March 2015) (in particular paragraph 013), and advise you to fully consider best and most versatile land issues in accordance with that guidance.

2.38 Local planning authorities are responsible for ensuring that they have sufficient information to apply the requirements of the NPPF. The weighting attached to a particular consideration is a matter of judgement for the local authority as decision maker. This is the case regardless of whether the proposed development is sufficiently large to consult Natural England.

2.39 Should you have any questions about ALC or the reliability of information submitted with regard to BMV land please refer to Natural England's 'Guide to assessing Development proposals on Agricultural Land'. This document describes the ALC system including the definition of BMV land, existing ALC data sources and their relevance for site level assessment of land quality and the appropriate methodology for when detailed surveys are required.

2.40 Soil is a finite resource which plays an essential role within sustainable ecosystems, performing an array of functions supporting a range of ecosystem services, including storage of carbon, the infiltration and transport of water, nutrient cycling, and provision of food. It is recognised that a proportion of the agricultural land will experience temporary land loss. In order to both retain the long term potential of this land and to safeguard all soil resources as part of the overall sustainability of the whole development, it is important that the soil is able to retain as many of its many important functions and services (ecosystem services) as possible through careful soil management and appropriate soil use, with consideration on how any adverse impacts on soils can be avoided or minimised.

2.41 Next steps

2.42 In the absence of complete soil survey information, Natural England would advise that any grant of planning permission should be made subject to conditions to safeguard soil resources, including the provision of soil resource information in line with the Defra guidance Code of Practice for the Sustainable Use of Soils on Construction Sites.

2.43 Consequently, Natural England would advise that any grant of planning permission should be made subject to conditions to safeguard soil resources and agricultural land, including a required commitment for the preparation of reinstatement, restoration and aftercare plans; normally this will include the return to the former land quality (ALC grade).

2.44 General guidance for protecting soils during development is also available in Defra's Construction Code of Practice for the Sustainable Use of Soils on Construction Sites, and should the development proceed, we recommend that relevant parts of this guidance are followed, e.g. in relation to handling or trafficking on soils in wet weather.

2.45 The British Society of Soil Science has published the Guidance Note Benefitting from Soil Management in Development and Construction which sets out measures for the protection of soils within the planning system and the development of individual sites, which we also recommend is followed.

2.46 We would also advise your authority to apply conditions to secure appropriate agricultural land management and/or biodiversity enhancement during the lifetime of the development, and to require the site to be decommissioned and restored to its former condition when planning permission expires.

2.47 Other advice

2.48 Priority Habitats - Hedgerows

We note the scheme's proposals to convert arable farmland to wildflower grassland, retain and manage modified grasslands, and gap up (and buffer) the retained hedgerows. We agree with the proposed use of a Construction and Environmental Management Plan (CEMP) and Landscape and ecology Management Plan (LEMP) in order to ensure suitable measures are funded, implemented, managed and monitored during the development's lifetime. The CEMP and LEMP should be secured as part of planning approval e.g. by means of a suitable planning condition.

2.49 Northumberland Council

I would confirm that Development Management have No Objection to the above consultation.

2.50 Tyne and Wear County Archaeologist

2.51 The applicant has submitted an archaeological desk based assessment (HER event 5384 report 2022/72) and a heritage statement (HER event 5385 report 2022/73) carried out by Archaeological Services Durham University. The reports reviewed the Tyne and Wear Historic Environment Record, and other relevant cartographic and other historical sources. They conclude that as the majority of the site (Fields 1-5, northern part) had been subject to opencast coal mining, these areas have no archaeological potential.

2.52 In the southern part of the site (Fields 6 and 7), the reports identified some potential for prehistoric or Roman activity, and for below ground remains of medieval ridge and furrow ploughing and post medieval field boundaries. Remains of the 19th century Hotspur Brickworks may also survive on the site, and 19th and early century waggonways survive as embankments in places.

2.53 The desk based assessment recommends that a geophysical survey is conducted across the areas of the site that have not been opencast, in order to determine the nature and extent of the archaeological resource. This has been carried out and the report submitted by the applicant (HER event 5386 report

2022/74). The survey identified possible soil-filled ditches in Areas 4 and 6, features related to the former Burradon and Holywell Waggonway in the north of Area 6, and post-medieval former field boundaries and a former structure.

2.54 These reports have demonstrated that the site has some potential for archaeological remains. Some of the features identified in the geophysical survey merit further investigation. Archaeological trial trenching should be carried out in order to establish the presence or otherwise of archaeological remains (NPPF para 194). If archaeological remains are present then further work may be required to determine their significance and to record and advance understanding of the significance of any heritage assets to be lost (NPPF para 205).

2.55 The archaeological work can be secured by the following conditions:

Archaeological Excavation and Recording Condition

No groundworks or development shall commence until a programme of archaeological fieldwork (to include evaluation and where appropriate mitigation excavation) has been completed. This shall be carried out in accordance with a specification provided by the Local Planning Authority.

Reason: The site is located within an area identified as being of potential archaeological interest. The investigation is required to ensure that any archaeological remains on the site can be preserved wherever possible and recorded, in accordance with paragraph 205 of the NPPF, Local Plan S6.5 and policies DM6.6 and DM6.7.

Archaeological Post Excavation Report Condition

The building(s) shall not be occupied/brought into use until the final report of the results of the archaeological fieldwork undertaken in pursuance of condition () has been submitted to and approved in writing by the Local Planning Authority.

Reason: The site is located within an area identified as being of potential archaeological interest. The investigation is required to ensure that any archaeological remains on the site can be preserved wherever possible and recorded, in accordance with paragraph 205 of the NPPF, Local Plan S6.5 and policies DM6.6 and DM6.7.

Archaeological Publication Report Condition

The buildings shall not be occupied/brought into use until a report detailing the results of the archaeological fieldwork undertaken has been produced in a form suitable for publication in a suitable and agreed journal and has been submitted to and approved in writing by the Local Planning Authority prior to submission to the editor of the journal.

Reason: The site is located within an area identified in the Unitary Development Plan as being of potential archaeological interest and the publication of the results will enhance understanding of and will allow public access to the work undertaken in accordance with paragraph 205 of the NPPF, Local Plan S6.5 and policies DM6.6 and DM6.7.

3.0 Representations

3.1 4no. objections have been received. These are summarised below.

- Adverse effect on wildlife.
- Affect character of conservation area.

- Affect setting of listed building.
- Affect Site of Spec. Scientific Interest.
- Impact on landscape.
- Inadequate drainage.
- Inadequate parking provision.
- Inappropriate in special landscape area.
- Inappropriate materials.
- Loss of privacy.
- Loss of residential amenity.
- Loss of visual amenity.
- Loss of/damage to trees.
- None compliance with approved policy.
- Nuisance – disturbance, dust/dirt, fumes, noise.
- Out of keeping with surroundings.
- Poor traffic/pedestrian safety.
- Poor/unsuitable vehicular access.
- Precedent will be set.
- Traffic congestion.
- Will result in visual intrusion.
- Within greenbelt/no special circumstance.
- Impact on the countryside surrounding nearby housing.
- Loss of property value.
- Loss of Greenbelt.
- Breach of National Planning Framework.
- Adjacent to a conservation area.
- There are tight restrictions on the development of residential properties.
- Located on a very narrow strip of Greenbelt.
- There must be a special circumstance to utilise a green belt for solar farms.
- The benefits of the green energy produced will not outweigh the damaging costs to the local environment.
- Harm to wildlife and habitats.
- Visual harm.
- Risk of solar farm fire.
- Contamination by toxic substances.
- Loss of agricultural land – impact on food supply.
- Highway disruption.
- Detrimental change to the character of open fields and farmland.
- Impact on views of the countryside.
- Not included within the Masterplan for the development of North Tyneside.
- Damage to paths and thoroughfares.
- Additional traffic and construction vehicles – harm to highway safety.
- Risk of farmland not being re-instated.
- Insufficient public benefit to overcome the harm.
- Solar farms are not efficient in UK weather.
- Boundary fencing would hinder wildlife and be unsightly.
- The planting will take several years to provide screening.
- Lack of consultation.
- Adjacent to a conservation area, listed buildings and sites of special architectural and historic interest. Harm to the character of these places.
- Will make the local area highly industrialised.
- The panels will be the highest point in the local area.

- Permanent material effect on the countryside.
- Loss of openness.
- There are insufficient 'very special circumstances'.
- Has not been demonstrated that a solar farm of this capacity is required.
- Why are solar panels not allowed on homes in Backworth?
- Same benefit can be achieved by relocating to brownfield land in a more remote location or investing in rooftop solar panels.
- No evidence of a search of alternative sites outside green belt.
- The land fulfils an important Green Belt purpose.
- Important interface with the Northumberland Green Belt.
- Conflicts with North Tyneside Council's overall recreational strategy for the local area and cycling strategy.
- Local equestrian businesses rely on the attractiveness of and access to the green belt land.
- Solar farms are known to attract opportunist thieves and organised crime.
- The farmland is highly fertile.
- Potential land damage by flood, fire or contamination.
- Inadequate ecology surveys.
- Health and safety concerns for local residents.
- Health risk of electromagnetic hypersensitivity.
- Noise and light pollution.
- Assessment of the impact on the conservation area and historic buildings in not accurate.
- The panels would be clearly visible from residential properties.
- Impact on views from Fisher Lane.

3.2 2no. comments of support have been received. These are summarised below.

- Poor traffic/pedestrian safety.
- A footpath could be created to the south of the site joining 2 existing Waggonway routes and removing traffic from a busy road.
- Supporting cleaner sources of energy is a must.
- Wildflower planting should be compulsory on the land below the solar panels.

3.3 1no. neutral comment has been received.

A vital planning gain requirement for this application should be to link up the bridleway from Camperdown where it stops at Backworth Lane, with the waggon way at Fisher Road.

