



Appeal Decision

Hearing held on 16 June 2026

Site visits made on 15 and 17 June 2026

by H Marriott MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 July 2026

Appeal Ref: APP/X1355/W/25/3375422

Harehill Farm, Harehill Farm Road, Haswell Plough, Durham DH6 2BA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Hare Hill Solar Ltd against the decision of Durham County Council.
 - The application Ref is DM/24/03473/FPA.
 - The development proposed is for the installation of a solar farm, BESS, associated infrastructure such as hardstanding area and internal access track.
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Decision

1. The appeal is allowed and planning permission is granted for the installation of a solar farm, battery energy storage system (BESS), associated infrastructure such as hardstanding area and internal access track at Harehill Farm, Harehill Farm Road, Haswell Plough, Durham DH6 2BA in accordance with the terms of the application, Ref DM/24/03473/FPA, subject to the conditions in the attached schedule.

Preliminary Matters

2. The banner heading uses the abbreviation 'BESS' as taken from the application form. For clarity, this decision refers to a battery energy storage system (BESS).
3. At the hearing, the appellant emphasised that the Council's reason for refusal decision was limited to matters relating to character, quality and distinctiveness of the landscape. However, on the evidence before me and having regard to the concerns raised by interested parties, visual effects are also material to the assessment of the effect of the proposed development on the character and appearance of the area. As these matters were addressed in the submitted evidence and discussed at the hearing, I consider it appropriate that the main issue refer to both landscape character and visual effects.
4. The Statement of Common Ground (SoCG) refers to an emerging Local Plan. At the hearing, it was confirmed that this is at the stage of evidence gathering and scoping. I have not therefore referred to it in my determination, which is based on Policies 10, 33 and 39 of the County Durham Plan (2020) (CDP), as cited in the Council's decision.
5. There is agreement between the main parties that Policy 33 of the CDP is only partially consistent with the National Planning Policy Framework (the Framework), reducing the weight that can be attached to it. Accordingly, I have also had regard to Framework in my assessment.

6. Reference has been made by the main parties to the Government consultation on proposed reforms to the Framework published on 16 December 2025. While broad changes to the structure of the Framework are proposed as part of this consultation, this is subject to further change and can only be given very limited weight at this stage. In reaching my decision, I have had particular regard to the Framework published in December 2024.
7. The Council issued a screening opinion under the Town and Country Planning (Environmental Impact Assessment) Regulations 2017, concluding that the proposed development did not constitute EIA development. Following separate review, I have no reason to disagree with that assessment.

Main Issue

8. The main issue is the effect of the proposed development on the character and appearance of the area with particular reference to landscape character and visual effects.

Reasons

Landscape character

9. Haswell Plough lies within National Character Area (NCA) 15 Durham Magnesium Limestone Plateau. At County level, the County Durham Landscape Value Assessment (2019) (CDLVA) identifies the area as falling within the East Durham Limestone Plateau Landscape Character Area. More specifically, it is located within the Central East Durham Plateau Broad Character Area and the Clay Plateau Landscape Type, and in an area identified as having low to moderate landscape value. The landscape is characterised by open farmland, with a gently rolling landform and large, open fields bounded by hedgerows, interspersed with former mining settlements. Although some detracting features are present including roads, overhead electricity transmission (OHT) lines and wind turbines, the landscape remains primarily rural in character and broadly reflects the characteristics set out in the CDLVA.
10. The appeal site has a rolling topography comprising approximately 62.7 hectares of agricultural land, consisting of numerous fields, or parts of fields, used for a mix of arable, pastoral and fallow purposes. Field patterns are defined by extensive hedgerows, albeit with some gaps, and punctuated by occasional trees and woodland blocks. A ridge runs through the site, with the Harehill Farm farmstead, containing a number of residential properties including Harehill Farm and 1-5 Hare Hill Mews (the Farmstead), which are regarded as a non-designated heritage asset, located at a high point along it. Notwithstanding the presence of existing wind turbines¹ and OHT corridor, the open, farmed and verdant qualities of the landform are unifying characteristics that make a positive contribution to the area's rural landscape context.
11. The site is not an area of high landscape value for the purposes of paragraph 187a) of the Framework. Nevertheless, decision-makers are required to recognise the intrinsic character and beauty of the countryside, a requirement which aligns with Policies 10 and 39 of the CDP. Furthermore, the County Durham Plan Solar Energy Supplementary Planning Document (2024) (SPD) recognises that large-scale

¹ Council ref: 4/00/00087/FPA

development can be difficult to accommodate in rural landscapes without effects on landscape character, and that while they might need to be accommodated as part of the transformation of energy supply infrastructure, the effects can be reduced by careful site selection and design.

12. The proposed solar arrays would be arranged in multiple parallel rows mounted on frames, broadly following the rolling topography of land within the appeal site and would be contained within existing field boundaries. The BESS and substation compound would be sited on ground lower than the ridge and towards the edge of a raised plateau, between the existing wind turbine and OHT corridor. The solar arrays, BESS and substation would be served by a network of internal access tracks, with various supporting infrastructure, including perimeter fencing and plant, also proposed. Although the overall area of ground cover would be extensive, several fields, or parts of fields, have been intentionally excluded from the development area to avoid safeguarded areas including land within the Peterlee Parachute Zone associated with Shotton Airfield, the OHT corridor and to provide visual setback close to Ludworth and the Farmstead. The land beneath the panels would be sown with a grassland mix and managed for sheep grazing.
13. Intervisibility between the proposed development and the wider landscape would be partially constrained by the undulating landform, pattern of woodland blocks and mature field boundaries. Nevertheless, parts of the site are open, including areas of sloping land which are more pronounced within the surrounding landscape. On this basis, I agree with the appellant's Landscape Visual Impact Assessment (LVIA) which identifies the site and its wider landscape as being of medium sensitivity to the scale and type of development proposed. Although the solar farm would be generally low in height and would not introduce built form of significant vertical prominence that would disrupt the skyline, it would nonetheless introduce a large expanse of distinctly industrial and engineered features that would disrupt the rural landscape.
14. While occupying a smaller footprint, the BESS and substation compound would have greater vertical emphasis and massing, introducing visually prominent and incongruous elements. Despite its positioning close to an existing wind turbine, it would result in a proliferation of energy related infrastructure which would be at odds with the prevailing open landscape character and would detract from the existing qualities of the appeal site.
15. Parts of the proposed development would be readily apparent in views closer to the site and from multiple directions, including along the extensive public right of way network (PROWs) which run through and near to the site. The PROWs form an integral part of the landscape's structure and influence how it is experienced and understood. In these closer-range views, the proposed development would add to, rather than be absorbed by, the existing detracting elements in the landscape, such as the existing wind turbines and OHT corridor.
16. The harmful effect the proposed development would have on the wider landscape would be more limited, as its full extent would infrequently be perceived in its entirety and its visual influence would diminish with distance. Nevertheless, for isolated raised and sloping parts of the site, the proposed development would be evident. The low height and dark colour of the panels, together with a colour scheme to agree an appropriate finish for the associated infrastructure, existing hedgerows and woodland and proposed planting, would help to moderate some of

these effects. Nevertheless, moderate harm to the overall landscape character is anticipated.

Visual Effects

17. The LVIA identifies a range of high sensitivity visual receptors within the modelled Zone of Theoretical Visibility. These include the settlements of Ludworth, Haswell Plough, Shotton Colliery, Wheatley Hill and Thornley, together with residential receptors (R1 – R8) and recreational users of footpath and PROWs (Viewpoints 1-13). A number of local roads were also identified in the LVIA as medium sensitivity visual receptors.
18. The appellant's selected viewpoints illustrate a number of representative locations. However, it is recognised that they do not capture all potential viewing opportunities. This was evident from my site visit and from additional photographs provided by the Council and interested parties. Nevertheless, I am satisfied that the receptors and viewpoints identified in the LVIA usefully assist in understanding the visual effects of the proposed development.

Settlements

19. Distant views of a small part of the proposed solar farm on the slope facing towards Ludworth would be achievable, particularly from locations where open views are available across East View, including from some residential properties, as illustrated in the Viewpoint 1 LVIA photomontages. However, given the low profile of the arrays and the substantial extent of the intervening landscape, the development would be visible but would not appear as a dominant or overwhelming feature within the view. In this context, I agree with the LVIA that a moderate level of adverse effect would arise for receptors in Ludworth.
20. Parts of the proposed development would be visible from some parts of Wheatley Hill due to the appeal sites more open aspect and sloping gradient to its south. Even though it would be located a substantial distance away which would limit its visual influence, parts of the development on sloping parts of the site facing towards this settlement would be visible. Distant views of the BESS and substation would also likely be achievable. I therefore find that a moderate level of adverse effect, greater than identified in the LVIA, would arise for receptors in Wheatley Hill at Year 1, although this would likely reduce to moderate/minor following the establishment of proposed woodland planting adjacent to the BESS and substation.
21. The proposed development would not be visible from the majority of receptors in the settlements of Thornley and Haswell Plough, owing to the intervening landform, vegetation and built form. Nevertheless, views of parts of the proposed development would be achievable from more peripheral areas. From these positions, the arrays would be perceptible but would exert only a limited visual influence. I therefore agree with the findings of the LVIA that a minor level of adverse effect would arise for the receptors in Thornley and Haswell Plough.
22. Given the very limited visibility from Shotton Colliery, in part due to settlement edge development and screening, the proposed development would result in a negligible change to the view.

Residential receptors

23. The occupiers of dwellings at the Farmstead currently experience elevated views towards the surrounding countryside, albeit the extent of visibility varies depending on the orientation of buildings and windows, the landform and the presence of existing vegetation and hedgerows.
24. While occupiers express concern that they would be surrounded by the proposed development, only parts of the proposed development would be visible to occupiers of these dwellings, their associated gardens and sections of the shared access driveway. While some views would be filtered or restricted by built form and vegetation, some views towards the proposed development would still be achievable, including through gaps in hedgerows, upper floor windows and from parts of some of the gardens. Nevertheless, a sufficient separation distance would be maintained between these dwellings and the proposed development, retaining a sense of openness and allowing seasonal changes within the surrounding countryside to remain appreciable.
25. In this context, the LVIA identification of a moderate/minor level of adverse effect for receptors at the Farmstead at Year 1 is not disputed. The level of adverse effect on residential receptors at the Farmstead would reduce to minor at Year 15 following the introduction and maturity of mitigation planting.
26. Interested parties refer to land beyond their homes and gardens, including the recreational receptors identified below, as forming part of their amenity land. During my site visit, I observed that a field used by the occupiers of 5 Harefield Mews lies closer to the proposed development than their formal garden. Distant views of the proposed arrays above vegetation would be achievable. Similarly, although not a PROW, reference was also made to a track to the rear of the Farmstead, leading towards the wind turbine, from which the proposed substation, BESS and parts of the arrays would be highly visible. Even though such locations are not usually treated as receptors in their own right, I acknowledge that they are used by local residents and that some adverse visual effects would be experienced from these positions.
27. From other identified residential receptors, including Garden Cottage and Thornley Cottage, Plough Farm, 'The Bungalow' Kingsway Nursery, High Crow's House and Farm Cottage, Sun Ridge Farm and Fleming Field Farm, the proposed development would be less apparent due to separation distances, intervening boundary treatments and variations in land levels. In this context, no more than a minor level of adverse effect would result.

Recreational receptors

28. The adverse visual effects would be greatest from sections of the PROWs that pass through or close to the site. While these routes generally afford views across the surrounding rolling countryside, such views are not uniform and in several locations include buildings, farmsteads, infrastructure and other man-made features, with the degree of openness varying where views are partially contained by existing vegetation and landform.
29. Footpath 22 (Shadforth) (FP22) extends east-west between Ludworth and Footpath 19 (Shadforth). Although the rising gradient of FP22 would limit visibility of some parts of the proposed development, other sections would remain visible, albeit in

more peripheral views that form part of the wider countryside setting. In this context, I agree with the LVIA that a moderate level of adverse effect would arise for users of FP22 at Year 1 and would likely remain at this level even following the establishment of landscape planting at Year 15.

30. FP19 runs in a north-south direction between Haswell Plough and Footpath 14 (Thornley), rising over the high point near to the Farmstead. From multiple sections of this route, there would be clear views of parts of the proposed development. For most of FP19, the arrays would be visible but set within wider countryside views resulting in a moderate level of adverse effect. However, a short section of FP19 would pass immediately between two proposed sections of solar arrays, within the appeal site itself. At this point, the close proximity to and sense of enclosure created by the arrays would give rise to a major/moderate level of adverse visual effect.
31. Footpath 12 (Haswell) (FP12) leads off Durham Lane. Given the rising level of this footpath, some of the proposed arrays would clearly be seen. In this context, I agree with the LVIA that a major/moderate level of adverse effect would arise for users of FP12 at Year 1.
32. The LVIA contends that the major/moderate adverse effects upon FP19 and FP12 would reduce to moderate by Year 15 as a result of the proposed planting. While the illustrative landscape masterplan indicates that additional planting would likely assist in softening the effects, I find that, given the sloping nature of the land, the development would in part, remain appreciably prominent above the landscaping. I therefore agree with the Council's position that the level of effect would remain major/moderate at Year 15.
33. A number of footpaths² link to Footpath 21 (Shadforth) (FP21) which also runs in a north-south direction, adjacent to the OHT corridor. Many parts of this route are relatively exposed due the lack of or frequent gaps in hedgerow boundaries, with generally level topography with views towards the peripheral parts of Shotton Colliery, including caravan storage, achievable. The level of adverse effect would increase as users approach the appeal site in both directions. In particular, the Viewpoint 9 photomontage shows that parts of the proposed development would be clearly visible. Although not depicted on the photomontages provided, the adverse effects would be especially evident where views of the proposed arrays are seen in combination with the BESS and substation. FP21 users would also pass alongside the BESS and substation compound.
34. This proposed development would appear notably stark and out of place within the rural setting, detracting from the rural qualities of the landscape, in an area already influenced by the adjacent OHT lines and wind turbines. I therefore find that the LVIA underestimates the level of adverse effect that would be experienced at Year 1 along part of FP21. Owing to its close proximity of this route to the proposed development, together with its industrial character, an eye-catching and enclosing visual experience would result. Taken together, these factors would result in a major level of adverse effect for the users of F21.
35. At the hearing, the appellant indicated a willingness to amend the indicative landscape strategy to introduce additional hedgerow planting within the appeal site boundary to the east of FP21. While this would not reflect the existing openness of

² including Footpath 13 (Haswell), Footpaths 1 (Shotton) and 18 (Shotton)

the field pattern, its addition would assist in mitigating views of the arrays and could be secured by condition. Even after allowing for the maturation of mitigation planting of an enhanced landscape scheme by Year 15, the adverse effects would only reduce to major/moderate adverse as the proposed development would remain visible and would result in a more enclosed experience, with views of the surrounding countryside becoming more restricted from FP21.

36. Footpath 20 (Shadforth) (FP20) connects to FP21 and runs near to the south side of the appeal site. While located further away from the appeal site than FP21, the sloping landform means that partial views of the proposed development would be achievable along this route. In this context, I agree with the LVIA that a moderate level of adverse effect would arise for users of FP20 at Year 1.
37. Views from Footpaths 11 (Haswell), 11 (Shadforth) Footpath 14 (Thornley) and Footpath 16 (Wheatley Hill) (FP16) would experience longer range views of some of the proposed development, resulting in a minor level of adverse effect for users of these footpaths at Year 1. Reference was made at the hearing to planning permission for residential development close to FP16. However, the LVIA does not consider whether or not this would influence the effect identified. In any event, there is not certainty that the development would be implemented.
38. While the appellant highlighted Footpath 18 (Shadforth) as a PROW where the effects are in dispute, it was confirmed at the hearing that this was an error, and that a adverse effect upon that footpath had not been identified by the main parties.
39. The site access would also cross over Footpath 41, albeit this would have limited negative effect on the overall experience by its users subject to appropriate construction management measures being put in place including warning signs and restrictions on construction traffic speeds.
40. The overall extent and frequency of increased enclosure on both sides of the effected routes would also be limited. The definitive routes of the PROWs would remain fully usable, with adequate space retained for any future upgrades. Nevertheless, there would be an overall adverse change to the visual experience of PROW users, diminishing their ability to appreciate or experience the countryside to varying degrees from the sections of the PROWs identified.

Road users

41. The LVIA identifies several roads in the vicinity of the appeal site. Given the transient nature of these receptors, combined with intervening landform and vegetation, there is no dispute between the main parties that, by Year 15, effects on the majority of local road users would be neutral. However, a moderate/minor adverse effect would arise for users travelling along East View/New Road in Ludworth.

Summary of visual effects

42. The proposed development would be conspicuous, particularly from within the site and from its immediate surroundings. The effects on more distant visual receptors would largely be confined to longer range views of sections of the proposed development on higher, sloping ground. In such views, the proposed development would form a small component of broader panoramic views, which often already encompass OHT lines and wind turbines.

43. While some existing vegetation would be removed, including to facilitate access tracks, the appellant's indicative Landscape Strategy, proposed to be supplemented further as set out above, includes substantial new woodland, tree and hedgerow planting, including filling in of existing gaps. In time, this planting would assist in reinforcing the existing landscape framework and would help to reduce the visibility of the development, thereby reducing the extent of visual change experienced from some, albeit not all, identified receptors. However, such planting would require a considerable period to establish, relative to the lifetime of the proposed development. Moreover, given the undulating landform and the close proximity of certain receptors, it would not fully screen the proposed development in all views.
44. I also acknowledge the Council's concern that deciduous planting may thin during winter months. However, is a matter that could be addressed to some extent through a condition which requires the submission and implementation of a final landscape scheme, which would need to be approved by the Council, and could require the addition of denser planting and/or the addition of a greater proportion of evergreens to the mix.
45. While the visual effects of the proposed development would initially be 'major' and 'major to moderate' from some sections of PROWs closest to the site, these effects would be reduced to 'major / moderate' and 'moderate' once the landscape screening has become established. The most significant adverse effects would largely be confined to localised effects for PROW users, along some sections of the routes only. Nevertheless, for the vast majority of identified receptors, while there would be some adverse effects, these would be limited by landform and separation distance and would not be significant. Taking all the above into account, I find that the proposed development would give rise to overall moderate adverse visual effects.

Cumulative landscape and visual effects

46. The proposed development would represent a further addition to the existing energy-related infrastructure in the locality, including a number of wind turbines. Interested parties have raised general concerns about the concentration of such development. While each proposal must be determined on its own merits, it is important that the cumulative effects are properly considered.
47. The Council has raised no concerns in relation to an unimplemented permission for solar panels on nearby land³, which is no longer extant. However, my attention has also been drawn to a separate planning application for a battery storage scheme on land close to the appeal site⁴. At the hearing, it was confirmed that that scheme is pending determination by the Council and in the event that it were to be permitted and implemented, the appeal development would likely be experienced in conjunction with it, including by users of FP20 and FP21. The baseline for assessing cumulative effects reasonably includes existing development, schemes under construction, and those at intermediate stages, such as valid planning applications yet to be determined. The appellant explained that the LVIA does not take that scheme into account because it was submitted after the appeal development has been determined by the Council.

³ Council ref: DM/15/03757/FPA

⁴ Council ref: DM/25/02255/FPA

48. While the appellant's view at the hearing was that its inclusion would not have altered the LVIA findings, I cannot be certain that this would be the case. The absence of a detailed assessment of potential cumulative effects with that scheme is far from ideal and represents a shortcoming in the appeal scheme. Cumulative effects have the potential to increase the harm to both landscape character and visual effects. While any combined views from PROWs would likely be localised and transient, experienced only briefly as users pass the sites, views from other receptors, including the settlements of Thornley and Wheatley Hill, while more distant and forming small components of broader panoramic views would potentially include visibility of both developments.
49. The cumulative landscape and visual effects of that scheme would fall to be considered by the Council in determining that application. Even so, I am not satisfied that the proposed development would not give rise to unacceptable cumulative landscape or visual effects which adds to the harm already identified.

Overall

50. Neither main party do not suggest that there would be no harmful landscape or visual effects. The difference between the parties is the degree of harm and how it should be weighed in the overall planning balance.
51. Drawing the evidence together, the proposed development would result in moderate harm to local landscape character and the visual amenity of the area. This harm would be localised given that the level of effect would diminish with distance and would be partly mitigated through the proposed planting and landscape management. On this basis, the attributes of the relevant landscape character area and types would not be compromised and the resulting harm would not be significant. Nonetheless, it would fall short of the level of landscape protection sought for land in the countryside as set out in the Framework.
52. Planning permission is sought for a temporary period of 40 years to reflect the anticipated technological lifespan of the development. The scheme would therefore be capable of being reversed at the end of its lifespan. The proposed new planting could be retained thereafter, offering landscape and biodiversity enhancements over the existing levels. Even so, the fact remains that the installation would remain in place for a considerable length of time when considered in the context of a person's life and therefore the temporary nature of the proposed development attracts limited positive weight and, of itself, does not address the harm identified.
53. I therefore conclude that the proposed development would cause moderate harm to the character and appearance of the area with particular reference to landscape character and visual effects. In this regard, it would conflict with Policies 10 and 39 of the CDP which require that new development by virtue of their siting, scale, design and operation does not give rise to harm to the countryside which cannot be adequately mitigated or compensated for, and does not cause unacceptable harm to the character, quality or distinctiveness of the landscape, or to important features or views.
54. The Council has referred to Policy 33 of the CDP which supports renewable and low carbon energy development in appropriate locations and requires significant weight to be given to the achievement of wider social, environmental and economic benefits. I will return to this policy in the Planning Balance.

Other Matters

Heritage

55. Although there are no designated heritage assets within the site, several are located in the wider area. The appellant's Cultural Heritage Assessment (the Assessment) considers whether the proposed development would alter the settings of those assets within three kilometres of the proposed development. The Assessment does not conclude any effect upon the settings of any of the identified scheduled monuments or listed buildings with the exception of the Grade II listed Ludworth War Memorial⁵.
56. The proposed development would partially be visible from the memorial. Its significance derives from its historic and architectural interest, notably as a permanent testament to local sacrifice in the First World War. In accordance with my duty under Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, I am required to have special regard to the desirability of preserving the listed buildings or their setting or any features of special architectural or historic interest which they possess. Given the expansive landscape and spatial relationship between the appeal site and the memorial, which is located within a discreet and contained enclosure, together with the extent of intervening land, I am satisfied that the proposed development would preserve its setting and would cause no harm to its significance.
57. The Assessment refers to some potential for limited visibility from peripheral parts of Shadforth Conservation Area (CA). Paragraph 213 of the Framework requires consideration of any harm to, or loss of, the significance of a designated heritage asset, including from development within its setting. The Appraisal assists in highlighting the significance of the CA, which is derived from its medieval origins, the architectural and historic interest of its buildings including its church and its relationship with the surrounding landscape. Nevertheless, visibility towards the proposed development would be located a significant distance away and the majority of views would be screened by the settlement of Ludworth. On this basis, I agree with the findings in the Appraisal and there would be no harm to the significance of the CA.
58. The Framework is clear that the effect of an application on the significance of a non-designated heritage asset should be taken into account and that a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the asset. In this case, the proposed development would take place within the setting of the Farmstead. The Appraisal identifies it as being depicted on a hill on historical mapping dating back to 1771. Its significance is therefore derived from its group historic value and hilltop setting, albeit the level of significance has been reduced through physical alterations to the buildings that have occurred overtime. Nevertheless, the proposed development would be sufficiently set away from the Farmstead to ensure that no harm to the significance of the asset would occur.
59. The potential for archaeological remains within the site has also been identified. The Council's archaeology officer raises no objection, subject to conditions securing appropriate investigation and mitigation. Accordingly, I am satisfied that the proposed development would preserve the significance of designated heritage

⁵ List entry: 1438730

assets and that any archaeological matters can be satisfactorily addressed through conditions.

Health risks

60. I have had regard to the interested parties' significant fears of fire incidents occurring, in part due to past incidences of historic BESS fires in the UK and worldwide, and the effect that fumes would have on nearby residential occupiers and schools and the need for evacuation procedures.
61. Several research documents relating to the review opinion of a BESS in East Suffolk have also been submitted by an interested party. While acknowledging that these documents may relate to BESS sites in general terms, my attention has not been drawn to specific details which indicate that the scheme before me would give rise to harmful levels of exposure to electromagnetic fields, hazardous gasses or other dangerous substances.
62. Nevertheless, I do not take this concern lightly given the Framework requires planning policies and decisions to promote public safety. Although no comments were received from the local fire service, they were consulted and the Council is satisfied that the fire-risk matters have been appropriately addressed by the appellant. The evidence indicates that the proposed fire safety measures would be informed by the most up to date information available and include software and hardware fail safes, automatic fire suppression systems and compliance with relevant safety and operating standards which would include appropriate distances between equipment.
63. Furthermore, the appellant has confirmed its intention to prepare and adhere to a Battery Safety Management Plan (BSMP) which can be secured by condition and enforced by the Council. This would address matters relating to water supply and include an emergency response plan. At the hearing, interested parties contended that the BSMP should be provided at application stage. However, given that there is no substantive evidence before me to indicate that such matters cannot be satisfactorily addressed through a condition, I see no reason why this approach would not be acceptable.
64. On this basis, and taking into account the separation distance between the BESS and nearest residential properties and school and the rare occurrences of fires elsewhere, there is no substantive evidence to demonstrate that through the implementation of a BSMP, the proposed development would present a significant risk to the local community or place undue pressure or costs on the fire or other emergency services. Moreover, there are other regimes, outside the remit of land use planning, to regulate the safe operation of such installations.
65. The proposed drainage system would ensure that any potentially contaminated runoff would not enter the water environment or affect local ecology. Statutory consultees have raised no objections in respect of contamination, coal-mining risk, drainage or flood risk.
66. Accordingly, I am satisfied that there is sufficient information before me to determine that the proposed development would be unlikely to result in any health-related risks of a nature or scale that should weigh against the proposed development in the planning balance. Therefore, there would be no conflict with the Framework in this regard.

Living conditions and anti-social behaviour

67. Interested parties have raised concerns in relation to the living conditions of nearby occupiers, including effects on privacy, outlook, vibration and air quality/dust and noise and disturbance, including during the construction phase. Concerns have also been expressed regarding traffic, and the potential for anti-social behaviour arising from increased enclosure along some sections of the PROWs.
68. As set out in relation to the main issue, while the proposed development may in part be visible to occupiers, they are located a sufficient distance away to ensure that this would not equate to a material loss in outlook or an overbearing impact.
69. The Highways Authority raises no objection to the findings in the appellant's Transport Assessment, to the anticipated levels of traffic particularly during construction or to the proposed access arrangements.
70. Notwithstanding the harm I have identified in relation to the increased levels of enclosure along some sections of PROWs in relation to the main issue, there is no substantive evidence to demonstrate that any existing issues associated with motorbike use on local PROWs would be exacerbated by the proposed development. The scheme would incorporate post and wire style security fencing and inward facing CCTV to deter unauthorised access while avoiding any loss of residential privacy.
71. The appellant's Noise Impact Assessment considers the effect of noise that could be emitted from the plant associated with the proposed development upon the nearest residential receptors. It concludes that the proposed development would have a low noise impact. On this basis, the Council's Environmental Health Officer raised no objection to the proposed development, and I have no substantive technical evidence before me to reach a different conclusion in this regard.
72. Matters relating to construction disturbance including that associated with any pile driving, dust management, details of CCTV and any external lighting, can be addressed through appropriate planning conditions to ensure that no material harm to living conditions or dark skies would arise. On the evidence before me, the proposed development would not result in harm to the living conditions of nearby occupiers or directly result in any increased levels of anti-social behaviour in the area.

Ecology and biodiversity

73. The appellant has submitted various reports addressing ecology and biodiversity matters, including an Ornithological Impact Assessment (OIA), an Ecological Assessment (EA) and reports relating to biodiversity net gain (BNG), which provide a reasonable basis to assess the effect of the proposed development on ecology and biodiversity.
74. Buffers between woodland edges, trees, boundary hedgerows and waterbodies proposed for retention would be provided with the exception of short breaks in existing boundary hedgerows for access. The EA confirms that low levels of direct habitat loss would occur and this would generally be restricted to habitats of low value, arable and grazed grassland.
75. The EA summarises the potential effects on existing habitats and a range of species including bats, badgers, amphibians, reptiles and small mammals. While

the EA initially identified some trees as a potential roost features, revised plans submitted to the Council prior to determination indicate that these trees would be retained.

76. The OIA found the appeal site supports a modest and varied bird community including wader and/or ground-nesting species such as curlew, lapwing, skylark and meadow pipit. Specific reference was made to curlew and skylark during the hearing, both of which are identified as red list species on the birds of conservation concern. Three potential curlew territories have been identified, however no physical nests were found and OIA indicates that the site does not provide optimal conditions for ground nesting waders. Skylarks were recorded as having the highest number of territories within the study area.
77. Nevertheless, while some short-term disturbance is likely during construction, the evidence indicates that long-term impacts would likely be minimal due to habitat retention and enhancement. A range of mitigation and ecological enhancements, including a Construction Ecological Management Plan (CEMP), the provision of bat and bird boxes, hibernacula, log/brush piles, woodland planting and the provision of grassland. In addition, a Breeding Wader Habitat Management Area is proposed, which would provide more optimal conditions for ground nesting waders, as well habitat for other species. Accordingly, I find no substantive reason to conclude that the proposed development would result in harm to the conservation status of the bird species identified.
78. Interested parties have expressed concerns regarding the adequacy of the surveys. However, the Council's Ecology Officer considered the survey work to be robust, with appropriate methods used and no predicted adverse effects on protected species. I have no substantive evidence before me to reach a different view in these regards.
79. The proposed development would deliver BNG including 65.81% increase in habitat units, 63.27% hedgerow units. The Council's final comments suggest that the BNG benefits may have been overstated. However, there is no substantive technical evidence has been provided to demonstrate that the survey work is deficient or that the BNG calculations are unreliable.
80. Taking these matters together, I am satisfied that the proposed development, subject to appropriate conditions including in relation to habitat creation and ecological enhancements, would not result in material harm to nearby statutory or non-statutory designated sites⁶, protected species or any other wildlife, including birds. The proposed development would also exceed the statutory requirement to deliver a minimum 10% BNG. On the evidence before me, the proposed would not result in a harmful effect upon ecology and would, overall, enhance biodiversity.

Need and effect on agricultural land

81. The Framework requires decisions to recognise the benefits of best and most versatile agricultural land (BMVAL). The appellant's Agricultural Land Classification Report identifies the appeal site as Grade 3b. It therefore falls outside the

⁶ Including Crime Rigg Quarry Site of Special Scientific Interest (SSSI), Tuthill quarry SSSI and Local Wildlife Site (LWS), Dabble Bank SSSI, Gore Burn Local Nature Reserve, Pit Heap LWS, Oxclose LWS, Pesspool Wood LWS and Hart to Haswell Railway LWS.

Framework definition of BMVAL, and there is no technical evidence before me to indicate otherwise.

82. Interested parties raise concerns in relation to the loss of productive agricultural, noting historic high yields and the potential reduction in food production at a time of perceived increased need for food security compared with the need for renewable energy development. They also question the effects of soil compaction and whether the land would fully recover following decommissioning.
83. Paragraph 125 of the Framework recognises that undeveloped land can perform important functions, including food production. Although the proposed development would allow for sheep grazing, it would nevertheless involve significant development on agricultural land that would be taken out of other agricultural production for a significant period of time. However, the land is not BMVAL and no substantive technical evidence has been provided to demonstrate that the proposed development could not be returned to productive agricultural use following decommissioning.
84. While brownfield land is generally preferred, neither the Framework or the PPG require the consideration of alternatives for renewable energy proposals of this nature.
85. Some Interested parties contend that the UK is rated as having low solar potential and should not therefore be utilised for this form of development. While it is recognised that solar farm energy production is influenced by factors such as cloud cover, paragraph 168 of the Framework is clear that appellants are not required to demonstrate the overall need for renewable or low carbon energy. A degree of overplanting is anticipated. However, I am satisfied based on the evidence before me that the proposed scale of the proposed development is reasonable and necessary to achieve the expected power output.

Connection

86. The SoCG confirmed that through the ongoing grid reform process the solar element of the project would have a 2033 connection, with the BESS element to be confirmed. Notwithstanding this, the appellant has confirmed that it also benefit from an accepted technical limits offer from Northern Power Grid to connect in 2028. While the introduction of two potential connection dates introduces some uncertainty, planning permission would be subject of the standard 3-year time limit condition any connection dates would in any event be subject to change. Moreover, grid-connection arrangements fall within the remit of the relevant operator and are subject to separate consenting and technical regimes. On the basis of the evidence before me, there is no substantive reason to conclude that a viable grid connection cannot be achieved.

Glint and glare

87. The appellant's Glint and Glare Assessment confirms that there would be very limited glint and glare issues arising from the proposed development. Having regard to the subsequent independent review document commissioned by the Council, I am satisfied that there would be no significant impacts upon any nearby residential receptors, or any nearby aviation activity including that associated with Shotton Airfield and Peterlee Drop Zone safeguarded area.

Community benefit fund

88. A community benefit fund has been proposed but would not be secured through this decision. On this basis, this matter carries neutral weight in the planning balance.

The Council's decision and other decisions

89. Whilst the Council's planning officer recommended approval of the application, the Council is not bound by the recommendation of their Officers and nor am I. I have considered the appeal based on the plans and evidence before me having regard to the requirements of the development plan and other material planning considerations.
90. The Council has drawn my attention to various appeal decisions where renewable energy schemes have been dismissed for reasons relating to the character and appearance of those areas⁷. However, these decisions relate to sites outside of Durham and I do not have full details of the circumstances that led to their dismissal and so cannot be sure that they represent a similar circumstances, in relation to landscape character and visual effects, to the appeal scheme. In any case, I have determined the appeal on its own merits.

Human Rights

91. Neighbouring occupiers are concerned that the proposed development may affect their ability to continue to live in the homes due to their anticipated changes to the surroundings. I have had regard to human rights of the individuals concerned, including under Article 8 of the Human Rights Act 1998. I have also considered the potential impact on persons with protected characteristics, including disability, in accordance with the Public Sector Equality Duty and Section 149 of the Equality Act 2010. The proposed development seeks to meet a need for renewable energy, which is a legitimate planning objective. I am satisfied that any interference with the rights of the occupiers would be proportionate and justified in the wider public interest. Accordingly, these considerations do not alter my findings on the planning merits of the scheme.

Community consultation

92. I note local resident's concerns regarding the extent of the appellant's community consultation. While the Framework encourages early communication with communities that may be affected, it does not prescribe how this should be undertaken. As the Council also carried out its own consultation on the planning application. I am therefore satisfied that the community had adequate opportunity to comment, as reflected in the number of representations both for and against the scheme. Concerns regarding the authenticity of some letters of support have been noted, however these carry neutral weight in the planning balance.

Other interested party concerns

93. Other matters raised include concern with regards to where the panels would be made; whether the development would be environmentally, sustainable and ethically sourced; lack of controls with technology constantly evolving; curtailment

⁷ Appeal refs: APP/H0520/W/24/3344095, APP/J4525/W/25/3365311, APP/Z2315/W/25/3363564, APP/K2420/W/21/3266505, APP/D3125/W/16/3158494, APP/D1265/W/19/3241953, APP/P1615/W/23/3331416 and APP/M1005/W/22/3299953

periods; vulnerability to cyber-interference and remote manipulation; compensation; the demise of local democracy; unknown consequences including liability/responsibility and conflict with potential government aspirations for sun dimming. While I recognise the strength of local concern and take the representations received seriously, these are not land use planning matters and are not determining factors in this appeal.

94. Who pays for and who might benefit financially from the proposed development, including which persons and/or countries receiving the profit, is not a matter for this appeal. The issue of impact on property values and saleability of local properties has also been raised. It is a well-founded principle that the planning system does not exist to protect private interests such as value of land or property. Matters relating to insurance, legal rights of access and what happens in the event of damage to property are also civil issues and are not material to the consideration of this appeal.

Planning Balance

95. The proposed development would harm the character and appearance of the area, contrary to the Framework's aim of conserving and enhancing the natural environment. While I recognise that the countryside is of great importance to people who live in the area or use the PROWs, I have found that the overall harm would be moderate rather than significant or major. Nevertheless, the conflict I have identified with CDP policies in relation to this matter leads me to conclude that the proposed development, despite its support provided by other CDP policies, conflicts with the development plan as a whole.
96. The public benefits of the proposed development include the contribution the solar array would make towards the UK Government target of achieving net zero by 2050⁸. Support is also provided by paragraph 161 and 168 of the Framework which set out that, when determining planning applications for all forms of renewable or low carbon energy and their associated infrastructure, significant weight should be given to the benefits associated with the proposal's contribution to a net zero future. Planning Practice Guidance⁹ highlights that electricity storage can enable more flexible energy use and can assist in de-carbonising the energy system cost-effectively. The appellant has referred to other Government publications¹⁰ supporting renewable energy development and energy storage as a means of meeting energy needs. While the application is not an energy development which is a nationally significant infrastructure project, the Overarching National Policy Statement for Energy (EN-1) and the National Policy Statement for Renewable Energy Infrastructure (EN-3) are material considerations.
97. In addition, Durham County Council declared a climate change emergency in 2019 and also sets a target for the county to be net zero, when renewable energy generation, energy efficiency, and resilient infrastructure is in place for a carbon neutral electricity grid by 2045.
98. This proposed development would provide an export capacity of around 31.5MWac, expected to generate around 48.5GWh of renewable energy per year.

⁸ Climate Change Act 2008

⁹ Paragraph: 032 Reference ID: 5-032-20230814

¹⁰ including Future Energy Scenarios: Pathways to Net Zero (2025), The Energy White Paper Powering our Net Zero Future (2020), Net Zero Strategy: Build Back Greener (2021), The Growth Plan 2022, Clean Power 2030 Action Plan and Powering Up Britain: Energy Security Plan (2023)

This is estimated to offset approximately 13,050 tonnes of CO² emissions per year and meet the electrical needs of approximately 17,600 UK homes¹¹. The proposed development would therefore help to reduce the UK's dependence on fossil fuels and support the decarbonisation of the electricity network and the move towards a low carbon future. The BESS would also store excess energy from the local electricity network, including surplus renewable energy generation, until needed, and could help maintain services during network outages.

99. By increasing energy supply and storage and thus contributing towards UK energy security, the proposed development could contribute to the provision of resilience in times of high (and ever-increasing) demand. The proposed development would provide additional employment (noting this would primarily be at construction stage with no guarantees that jobs and suppliers would all be local) attracting moderate weight. It would also BNG gains attracting moderate weight. While the appellant states that the proposed development would enable the landowner to continue to diversify their land (without resulting in the loss of BMVAL), I have not been provided with evidence of a business plan to support this claim. Nevertheless, the proposed development would provide a leasing income for the landowner while allowing the site to continue being used for agricultural purposes, such as sheep grazing.
100. The proposed development would make a meaningful contribution to achieving local and national goals. Accordingly, I attach significant weight to the proposed development's contribution as a renewable energy scheme to local and national net zero ambitions and to mitigating climate change, and moderate weight to the additional environmental, social and economic benefits highlighted.
101. Overall, I conclude that the scheme's benefits are sufficient to outweigh the moderate harm to the character and appearance of the area and the conflict with the relevant LP policies identified. On this basis, and despite the partial consistency of the Framework, the proposed development would be an appropriate location for the proposed development in accordance with Policy 33 of the CDP.

Conditions

102. Various conditions have been suggested by the Council in the event the appeal is allowed, on which the appellant has also commented, with the final draft list discussed, amended and subsequently agreed during and after the hearing. I have considered these against the tests set out in the Framework and Planning Practice Guidance, amending the wording where necessary to ensure precision and omitting others for the reasons set out below.
103. In addition to the standard time condition (1), conditions requiring the development to be carried out in accordance with the approved plans (2), setting out the time limit for the operational period of the solar farm (3), its subsequent decommissioning and restoration (4), and limiting its electricity generating capacity (5) to bind the proposed development to that on which my determination was based have been imposed. The Council's request at least seven days' notice of the commencement of the development is omitted as such a condition is not necessary to ensure that development is carried out in accordance with the approved documents, the reason given by the Council for suggesting this condition.

¹¹ Equivalent number of households powered estimate based on a median electricity consumption per household in the North East of 2,756 kWh as set out in the appellant's Socio-Economic Impact Assessment (2024) by MKA Economics

104. Any disruption to the local area during construction period would be temporary and would be mitigated by a construction environmental management plan (6) in the interests of the living conditions of nearby residential occupiers. A separate condition relating to the prevention of mud from vehicles being transferred onto the public highway has been omitted, since this is covered by the CEMP. Conditions (7) to limit hours of construction is reasonable for the same reason. A condition (8) relating to noise levels is also required in the interests of protecting the living conditions of nearby residential occupiers.
105. A condition (9) requiring development to be undertaken in accordance with the Flood Risk Assessment and Drainage Strategy is reasonable and necessary in order to reduce the risk of and from flooding. A condition (10) requiring development to be undertaken in accordance with the Construction Traffic Management Plan is reasonable and necessary in the interests of the safe operation of the highway.
106. A condition (11) is required to agree the final materials of the proposed above ground structures in the interests of the character and appearance of the area. Details of final positing has been removed since this is covered by the approved plans condition (2).
107. Condition (12) requiring an Asset Protection Agreement is considered reasonable and necessary at the request of Northern Gas Networks, in the interests of the safety of the high pressure pipeline which passes close to the site. A condition (15) required a Battery Safety Management Plan (BSMP) is necessary for the same reason, with an amended trigger for its provision prior to the construction of any above ground structures associated with the BESS.
108. Conditions relating to archaeology (13) and (14) are required to ensure the protection of heritage assets.
109. Habitat management and monitoring required to deliver BNG (16) and (17). Conditions (18) and (19) are also required in the interests of biodiversity, and because measures submitted to date are in outline/indicative form. Additional conditions relating to landscaping (20) and lighting (21) and are required for the same reasons, and in the interests of the character and appearance of the area.
110. The local highways authority sought a condition requiring the provision of visibility spays at the site access. I consider that visibility on entering and existing the site is necessary to allow for safe traffic movements and have therefore added this (22). Given discussions at the hearing regarding the finished floor levels of the BESS and substation, condition (23) has been added for the avoidance of doubt and in the interests of the character and appearance of the area.
111. Durham Bird Club has recommended that a condition be imposed to monitor the effect of the proposed development on waders and water fowl as the panels could be mistaken for water. However, given that there is no substantial evidence to indicate that the proposed development would negatively affect these birds, such a condition would not be reasonable.

Planning Obligation

112. A legal agreement dated 25 February 2026, submitted as a unilateral undertaking pursuant to section 106 of the Town and Country Planning Act 1990 was submitted

with the appeal. This secures a biodiversity monitoring fee contribution for the Council to ensure BNG requirements are met. This would meet the requirements of Paragraph 58 of the Framework and Regulation 122(2) of the Community Infrastructure Levy Regulations 2010, as amended, in that it is necessary to make the development acceptable in planning terms to secure the delivery of BNG.

Conclusion

113. The proposed development would conflict with the development plan but material considerations indicate that a decision should be made other than in accordance with it. For the reasons given above the appeal should be allowed.

H Marriott

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Mr David Hardy	Partner and Legal Counsel, CMS
Mr Andy Cook	Director of Environment and Chartered Landscape Architect, Pegasus Group
Mr Stuart Hamilton	Development Director, Locogen Ltd
Mr Iain McMillan	Head of Planning and Environment, Locogen Ltd
Mrs Clara Thompson	Senior Project Developer, Renewco Ltd

FOR THE LOCAL PLANNING AUTHORITY:

Mr Robin Wood BA(Hons) MTP MRTPI	Planning Consultant, R & K Wood Planning LLP
Mr Stephen Laws DipLA CMLI	Chartered Landscape Architect, Glenkemp Ltd
Mr Chris Shields BA(Hons) DipTP	Senior Planning Officer, Durham County Council
Ms Linda Olanipekun	Legal Assistant, Durham County Council

INTERESTED PARTIES:

Councillor Louise Taylor	County Councillor
Councillor Louise Penders	County Councillor
Councillor Olwen Gray	Haswell Parish Council
Professor Pete Dobson	Oxford University
Mrs Alison Turnbull	East Durham Action Group
Mr Bill Hamilton	Local resident
Mr Mark Preston	Local resident
Mrs Katherine Preston	Local resident
Mr Gareth Tervit	Local resident
Dr Brian Brown	Interested person
Mr Oliver Armstong	Interested person
Mrs Hunter	Interested person

Mr John Gordon

Interested person

Mr Keith Robinson

Interested person

DOCUMENTS RECEIVED FOR THE PURPOSE OF THE HEARING OR AFTERWARDS

Drawing no P22_2909_EN08 Rev D Public Rights of Way

List of draft conditions agreed by the appellant and Council

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with drawing nos:

8577-DRW-DES-0001-v1.0	Location Plan
8577-DRW-DES-0002- v1.0	Layout Plan
8577-DRW-DES-0003- v1.0	Battery Area Layout
8577-DRW-DES-0004-v1.0	PV Panels
8577-DRW-DES-0005-v1.0	CCTV Pole
8577-DRW-DES-0006-v1.0	Gate
8577-DRW-DES-0007-v1.0	Deer Fence
8577-DRW-DES-0008-v1.0	Road Section
8577-DRW-DES-0009-v1.0	Customer and DNO Substation Elevations-
8577-DRW-DES-0010-v1.0	Inverter Enclosure
8577-DRW-DES-0011-v1.0	Battery Container
8577-DRW-DES-0012-v1.0	Battery Interface Cabinet
8577-DRW-DES-0013-v1.0	Transformer Switch Gear Unit
8577-DRW-DES-0014-v1.0	Battery Inverter
8577-DRW-DES-0015-v1.0	HV Switch Gear and Control Room
8577-DRW-DES-0016-v1.0	Auxiliary Transformer
8577-DRW-DES-0017-v1.0	Meter Box
8577-DRW-DES-0018-v1.0	Storage Container
8577-DRW-DES-0019-v1.0	Access Points and Construction Compounds
- 3) The permission hereby granted shall be limited to a period of 40 years from the date when electricity is first exported from the development hereby approved to the electricity network (The First Export Date). Written confirmation of the First Export Date shall be given to local planning authority within 1 month of the First Export Date.
- 4) Within 40 calendar years from the date when electricity is first generated to the grid, or within 6 months of the cessation of electricity generation by the development, whichever is sooner, the development hereby approved and all associated works/equipment shall be dismantled and removed from the site and the land restored to in accordance with a decommissioning and restoration scheme that shall first have been submitted to and approved in writing by the local planning authority.
- 5) The approved development, once operational, shall have an export capacity of not more than 49.9MW(AC).
- 6) No development shall commence until a construction environmental management plan (CEMP) has been submitted and approved in writing by the Local Planning Authority. The CEMP shall include as a minimum the following:
 - A Dust Action Plan including measures to control the emission of dust and dirt during construction taking into account relevant guidance such as the Institute of Air Quality Management "Guidance on the assessment of dust from demolition and construction" 2024 V2.2;

- With regards to noise, the construction phase of the proposed development should be addressed and will include the duration of the phases and details of mitigation measures to be employed to minimise the noise during construction on noise sensitive receptors as identified in the Noise Impact Assessment (2024). There shall be provision that, on written request by the planning authority the operator shall, within 28 days, produce a report to demonstrate adherence with the above rating level. The Assessment and Mitigation shall have regard to BS 5228 "Noise and Vibration Control on Construction and Open Sites" during the planning and implementation of site activities and operations;
- Where construction involves penetrative piling, details of methods for piling of foundations including measures to suppress any associated noise and vibration;
- Details of whether there will be any crushing/screening of materials on site using a mobile crusher/screen and the measures that will be taken to minimise any environmental impact;
- Details of measures to prevent mud and other such material migrating onto the highway from construction vehicles including on-site wheel washing and street cleaning;
- Designation, layout and design of construction access and egress points;
- Details for the provision of directional and warning signage (on and off site);
- Details of contractors' compounds, materials storage and other storage arrangements, including cranes and plant, equipment and related temporary infrastructure;
- Details of provision for all site operations for the loading and unloading of plant, machinery and materials;
- Details of on-site construction lighting, including hours of operation
- Details of provision for all site operations, including visitors and construction vehicles for parking and turning within the site during the construction period;
- Routing agreements for construction traffic;
- Details of the erection and maintenance of security hoarding;
- Details of construction and decommissioning working hours;
- Waste audit and scheme for waste minimisation and recycling/disposing of waste resulting from demolition and construction works; and
- Details of measures for liaison with the local community and procedures to deal with any complaints received.

The approved CEMP shall be adhered to throughout the construction period and the approved measures shall be retained for the duration of the construction works.

- 7) Construction operations shall only take place within the following hours: 07.30 to 19.00 Monday to Friday and 07.30 to 12.00 Saturday. No construction operations including the maintenance of vehicles and plant shall take place outside of these hours or at any time on Bank, or other Public Holidays, save in cases of emergency when life, limb, or property are in danger. The Local

Planning Authority shall be notified as soon as is practicable after the occurrence of any such operations or working.

- 8) The rating level of noise emitted from the development hereby approved shall not exceed 0dB LAeq (15 mins) above background noise levels at any noise sensitive properties during night time hours (2300 - 0700) and shall not exceed 5dB LAeq (1hr) above background noise levels at any noise sensitive properties during day time hours (0700 - 2300). The measurements and assessment of noise levels shall be made in accordance with BS 4142:2014 (or any successor document).
- 9) The development hereby approved shall be carried out in accordance with Section 5 of the approved Flood Risk Assessment and Drainage Strategy and as shown on Drawing No's. 2403990-ACE-XX-XX-DR-C-0605 (Rev. P01) (Sheets 1 and 2). These measures shall be retained and maintained thereafter throughout the lifetime of the development
- 10) Development shall be carried out in accordance with the Construction Traffic Management Plan (Reference 2403990-ACE-XX-00-RP-C-0121), dated December 2024.
- 11) Notwithstanding Condition 2 above, prior to their installation/erection, final details of the materials and colour finish of all above-ground structures shall first be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with approved details and retained as such for the lifetime of the development.
- 12) No development shall commence until the terms of an Asset Protection Agreement ("the Asset Protection Agreement") have been submitted to and approved in writing by the Local Planning Authority. The Asset Protection Agreement shall demonstrate how the Northern Gas Networks (NGN) pipeline asset will be protected from increased loading, vibration, electrical interference, structural proximity, and any other factor deemed liable to have a detrimental effect on it. The development shall be carried out in accordance with approved details and retained as such for the lifetime of the development.
- 13) No development shall commence until an Archaeological Management Framework (AMF) has been submitted to and approved in writing by the Local Planning Authority. The programme of archaeological work will then be carried out in accordance with the approved AMF.
- 14) The development shall not be brought into use until the post-investigation assessment has been completed in accordance with the approved Archaeological Management Framework. The provision made for analysis, publication and dissemination of results, and archive deposition, should be confirmed in writing to, and approved by, the Local Planning Authority.
- 15) No development of any above ground structure associated with the Battery Energy Storage System ("BESS") element of the development hereby approved shall be commenced until a Battery Safety Management Plan ("BSMP") has been submitted to and agreed in writing by the Local Planning Authority. The

BSMP shall detail the type and specification of the batteries to be used and prescribe the measures to be implemented to facilitate safety during the construction, operation and decommissioning of the Battery Energy Storage System, and to be deployed in response to any incident with potential to cause pollution. An Emergency Response Plan must also be included. The BSMP should also set out a methodology detailing how there will be continued engagement with the County Durham and Darlington Fire and Rescue Service with the BSMP to be updated and sent to the fire service throughout the lifetime of the development. The BSMP shall be implemented as approved, and all measures shall be retained for the duration of the operation of the BESS.

16) No development shall commence until a Habitat Management and Monitoring Plan (HMMP) prepared in accordance with the approved Biodiversity Gain Plan has been submitted to and approved in writing by the Local Planning Authority. The HMMP shall include:

- a) a non-technical summary;
- b) the roles and responsibilities of the people or organisation(s) delivering the HMMP;
- c) the planned habitat creation and enhancement works to create or improve habitat to achieve the biodiversity net gain in accordance with the approved Biodiversity Gain Plan;
- d) the management measures to maintain habitat in accordance with the approved Biodiversity Gain Plan for a period of 30 years from the practical completion of the development; and
- e) the monitoring methodology and frequency in respect of the created or enhanced habitat to be submitted to the Local Planning Authority.

The development shall not be brought into use until:

- a) the habitat creation and enhancement works set out in the approved HMMP have been completed; and
- b) a completion report, evidencing the completed habitat enhancements, has been submitted to, and approved in writing by the Local Planning Authority.

The created and/or enhanced habitat(s) specified in the approved HMMP shall be managed and maintained in accordance with the approved HMMP.

Monitoring reports shall be submitted to the Local Planning Authority in writing in accordance with the methodology and frequency specified in the approved HMMP.

17) No development shall commence until details of the Breeding Wader Habitat Management Area ("the Habitat Management Area") have been submitted to and approved in writing by the Local Planning Authority. These details shall be in accordance with section 6.7 and Appendix A of the Outline Biodiversity Management Plan (06/05/2025) and shall include the means by which the Habitat Management Area will be secured, delivered and managed.

No development shall commence until the Habitat Management Area has been implemented in accordance with the approved details. The Habitat Management Area shall thereafter be maintained in accordance with the approved details for the lifetime of the development.

- 18) No development shall take place until a Construction Ecological Management Plan (CEMP) has been submitted to and approved in writing by the local planning authority. The Plan shall provide details of the avoidance, mitigation and protective measures to be implemented before and during the construction phase as outlined in the Ecological Assessment (16/12/2024) and Ornithological Impact Assessment (20/12/2024), and include the following:
- (a) Identification of ecological protection areas/buffer zones and tree root protection areas and details of physical means of protection, e.g. exclusion fencing.
 - (b) Precautionary Working Method statements for protected/priority species, such as nesting birds, badgers, dormice reptiles and amphibians.
 - (c) Work schedules for activities with specific timing requirements in order to avoid/reduce potential harm to ecological receptors;
 - (d) Key personnel, responsibilities and contact details (including Site Manager and ecologist) and
 - (e) Timeframe for provision of compliance report to the local planning authority; to be completed by the ecologist and to include photographic evidence.
- The development shall thereafter be carried out in strict accordance with the approved CEMP.
- 19) No development shall take place until an Ecological Mitigation and Enhancement Strategy ("the EMEA") has been submitted to and approved in writing by the Local Planning Authority. The EMEA shall include final details wildlife enhancement measures including bird and bat boxes, herptile hibernacula, log/brush piles and wildlife gates in line with the measures set out in the Outline Biodiversity Management Plan (06/05/2025), Ecological Assessment (16/12/2024) and Ornithological Impact Assessment (20/12/2024). The development shall not be brought into use until the measures in the EMEA have been implemented in accordance with the approved details and thereafter retained for the lifetime of the development.
- 20) No development shall commence until details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority. These details shall be in general accordance with the Landscape Strategy drawing no P22-2909_EN_06B and include:
- a. existing trees, hedgerows or other soft features to be retained including measures for their protection throughout the course of development;
 - b. planting plans and specifications providing a schedule for all new planting and seeding noting species, mixes, planting sizes and proposed numbers/densities;
 - c. existing and proposed finished levels or contours;
 - d. means of enclosure and boundary treatments;
 - e. hard surfacing materials;
 - f. CCTV;

- g. an implementation programme, including phasing of works where relevant.

The landscaping works shall be carried out in accordance with the approved details in accordance with the agreed implementation programme.

All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

- 21) No external lighting shall be installed until full details including height, design, location, intensity have first been submitted to and approved in writing by the local planning authority. The lighting installation shall then be carried out in accordance with the approved details.
- 22) The 2.4 metres by 160 metres visibility splays shown on drawing no 8577-DRW-DES-0019-v1.0 shall be kept free of any obstruction and retained as such thereafter.
- 23) No development of any above ground structure associated with the Battery Energy Storage System (BESS) element of the development hereby permitted shall be commenced until details of the existing ground levels and proposed finished floor levels, above ordnance datum, of any BESS related structure has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with such approved details.

END OF SCHEDULE