



County Planning Committee

Date Tuesday 5 January 2016
Time 1.00 pm
Venue Council Chamber, County Hall, Durham

Business

Part A

1. Apologies for Absence
2. Substitute Members
3. Declarations of Interest
4. Minutes of the meeting held on 1 December 2015 (Pages 1 - 10)
5. Applications to be determined
 - a) DM/15/02714/OUT - Lambton Park, Chester Road, Bournmoor
(Pages 11 - 72)
Outline application for approximately 400 dwellings & office development (Use Class B1) together with ancillary uses (Use Classes A1 - A4 & D1 - D2), new accesses, associated infrastructure, open space and landscaping with all matters reserved except for access.
 - b) DM/14/00519/MIN - Former Colliery Spoil Heap, Hesleden, Durham (Pages 73 - 114)
Reclamation of former colliery spoil mound to extract coal spoil, reprofiling of mound on completion of works and landscaping works.
 - c) DM/15/02290/FPA - Land North Of Mill Hill, North West Industrial Estate, Peterlee (Pages 115 - 130)
Development of a 5 MW solar farm.
6. Such other business as, in the opinion of the Chairman of the meeting, is of sufficient urgency to warrant consideration
7. Any resolution relating to the exclusion of the public during the discussion of items containing exempt information

Part B

Items during which it is considered the meeting will not be open to the public (consideration of exempt or confidential information)

8. Appeal Update (Pages 131 - 136)
9. Such other business as, in the opinion of the Chairman of the meeting, is of sufficient urgency to warrant consideration

Colette Longbottom

Head of Legal and Democratic Services

County Hall
Durham
23 December 2015

To: **The Members of the County Planning Committee**

Councillor K Davidson (Chairman)
Councillor B Moir (Vice-Chairman)

Councillors D Boyes, J Clare, P Conway, M Dixon, G Holland,
I Jewell, A Laing, R Lumsdon, C Marshall, H Nicholson,
G Richardson, A Shield, P Taylor and R Young

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DURHAM COUNTY COUNCIL

At a Meeting of **County Planning Committee** held in Council Chamber, County Hall, Durham on **Tuesday 1 December 2015 at 1.00 pm**

Present:

Councillor K Davidson (Chairman)

Members of the Committee:

Councillors D Boyes, J Clare, P Conway, M Davinson, M Dixon, J Gray, G Holland, I Jewell, H Nicholson, G Richardson, A Shield, P Taylor and R Young

The Chairman proposed, and the Committee agreed, that Agenda Item 5(b) be considered before Agenda Item 5(a) because a speaker registered to speak on Agenda Item 5(a) was delayed in traffic.

1 Apologies for Absence

Apologies for absence were received from Councillors A Laing, R Lumsdon, C Marshall and B Moir.

2 Substitute Members

Councillor M Davinson as substitute for Councillor A Laing and Councillor J Gray as substitute for Councillor R Lumsdon.

3 Declarations of Interest

Councillor Dixon declared an interest in Agenda Item 8 because the appeal was by the Church Commissioners and withdrew from the meeting for this item.

4 Minutes

The Minutes of the meeting held on 3 November 2015 were confirmed as a correct record and signed by the Chairman.

5 Applications to be determined

a DM/15/02768/FPA - Blakeley Hill Farm, North Bitchburn, Crook

The Committee considered a report of the Senior Planning Officer regarding an application for the erection of 1 wind turbine, 30m to hub and 45m to tip, installation of associated equipment and infrastructure, including access track at Blakeley Hill Farm, North Bitchburn, Crook (for copy see file of Minutes).

A Rawlinson, Senior Planning Officer gave a detailed presentation on the application which included photographs of the site and the proposed layout.

Councillor F Tinsley, local Member addressed the Committee in support of approval of the application. He informed the Committee that officers had been placed in a difficult position when considering applications such as this because of inconsistencies in Government policies relating to wind turbine developments.

Councillor Tinsley informed the Committee that the Written Ministerial Statement (WMS) on wind farm development dated 18 June 2015 contained two criteria for such development, that the site was identified as suitable for wind energy development in a Local or Neighbourhood Plan and had active community support.

There was no up to date County Durham Plan or Neighbourhood Plan, and therefore in this context, no further wind turbine development would be permitted. However, there was significant community support for this development. While the WMS was a material consideration the NPPF, which was the bedrock of the planning system, supported such developments and therefore there were inconsistencies between the WMS and the NPPF.

The proposed wind turbine was 45 metres to tip and therefore could be considered to be a small to medium sized turbine. This contrasted to the two nearby wind turbines – one at Crook which was 61 metres to tip and one at Oakenshaw which was 74 metres to tip. The wind turbine would have no overbearing impact on local residents and only one objection to the development on the grounds of visual impact had been received. The other three objections received were on the grounds of community consultation and noise.

The visual impact of any wind turbine development was a subjective view of those who had to live with it. The County Council had sent 282 consultation letters for this application, and only 1 objection had been received on the grounds of visual impact. Of the photo montages of the wind farm from an agreed 15 viewpoints of the wind turbine, in only one was another wind turbine visible. Councillor Tinsley questioned how this application would therefore have a cumulative effect.

The proposed site of the wind turbine was not in a designated sensitive area and the undulating topography of the land would mitigate much of the visual impact.

The application had local public support, which was the second criterion of the WMS. The applicant had agreed a community benefit package of £40,000 to mitigate the visual impact of the development on the Hunwick area.

In conclusion, Councillor Tinsley informed the Committee that the future of energy provision would rely upon a significant element of renewable energy to help deliver a carbon neutral environment. While there were occasions when wind turbines were not appropriate, this application was not such an occasion.

Councillor Gunn, local Member, addressed the Committee in support of the application. Councillor Gunn informed the Committee that as well as being a local Member, she was also a resident of Hunwick.

The grounds for recommending refusal of the application included the visual impact of the development. This was only a small to medium sized wind turbine. Councillor Gunn informed the Committee that the wind turbine would not be overbearing, as this description would mean unpleasantly overpowering, which it was not. The wind turbine would have little or no impact on users of the Public Right of Way which actually took a route away from the site of the turbine.

Councillor Gunn disputed the cumulative effect of the wind turbine because of the undulating topography of the land. The turbine was a greater distance than 6 times tip height from the nearest local property and was near to electricity pylons which were some 260 metres in height. The site of the wind turbine was not in an area of outstanding natural beauty and public support for the application had been demonstrated. There was no opposition to the development in Hunwick and the community benefit package which the development was offering was recognised in Government policy.

Kieran Tarpey addressed the Committee on behalf of the applicant. The proposed wind turbine would produce 470,000 kW hours of carbon free electricity per annum which would be sufficient to power up to 100 homes. The development was a partnership with the local farm and was fully NPPF compliant. It was not in a designated landscape area and would have no impact on local settlements. The Public Right of Way was orientated away from the site of the wind turbine and was not often used. The nearest wind turbines were some 2.7km and 3.1 km away from this site and therefore the cumulative impact would not be excessive.

There was overwhelming community support for the development with only 3 letters of objection but 31 letters of support. The wind turbine would offset 256 tonnes of CO₂ per annum and would provide a community fund of £40,000.

L Renaudon, Planning and Development Solicitor advised the Committee about the proposed Community Fund. Although the applicant proposed to deliver a s106 community benefit package it was not clear how this would mitigate the development of the wind turbine. A s106 agreement should overcome objection to a development in some way and therefore the Committee could not give any weighting to this payment when deciding the application unless it was able to identify its planning purpose.

Councillor Dixon informed the Committee that this was finely balanced decision and sought clarity on the weighting to be given to the WMS and the NPPF.

Councillor Boyes informed the Committee that while, in the past, he had been vocal in opposition to wind turbine developments. However, he would be supporting approval of this application because the proposed turbine was not large and there was no widespread opposition to it, indeed, there appeared to be local support for it. The two local Members were also in support of the development which would bring with it a community benefit package of £40,000. In reply to a question from Councillor Boyes, Councillor Gunn confirmed that Hunwick was not in a Parished area. Councillor Boyes suggested that the community benefit package be paid

direct to the community of Hunwick for it to decide which projects to support. Councillor Boyes **moved** approval of the application.

The Senior Planning Officer, in reply to Councillor Dixon, informed the Committee that planning applications were considered with regard to the Development Plan, NPPF and WMS. Paragraph 74 of the report provided details of the WMS and how his application would conflict with it. The WMS was the most up to date position regarding the Government's stance on wind turbines and therefore carried significant weight.

Councillor Boyes, referring to paragraph 74 informed the Committee that reference was made to the WMS and wind farm development. This application was not for a wind farm but was for a single turbine. The Senior Planning Officer replied that the WMS advised the term to be used was wind energy development rather than wind farm or wind turbine.

Councillor Conway informed the Committee that he considered Councillor Tinsley had addressed the issue the two criteria specified in the WMS. Paragraph 74 of the report stated that the development was not consistent with Policy MW4 of the Wear Valley Local Plan in that the site did not lie within an area identified as suitable for wind energy development. However, the Local Plan dated back to 1997 and the Committee had been previously advised that Local Plans should only be given limited weight.

The Planning and Development Solicitor replied that weighting should be given to the Local Plan, the WMS and the NPPF. It was for Members of the Committee to consider what level of weighting should be given. The Planning Policy Guidance within the WMS stated that wind turbine developments should be within areas identified as suitable for wind energy development, and if the site was not so allocated, then the application would not be supported by the WMS.

Councillor Richardson informed the Committee that while he had been impressed by the representations made by the local Members and would be prepared to be persuaded into approving the application, he reminded Councillor Tinsley that politics had no place in the Committee.

Councillor Shield informed the Committee that the recommendation in the report stated that the application should be refused because the site was not located within an area identified as suitable for wind energy development in the Wear Valley Local Plan Local or Neighbourhood Plan and as such the proposal would be in conflict with the Written Ministerial Statement of 18 June 2015, and Paragraph 033 of the Planning Practice Guidance. The recommendation also stated that the proposed development would conflict with Policy GD1 in the Wear Valley Local Plan. Although a nearby application had been refused some time ago, that was for a larger turbine and was in an Area of Outstanding Natural Beauty. Policy GD1 was a general development criteria and as such Councillor Shield informed the Committee he would give this a low weighting. Councillor Shield sought clarity on how the £40,000 community benefit package would be shared by the local community.

Councillor Holland regretted that there had been no site visit for this application. However, he firmly believed that farmers should be able to progress developments such as this to improve the sustainability of their farms. In the absence of a site visit Councillor Holland was not convinced to refuse the application, which was in accordance with the NPPF regarding energy and he **seconded** approval of the application.

Councillor Davidson, referring to the community fund from the s106 contribution, asked the local members whether they would be supportive of the application were this funding not being proposed. Councillor Gunn replied that she was unsure why this was being asked. Councillor Davidson clarified that the community benefit must outweigh any detriment from the development. Councillor Gunn informed the Committee that generally in the area the farming community needed supporting, and this development would help improve sustainability of the farm. She would therefore be supportive of the application regardless of the community fund. Councillor Tinsley added that the application required many issues to be balanced, and that the visual aspect of the development was subjective. The scale of the turbine was acceptable and it brought with it a wider benefit from renewable energy.

Councillor Dixon asked whether the s106 contribution would be used to mitigate the impact of the wind turbine.

The Planning and Development Solicitor informed the Committee that if the Committee decided a s106 contribution was necessary to grant planning permission, this must be a reason to mitigate the development, and would need to explain why this would mitigate if part of the decision.

Councillor Dixon asked what benefit the development would provide to the farmer. Mr Tarpey replied that the development was a joint venture between the farmer and the energy company.

Councillor Gunn informed the Committee that the development would improve the sustainability of the farm, which then could be continued by future generations. The s106 money would be used to enhance areas in and around Hunwick.

Councillor Clare informed the Committee that normally he disliked wind turbines. However this application appeared to have the support of the local community and the Local Plan was out of date. Previously, the Committee had been advised to give little or no weight to such Plans. The proposed money from the development was not s106 money but had been described as a unilateral payment, and Councillor Clare asked whether a s106 payment would be needed to make the development acceptable. He would approve the application without such a payment and would be happy to leave the proposed £40,000 as a payment to the local community.

The Senior Planning Officer informed the Committee that, as yet, no unilateral undertaking had been received about the £40,000 payment and asked how this would be secured.

Councillor Richardson informed the Committee that the development was not solely for the benefit of the energy company but instead was a joint venture with the farmer, and he supported approval of it.

Councillor Davidson informed the Committee that he had reservations about the proposed payment from this application and added that if the Committee was to approve the application it would need to agree to delegate conditions to officers. Councillor Boyes moved that planning conditions be delegated to officers in consultation with the Chairman of the Committee, together with issues around the community fund.

The Planning and Development Solicitor informed the Committee that if the Committee approved the application then permission would not be granted until a planning obligation had been finalised.

Councillor Taylor informed the Committee that any s106 payment should mitigate the detriment of a development. He would be refusing the application because of the degree of ambiguity around the developer's contribution.

Upon a vote being taken it was

Resolved:

- (i) That, upon completion of a planning obligation providing for the £40,000 community fund, planning permission be granted;
- (ii) That the conditions attached to the planning permission be delegated to officers, in consultation with the Chairman of the Committee.

b DM/14/02041/FPA - Bogma Hall Farm Coxhoe Durham

The Committee considered a report of the Senior Planning Officer regarding an application for the erection of 155 dwellings, associated access and landscaping at Bogma Hall farm, Coxhoe (for copy see file of Minutes).

H Jones, Senior Planning Officer gave a detailed presentation on the application which included photographs of the site and the proposed layout. Members had visited the site and were familiar with the location and setting.

Councillor S Dunn of Coxhoe Parish Council addressed the Committee addressed the Committee to object to the application.

While the Parish Council welcomed some aspects of the application, and recognised the part of Coxhoe in the village's contribution the County Durham Plan, paragraph 53 of the report did not represent that this was part of a larger comprehensive development of the adjacent site by the Church Commissioners, and the Parish Council would be keen to prohibit the linking of this application site with the adjoining development to prevent egress onto Station Road. There were concerns about the emergency access outlined at paragraph 146 and Councillor Dunn asked what would prevent other vehicles using this. The Parish Council would prefer for the Church Commissioners development also to be accessed from the A177 and a 30 m.p.h. speed limit to be placed on this road and the point of

access. While the financial contribution towards education provision was welcome, no provision had been made to expand medical facilities in the village. Councillor Dunn hoped that should the development be approved employment opportunities for local people would be maximised.

Councillor Dunn considered that the lack of a s106 contribution towards amenity space was a deficiency in the application, which brought with it very little benefit other than bungalows and affordable housing. Although the impact on school places had been mitigated, the impact on local health facilities had not.

Amy Ward of Barratt Homes addressed the Committee in support of the application. The land the subject of the development was unused and underutilised and this development would be an investment for the area. The development was for 155 houses and included areas of open space and mitigation measures for the Great Crested Newt populations.

The development had been designed in a holistic manner to optimise the potential of the site and to deliver mixed housing. It responded well to the local area and was an attractive design. It would bring with it 10% affordable housing as well as a contribution of nearly £270,000 towards school accommodation.

J McGargill, Highway Development Manager addressed the Committee to clarify highways issues around this application. Access for the proposed development would be from the A177 which was a bypass road. The design for the proposed access was acceptable and safe access had been engineered. A 30 mph speed limit could not be imposed on this length of the A177 because it would not meet speed management requirements. Referring to the proposed emergency access, this would not be a road but would be a space through which emergency vehicles could pass.

Highways had objected to the application because the A177 was constructed as a bypass road and its function needed to be considered. It was a principal road and accesses directly on to it from developments could erode this function. Principal roads were designed to link settlements, not to provide access to residential developments. The Highway Design Guide for Residential Developments stated that residential access from such a road was not acceptable.

Councillor Jewell referred to the design of the entrance to and egress from the development and the right hand turn and asked what was being proposed to ease this. Additionally, Councillor Jewell commented that there was nothing to mitigate the concerns regarding the impact of the development on health facilities in Coxhoe.

The Senior Planning Officer informed the Committee that the application was not being refused on highways grounds because access could be designed in a safe manner and impact on traffic flows would not be severe as described in the NPPF. Referring to health provision, the Senior Planning Officer informed the Committee that although the Coxhoe Medical Practice had raised objections to the application NHS Property Services, who took a more strategic view, had raised no objection.

The Highway Development Manager informed the Committee that the design of the access met national standards for such a road junction and that a ghost island would be introduced for westbound traffic wishing to turn right.

Councillor Blakey, local Member, addressed the Committee. She informed the Committee of massive concerns in the area regarding both GP provision and the number of school places available. Coxhoe Parish Council was in the process of developing new Parish Plans and notice of these should be taken when deciding upon this application.

There was a long standing problem on Cornforth Lane which needed a one-way system introducing and the introduction of traffic calming and Councillor Blakey asked that this be considered before the development took place. Councillor Blakey thanked the developers for the discussions they had held with the Parish Council and the County Council.

Councillor Nicholson informed the Committee that while he had concerns regarding the right turn manoeuvre on the A177 and also was disappointed that only 10% affordable housing would be available, he welcomed the financial contribution towards enhanced education provision. The development site up to the A177 was a natural boundary for Coxhoe and he **moved** approval of the application.

Councillor Dixon, while agreeing the application had both problems and benefits, **seconded** approval of the application.

Councillor Boyes informed the Committee he had reservations regarding the proposed access and the level of affordable housing being proposed. He said that 10% affordable housing was not acceptable and, referring to paragraph 71 of the report, suggested that a financial contribution to other forms of space offsite should be requested.

The Senior Planning Officer replied that the development would offer some open space on site. The provision of a financial contribution to other forms of space offsite as well as more than 10% affordable housing was not considered to be viable. Several appraisals had been considered by the County Council's assets officers who agreed with this.

Councillor Shield asked how wide the egress road from the development would be and how far this would go into the development. The Highway Development Manager replied that the junction had been modelled to be 5½ metres wide with a 10m radii. The length of the road met DfT standards.

Councillor Conway referred to the viability appraisals considered by the County Councils assets officers and informed the Committee he would have liked to see substantiation evidence produced in the Committee report. Councillor Davidson replied that every comment in the report could be further expanded upon, but there was a limit in the amount of information to be produced for the Committee. It was necessary for the Committee to accept that this work had been undertaken by Council officers. The Senior Planning Officer added that the commercial sensitivity

of such information meant that officers were not at liberty to provide full details. Ms Ward confirmed this to be the case.

Councillor Richardson referred to the site visit when the coach waited for a period of time before it could turn right from the site onto the A177. There had been mention of a roundabout further along the A177 to enter into Coxhoe and he suggested it would make exiting the development safer if it was left turn only, should this roundabout be constructed. While the underpass which was from the site to neighbouring fields would be maintained, Councillor Richardson was unsure where any livestock would be kept, and he expressed concern that the underpass may be result in anti-social behaviour.

Councillor Dixon referred to the issue of viability and suggested this could be a topic for a Members seminar. Councillor Boyes agreed with this and Councillor Davidson agreed to raise this issue at a subsequent Chairs/Vice Chairs meeting.

Upon a vote being taken it was

Resolved:

That, subject to the completion of a legal agreement pursuant to Section 106 of the Town and Country Planning Act 1990 to secure the following

- i) The provision of 10% affordable housing
- ii) A financial contribution of £269,215 towards school accommodation

and the Conditions contained in the report, the application be approved.

Councillor M Dixon left the meeting.

6 Exclusion of the Public

Resolved:

That under Section 100(A)4 of the Local Government Act 1972, the public be excluded from the meeting for the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in Paragraph 5 of Part 1 of Schedule 12A to the Act.

7 Appeal Update - Mill Lane, Sherburn Village

The Committee considered a report of the Planning and Development Solicitor which provided an update on an appeal by the Church Commissioners for England in respect of an application for outline planning permission for up to 120 dwellings and new access at land east of Mill Lane, Sherburn Village (for copy see file of Minutes).

The Planning and Development Solicitor presented the report. Following discussion of the options available, it was **moved** by Councillor Taylor, **seconded** by Councillor Nicholson and

Resolved:

That the highways reason for refusal of the application be withdrawn.

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Planning Services

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	DM/15/02714/OUT
FULL APPLICATION DESCRIPTION:	Outline application for approximately 400 dwellings & office development (Use Class B1) together with ancillary uses (Use Classes A1 - A4 & D1 - D2), new accesses, associated infrastructure, open space & landscaping with all matters reserved except for access
NAME OF APPLICANT:	The Trustees Of Lord Durham's 1989 Voluntary Settlement
ADDRESS:	Lambton Park, Chester Road, Bournmoor
ELECTORAL DIVISION:	Lumley
CASE OFFICER:	Colin Harding, Senior Planning Officer 03000 263945, colin.harding@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

The Site

1. The site is located within the Lambton Estate ('The Estate'). The Estate covers approximately 600 hectares (ha) located east of Chester-le-Street and the A1 (M), south of Washington New Town and A182, west of the A183, and north of the A183 Chester Road
2. The Estate contains nationally and regionally important designated heritage assets. These include the Registered Park and Gardens and the principal focal points of Lambton Castle, situated overlooking the banks of the Wear, and Biddick Hall, the Lambton family residence on the Estate's eastern edge.
3. Following the unification of the Estate by the early 18th Century, it has been in the ownership of the Lambton family, it is still managed on their behalf, by The Trustees, as a traditional working estate. Forestry, sport and agriculture are the principal land uses. Some paddocks are grazed and the Stud, until recently, has been let as commercial livery stables. The former Home Farm buildings were converted to form Bowes Offices, and are leased to approximately 20 companies and businesses. The majority of the houses on the Estate, of which there are around 70, are let by the Estate on both a commercial basis, and also to existing and former employees.
4. The Estate's grounds are largely enclosed by a perimeter wall which defines the Estate boundary. The surrounding land uses are predominantly residential. The settlements of Rickleton, Harraton and Washington New Town are generally located to the north; Shiney Row and Penshaw to the east; Bournmoor to the south; and

Chester-le-Street to the west. The Ash Meadows housing estate adjoins the north western boundary, whilst Lumley Castle Estate and the Emirates Durham International Cricket Ground lie to the south west, beyond the A1(M) motorway.

5. The historic buildings and structures on the Estate are in varying states of repair. There are twenty three listed buildings and a Scheduled Monument within the Estate. Four of the listed buildings are considered to be of exceptional, or more than special significance, that is to say, Grade I or II* listed. A number of assets are on Historic England's Heritage at Risk Register. The condition of Lambton Castle (Grade II*) and the stability of its retaining wall (Grade II) are a key concern, with the stability of the wall being a longstanding issue, having been noted in the listing description of 1987. Other priorities include Lamb Bridge (Grade II*) and the Iron Gates, Posts and Railings to the north west of the Castle (Grade II*). In addition, the walled kitchen garden is in poor condition with large sections of brickwork requiring significant repair. Other notable structures requiring considerable investment include the Castle Stables, Byre, and Dairy, all of which are unused and are in a state of disrepair. Biddick Hall, which also lies within the Estate, is Grade I listed, and currently in sound condition, having been occupied by the Lambton family since the 1930s, and still serving as an occasional residence today.
6. The Estate is also identified within a 'Landscape Conservation Priority Area' in the County Durham Landscape Strategy (2008), and a significant proportion of the Estate, although not all is a Grade II Registered Historic Park and Garden.
7. The application site itself extends to approximately 111ha of land within the southern part of the Estate, adjacent to the southern boundary. The proposed development area is broadly contiguous with the former Lambton Lion Park and Garden Centre where elements of the associated infrastructure remain. To the south of the site lies the A183 Chester Road with the village of Bournmoor beyond to the south east.
8. The application site is broadly bound to the north by mature tree belts and internal access road with Bowes Offices to the north east. The River Wear, Lambton Castle and Biddick Hall lie beyond; to the south by the Estate wall with A183 and the village of Bournmoor beyond to the south east; to the east by the disused Leamside Railway Line, the A183 and the settlement of Shiney Row beyond; and to the west by the Stud Farm and broad tree belt with Kennel Field and the Raceground (part of the Registered Park and Garden) beyond.
9. The application site is surrounded by extensive woodland which provides a strong sense of enclosure and conceals views of the surrounding Estate. A dense band of woodland along the southern boundary screens views from Chester Road. A belt of conifers along the northern boundary separates the application site from the surrounding former deer park and largely obstructs views of Lambton Castle.
10. Along the southern boundary there is a wider belt of mixed woodland and the park wall, which run parallel to Chester Road. Along the eastern boundary the site is bounded by Biddick Wood which screens views of the A183 to the east.
11. The western part of the site is primarily used as paddocks for horses, and is heavily characterised by equestrian fencing. This area was developed as Lambton Lion Park in the 1970s/1980s and the former infrastructure and structures are still visibly evident, including the pay hut, giraffe house, engineered ponds (including the former hippo pond), sinuous paths, gateways and associated earthworks.
12. To the east, is the former County Show Ground and several fields currently under pasture, bounded by post and wire fencing and low hedges. The former County Show

Ground is bounded to the north by a belt of mixed deciduous woodland. Adjacent to the entrance from the A183 is a large area of hard-standing, formerly a garden centre. This area is no longer in use and the buildings have recently been demolished.

13. The site lies wholly within the North Durham Green Belt, an Area of High Landscape Value and around two thirds of the Estate is a Grade II Registered Historic Park and Garden, but has no other designations. Footpath No. 8 (Bournmoor) is the only Public Right of Way that enters the site, crossing the south eastern corner in the vicinity of the existing Bowes Business Park. A number of other Rights of Way either cross, or abut, the wider Estate. Notably these are the Weardale Way route which runs through the eastern part of the Estate, through Biddick Woods, and Footpath No. 17 (North Lodge), which enters the Estate at its northern extent, in the vicinity of The General's Wood residential development in Washington. Footpath No.4 (North Lodge) also enters the Estate from the A183 Chester Road and is, in part the main approach to Biddick Hall.
14. The closest ecological designation is Lumley Woods Local Wildlife Site which lies approximately 400m to the south west of the site, beyond the A1(M) motorway.

The Proposals

15. Outline planning permission with all matters reserved (except access) is sought for approximately 400 residential units (Use Class C3), an ancillary retail and community hub (Use Classes A1-A4 and D1-D2) (approximately 7,500 sq.ft / 700 sq.m); and approximately 86,100 sq.ft of B1 office floorspace (8,000 sq.m) and an ancillary retail and community hub (approximately 18,840 sq.ft / 1,750 sq.m).
16. The planning application comprises a series of parameter plans, including a land use parameter plan, a scale and height parameter plan, together with a movement and access parameter plan, and a character area plan. Detailed proposals would be required through the submission of reserved matters, in phased manner, should the outline application be approved, along with a comprehensive design code.
17. It is proposed that residential dwellings would not exceed 12.5m in height (approx. 2.5 storeys). Office use buildings would not exceed 12m (approx. 2 storeys) in height and retail and community uses would not exceed 8.5m (approx. 1.5 storeys) in height. In two locations, broadly indicated in the parameter plans, landmark buildings would measure up to 13.5m in height.
18. A reserved matters application would provide details of the appearance, landscaping, layout and scale of the development. However, details of the access to the site are addressed within the current application. Two new access roundabouts are proposed. The first from the A183 which includes the introduction of a new three-arm roundabout on the A183 Chester Road, located to the west of the A183 / Lambton Estate / Petrol Filling Station Junction. The existing access to the Lambton Estate is proposed to be stopped-up. The second proposed access comprises the introduction of a new four-arm normal roundabout on the A183 Chester Road, to replace the existing A183 / A1052 Junction. It is proposed that the existing access at Houghton Gate to the north east of the A1052 will be closed and the wall reinstated using reclaimed stone.
19. The internal road layout would be determined at the reserved matters application stage; however roads would be designed to promote lower traffic speeds to create a pedestrian and cycle friendly environment with provision for bus services also.

20. A key element of the proposals is the investment into the historic fabric of the Estate. A Conservation Management Plan has identified a requirement for £26 - £28.5m to be invested in the heritage of the Estate; this is proposed to be linked to the residential units delivered over an estimated 15 year time period. The application also proposes the opening up of the Estate to public access with over 9 miles of new footpaths and cycle routes being proposed.
21. The application is accompanied by an Environmental Statement (ES). This report has taken into account the information contained in the ES, points of clarification provided by the applicant and that arising from statutory consultations and other responses.
22. The application is being presented to the County Planning Committee as it represents major development with a site area of more than 4 hectares.

PLANNING HISTORY

23. There is no planning history relevant to this application site.

PLANNING POLICY

NATIONAL POLICY:

24. The Government has consolidated all planning policy statements, guidance notes and many circulars into a single policy statement, the National Planning Policy Framework (NPPF). The overriding message is that new development that is sustainable should proceed without delay. It defines the role of planning in achieving sustainable development under three topic headings – economic, social and environmental, each mutually dependant. The presumption in favour of sustainable development set out in the NPPF requires local planning authorities to approach development management decisions positively, utilising twelve ‘core planning principles’.
25. In accordance with paragraph 215 of the National Planning Policy Framework, the weight to be attached to relevant saved local plan policy will depend upon the degree of consistency with the NPPF. The greater the consistency, the greater the weight. The relevance of this issue is discussed, where appropriate, in the assessment section of the report. The following elements of the NPPF are considered relevant to this proposal;
26. *NPPF Part 1 – Building a strong, competitive economy.* The Government is committed to securing economic growth in order to create jobs and prosperity, building on the country’s inherent strengths, and to meeting the twin challenges of global competition and a low carbon future.
27. *NPPF Part 2 – Ensuring the Vitality of Town Centres* – Town Centres are recognised as being at the heart of communities, with the pursuit of their viability and vitality as being paramount. Planning applications for main town centre uses should be located in town centres firstly, and then edge of centre locations. Only when these are not available should out of centre locations be considered.
28. *NPPF Part 4 – Promoting sustainable transport.* Transport policies have an important role to play in facilitating sustainable development but also in contributing to wider sustainability and health objectives. Smarter use of technologies can reduce the need to travel. The transport system should be balanced in favour of sustainable transport

modes. Encouragement should be given to solutions which support reductions in greenhouse gas emissions and reduce congestion.

29. *NPPF Part 6 – Delivering a wide choice of high quality homes.* To boost significantly the supply of housing, applications should be considered in the context of the presumption in favour of sustainable development. Local Planning Authorities should seek to deliver a wide choice of high quality homes, widen opportunities for home ownership and create inclusive and mixed communities.
30. *NPPF Part 7 – Requiring Good Design.* The Government attaches great importance to the design of the built environment, with good design a key aspect of sustainable development, indivisible from good planning. Planning policies and decisions must aim to ensure developments; function well and add to the overall quality of an area over the lifetime of the development, establish a strong sense of place, create and sustain an appropriate mix of uses, respond to local character and history, create safe and accessible environments and be visually attractive.
31. *NPPF Part 8 – Promoting Healthy Communities.* The planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. Developments should be safe and accessible; Local Planning Authorities should plan positively for the provision and use of shared space, local services and community facilities to enhance the sustainability of community and residential environments. An integrated approach to consider the location of housing, economic uses and services should be adopted.
32. *NPPF Part 9 – Protecting Green Belt land* - The five purposes of Green Belt land are set out thus; to check unrestricted urban sprawl, to prevent towns coalescing, to safeguard the countryside from encroachment, to preserve the setting and character of historic towns and to assist urban regeneration. Planning Authorities are required to ensure substantial weight is given to any harm to the Green Belt, with 'very special circumstances' required to clearly outweigh potential harm to the Green Belt, and any other harm which may result.
33. *NPPF Part 10 – Meeting the challenge of climate change, flooding and coastal change.* Planning plays a key role in helping shape places to secure radical reductions in greenhouse gas emissions, minimising vulnerability and providing resilience to the impacts of climate change, and supporting the delivery of renewable and low carbon energy and associated infrastructure.
34. *NPPF Part 11 – Conserving and enhancing the natural environment.* The planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, minimising impacts on biodiversity and providing net gains where possible. Preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability; and remediating and mitigating despoiled, degraded, derelict, contaminated/unstable land.
35. *NPPF Part 12 – Conserving and enhancing the historic environment.* - In determining planning applications, local planning authorities should take account of: the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation; the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and the desirability of new development making a positive contribution to local character and distinctiveness.

36. The Government has consolidated a number of planning practice guidance notes, circulars and other guidance documents into a single Planning Practice Guidance Suite. This document provides planning guidance on a wide range of matters. Of particular relevance inter alia to this application is the practice guidance with regards to: air quality; climate change; conserving and enhancing the historic environment; design; ensuring the vitality of town centres; environmental impact assessment; flood risk; health and well-being; land stability;; light pollution; natural environment; noise; open space, sports and recreation facilities, public rights of way and local green space; planning obligations; travel plans; transport assessments and statements; use of planning conditions; and water supply, waste water and water quality.

<http://planningguidance.planningportal.gov.uk/> (*National Planning Practice Guidance*)

LOCAL PLAN POLICY:

Chester le Street District Local Plan (2003) (CLSLP)

37. *Policy NE2 – (Development beyond settlement boundaries)* – This Policy states that outside of settlement limits development will be strictly controlled. Development should protect and enhance the character of the countryside and be consistent with maintaining the economic sustainability of agriculture and other rural businesses.
38. *Policy NE3 (Implementation of the North Durham Green Belt)* - This policy states that a North Durham Green Belt will be implemented and maintained, in order to check the unrestricted sprawl of the Tyne and Wear Conurbation, prevent Chester-le-Street and its surrounding villages from merging, and to prevent merging with Tyneside, Durham City, and Wearside. It is also a stated aim that the Green Belt will assist in safeguarding the former District's countryside from encroachment, and also assist in the regeneration of built up areas by recycling brownfield sites.
39. *Policy NE4 (Appropriate Development in the Green Belt)* – This policy sets circumstances where new buildings will be considered appropriate within the Green Belt. These include, for forestry and agricultural purposes, essential facilities for outdoor sport and recreation, cemeteries, other uses of land that preserve openness, the limited extension, alteration or replacement of existing dwellings, re-use or conversion of an existing building, and the extraction of minerals.
40. *Policy NE5 – (New Dwellings in the Green Belt)* – The Policy states that there will be presumption against the construction of new dwellings in the Green Belt. Planning applications in the Green Belt for: converting or extending an existing dwelling to provide an additional dwelling; or ii) siting or replacing a residential caravan or chalet will be treated in the same way as proposals for one or more new dwellings in the Green Belt.
41. *Policy NE6 – (Development Affecting the Visual Amenity of the Green Belt)* - This policy states that development within, or conspicuous from, the Green Belt will not be granted where the proposal by virtue of its scale, siting, materials or design is detrimental to the visual amenity of the Green Belt.
42. *Policy NE15 (Areas of High Landscape Value)* - This policy states that the landscape character and quality of designated Areas of High Landscape Value will be maintained and enhanced. Development proposals will only be permitted where they are of a high standard of design, reflect the scale and character of buildings in the area, and do not detract from landscape quality.

43. *Policy BE2 (Public Art)* - This policy states that where development costs over £500,000, that developers will be encouraged to devote at least 1% of these costs to the provision of works in art in new building and landscaping projects accessible to the general or client public.
44. *Policy BE9 (Historic Parks and Gardens)* - This policy states that development within the designated Historic Parks and Gardens of Lumley Castle and Lambton Castle, as defined on the Proposals Map, or with future designations will only be permitted where it can be demonstrated that the proposal would conserve or enhance the special historic and landscape qualities of the designated area.
45. *Policy BE10 (Scheduled Ancient Monuments)* – This policy states that there will be a presumption in favour of the preservation of scheduled monuments, and other nationally important monuments and their setting
46. *Policy BE22 (Planning Obligations)*. This policy states that wherever necessary, that the Council will enter into planning obligations with developers to either enhance the quality of a proposal that is acceptable in principle, or to enable a proposal to go ahead which might otherwise be refused.
47. *Policy HP9 (Residential Design Criteria - General)* - This policy sets out a number of criteria relating to the design of residential properties.
48. *Policy HP6 – (Residential within settlement boundaries)* – identifies Chester-le-Street as a settlement where residential development will only be allowed on non-allocated sites that are previously developed land and meet the criteria of Policy HP9.
49. *Policy HP13 (Affordable Housing)* – This policy sets out the requirement for affordable housing within the former District on sites of over 15 dwelling, or 0.5 ha.
50. *Policy HP15 (Community Provision)* – This policy states that on sites of 10 or more dwellings, an appropriate contribution towards the provision and subsequent maintenance of related social, community, infrastructure and/or recreational and leisure facilities in the locality, where such provisions are necessary and directly related to the development.
51. *Policy R16 – (Retailing beyond Local Centres)* – This policy states that new development and limited extensions for small—scale retail use will be permitted within settlement boundaries beyond Local Centres, provided that such proposals are within walking distance, have no adverse impacts upon residential amenity, comply with Policy R11 (Shopfronts), are acceptable in all other aspects, do not exceed 100sq.m of floor area, and would not undermine existing retail areas.
52. *Policy R17 (Residential Development and Local Retail Needs)* - This policy states that Major new residential developments which are not within reasonable walking distance of existing shops will be required to make provision for small local shops to serve the everyday needs of their residents, which are not more than 100 square metres in floor area.
53. *Policy IN8 (Industrial Development Beyond Defined Industrial Estates)* – This policy states that outside the established and proposed industrial estates as defined in the Local Plan, development within the defined built up areas, which involves new or the limited extension of existing businesses within Classes B1, B2 and B8 of the Use Classes Order 1987, will only be permitted within the defined settlement boundaries where there is unlikely to be a significant adverse impact on the amenity of

neighbouring occupiers by virtue of noise, dust, smell and general disturbance; the design, scale and visual impact is compatible with the character and appearance of the site and surrounding areas; adequate landscaping is included; space is available for screened external storage, if required; it does not involve the loss of sound housing in primarily residential areas; and parking to meet the adopted standards (Policy T8) can be provided within the curtilage of the property, without detriment to the area or its amenities.

54. *Policy RL4 (Standards for Outdoor Recreation and Sport)* – This policy seeks an overall standard of 2.4ha of recreational open space per 1000 population, of which 1.6 to 1.8ha will be formal provision for sports, 0.2 to 0.3 will be equipped for children’s use and 0.4 and 0.5ha will be casual or informal play space.
55. *Policy RL5 (Provision in New Developments)* – This policy requires that for every 1ha of land developed, that there will be 125sq.m of equipped children’s play space and 250 sq.m of informal open space provided on site.
56. *Policy RL6 (Maintenance)* – This policy states that where recreational facilities associated with development are provided, then the maintenance of such facilities will be secured for a period of ten years.
57. *Policy RL9 (Recreation in Open Countryside)* – This policy states that development related to the quiet enjoyment of the open countryside for informal recreation will be permitted as long as they don’t damage the character and appearance of the countryside, damage existing Public Rights of Way, damage flora and fauna, or cause irreversible loss of the best and most versatile agricultural land.
58. *Policy RL10 (Recreation Provision in the Green Belt)* – This policy states that with the Green Belt, that permission for recreation uses will be granted provided that ancillary facilities are essential, small in scale, do not lead to coalescence or harm the visual amenities of the Green Belt.
59. *Policy T6 (Provision for Public Transport: General)* – This policy states that development proposals should be consistent with a safe and accessible public transport network. The access to new developments should be located on, or as near as possible to, existing bus routes.
60. *Policy T8 (Car Parking Provision)* – The design and layout of new development should seek to minimise the level of parking provision.
61. *Policy T15 (Access and Safety Considerations in Design)* – This policy requires safe access to a site, that the capacity of the road network is not exceeded, adequate links to public transport and access for emergency vehicles.
62. *Policy T17 (General Policy)* – This policy seeks to encourage the provision of a safe and accessible transport network, in particular with, reducing reliance on the private car, encouraging the use of public transport, and encouraging walking.

EMERGING POLICY:

63. Paragraph 216 of the NPPF says that decision-takers may give weight to relevant policies in emerging plans according to: the stage of the emerging plan; the extent to which there are unresolved objections to relevant policies; and, the degree of consistency of the policies in the emerging plan to the policies in the NPPF. The County Durham Plan was submitted for Examination in Public and a stage 1

Examination concluded. An Interim Report was issued by an Inspector dated 18 February 2015, however that report was Quashed by the High Court following a successful Judicial Review challenge by the Council. As part of the High Court Order, the Council has withdrawn the CDP from examination. In the light of this, policies of the CDP can no longer carry any weight at the present time.

[The above represents a summary of those policies considered relevant. The full text, criteria, and justifications can be accessed at <http://www.durham.gov.uk/media/3395/Chester-le-Street-local-plan-saved-policies/pdf/ChesterleStreetLocalPlanSavedPolicies.pdf> \(Chester le Street District Local Plan\) <http://www.durham.gov.uk/pages/Service.aspx?ServiceId=856> \(County Durham Plan\)](http://www.durham.gov.uk/media/3395/Chester-le-Street-local-plan-saved-policies/pdf/ChesterleStreetLocalPlanSavedPolicies.pdf)

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

64. *North Lodge Parish Council* – supports the application. North Lodge Parish Council state that there are negatives in the proposals including the loss of Green Belt land and increased volumes of traffic, both in the immediate vicinity of the proposed development and at junction 63 of the A1(M). However, the potential benefits of the proposal, including the restoration/saving of important structures within the Park, the opening up of the Park to the general public, the additional jobs created and the additional income generated far outweigh the negatives in this instance, provide a trade-off that is very much to the benefit of the general public.
65. *Sunderland City Council* – Raise concerns in relation to the impact that the development would have upon schools in Sunderland, as a result of an increased demand for places. Concerns are also raised with regards to the impact that the proposed offices would have upon existing office opportunities in Sunderland, and further that the highways improvements are not acceptable.
66. *Historic England* – Offers no objection. Lambton Park contains a rich collection of twenty four listed buildings including four of exceptional or more than special national interest (that is grade I or II*), set within a historic landscape, half of which is a grade II registered park and garden. The impact of the proposed 400 houses will cause a minor degree of harm to the significance of the registered park but in return a substantial amount of finance would be provided for much needed conservation work, which in turn could help prime new uses for the historic assets. In this respect it strongly accords with paragraph 132 of the NPPF. The application, therefore, proposes considerable public benefits in relation to heritage that can be considered within the balanced planning decision that is required for applications that may be contrary to policy. The strength of these benefits must be qualified by the ability to deliver them and Historic England suggest that if the authority is minded to grant consent, both a legal planning agreement and the creation of a charitable trust is required to help bring this about.
67. *Highways England* – Offer no objection.
68. *The Highway Authority* – No objection is offered. The principle of accessing the site via two roundabouts onto the A183 is acceptable. Concerns originally raised relating to the design of the roundabouts has been overcome.
69. *Natural England* – Offer no objection. Based on local and strategic information available, it is unlikely that the scheme would result in the loss of over 20ha of Best and Most Versatile agricultural land. Natural England also raises no objection with regard to the impact of the development upon statutory designated sites. Standing and

general best practice advice is provided in relation to biodiversity and landscape enhancements.

70. *Environment Agency* – Raise no objections. Requires the Sewerage Undertaker to be consulted by the Local Authority to demonstrate that the sewage disposal systems serving the development have sufficient capacity to accommodate the additional flows, generated as a result of the development without causing pollution. An acceptable method of foul drainage disposal would be connection to the foul sewer.
71. *Northumbrian Water* – Raise no objections and confirm the applicant can connect directly to the public sewer. A pre-commencement condition for a detailed scheme for the disposal of foul and surface water is requested.
72. *Coal Authority* – Raise no objection subject to a planning condition requiring an intrusive site investigation to be carried out prior to the formulation of detailed site proposals.
73. *Drainage and Coastal Protection* – No objections raised. Wherever possible the site should be developed to incorporate sustainable drainage systems including infiltration (subject to testing) and water quality improvement techniques. Should infiltration techniques not be suitable the development can have unrestricted discharge (subject to their being no consequential risk of flooding) to the River Wear at a discharge point east of Lamb Bridge. Details of the connection to the watercourse will be required to be submitted together with calculations proving the hydraulic effect of the watercourse. Proposals should indicate how the identified 300mm diameter highway drain will be accommodated within the design.

INTERNAL CONSULTEE RESPONSES:

74. *Spatial Policy* – No objections raised. The development is identified as being inappropriate development. It is considered the likelihood of additional harm to the Green Belt will be limited. A suite of benefits which would arise from the proposal which are considered on balance to outweigh the identified greenbelt harm and therefore to amount to 'very special circumstances' are identified, and other matters pertaining to the application to identify any other harm are considered. In terms of heritage impact as the site relates to a designated heritage asset the test set out in Paragraph 132 -134 of NPPF is significant. The proposal is considered to result in 'less than substantial harm' and will attract significant heritage benefits which are within the public interest. No further unacceptable harm has been identified when mitigation set out in this application is taken into account. The planning application is not considered to be premature; and no other significant considerations have been identified which outweigh the above. In light of the above it is considered that the relevant tests set out in the NPPF, particularly paragraphs 14, 87 -88 & 132-134, are satisfied.
75. *Design and Conservation* – No objections raised. The application site forms part of the Lambton Estate with its wide range of designated and non-designated heritage assets including the grade II registered park and garden in which large parts of the application site sit. The development proposed would, as a result of the development of this parkland result in a degree of harm to significant heritage assets, however, this is considered to be minor, and clearly less than substantial harm. The primary driver for this development is considered to be the stemming of the decay of the core of the estate and opening up this unique landscape to the wider public, such benefits will flow from the finance generated and as such the proposal is considered to strongly accord with paragraph 132 of the NPPF. The overall success of this proposal lies in

the ability to deliver the proposed benefits as a whole, over a prolonged period of time and to this end a strong and robust delivery mechanism through a legal agreement is required as set out in the supporting documentation.

76. *Ecology*- No objections. Should planning permission be granted Ecology officers require condition(s) to be applied which ensure that the mitigation proposals for impacts on species and habitats in Chapter J of the EIA are delivered fully.
77. *Landscape and Arboriculture* – No objections. In terms of its impacts upon both local and wider designated landscapes, it is considered that any harm would be minor, and outweighed by the level of benefits that the development would bring in terms of landscape restoration throughout the wider Estate.
78. *Environmental Health and Consumer Protection (Air Quality)* – No objection raised. It is noted that there is potential for emissions of ‘nuisance’ dust to blow over the site boundary and impact on existing receptors during construction. It is requested a condition be included to require, prior to the commencement of development, the submission and approval of a Dust Action Management Plan. The impacts on air quality from an increase in vehicle flow volumes from the proposed development once operational have been modelled and impacts are not determined as significant.
79. *Environmental Health and Consumer Protection (Contaminated Land)* – No objection. Given this application constitutes a change of use to a more sensitive receptor requests a pre-commencement condition for a scheme to deal with contamination.
80. *Environmental Health and Consumer Protection (Noise, Light and Odour)* – No Objection. Requires further detail to be provided, either as detail at the reserved matters stage or required by condition.
81. *Archaeology* – No objections raised. Requests conditions are placed upon the outline consent requiring the applicant to carry out the phased work described in the desk based Archaeological Evaluation and Mitigation Works report and Environmental Statement (2015).
82. *Affordable Housing* – The Strategic Housing Market Assessment identifies a need for 15% affordable housing provision in the North delivery area. Due to the size of the development, it is considered there should be a mix of affordable housing products. An indicative mix would be 75% affordable rent, and 25% affordable home ownership.
83. *Access and Public Rights of Way* – Consider the revised Access Management Plan fails to guarantee permanent public access to the Lambton Estate resulting from planning consent for the proposed development. It is disappointing to note that there appears to be unwillingness on the part of the applicant to provide public access to the estate in perpetuity in the form of dedicated public rights of way. Whilst the enhanced permissive access is significant in its quantity, it is by its nature temporary. It is granted by permission of the landowner and can be withdrawn.
84. *Employability Team* – No objections are raised. Officers consider there is not sufficient information to generate labour forecast calculation and skills outcomes. Requests that Targeted Recruitment and Training (‘TRT’) is included within the planners report for Committee for consideration and a planning condition or clause included in the S106 Agreement to secure employment and skills training that will assist the local community by improving job prospects and employability.
85. *Sustainability* – No objections are raised. Officers consider that only the facilities within Bournmoor village are within a short walking distance from the site. Bus stops are

currently outwith a short walking distance from over half the estate. Therefore it is likely that that most trips to other services and facilities not located within Bournmoor will be done by private transport. The proposed ancillary retail and community hub development, together with the B1 office development would assist in mitigating some of these accessibility issues and indeed would likely have a positive effect on community cohesion. This is considered positive and would assist in providing live/work opportunities for potential future residents. The revised Access Management Plan provides certainty that new permissive routes would be provided throughout the estate in the medium term. This would have a significant positive impact upon the wider community. Requests a pre-commencement condition for a scheme to embed sustainability and minimise carbon from construction and in-use emissions.

86. *School Places Officer* – No objections are raised. A development of 400 houses could ultimately produce 120 primary pupils and 48 secondary pupils. There are 73 places available at primary schools in the local area and consequently there are 47 pupils who would not get a primary school place, without additional teaching accommodation being provided. A contribution of £550,135 towards the cost of the additional classrooms is therefore required. There are sufficient secondary school places in the area therefore we would not be seeking a contribution for additional secondary school places.
87. *Business Durham* – Supports the application. It is considered that the development would form an important component in growing the supply of executive housing within County Durham, which in turn will help retain and attract high earners to live, and locate within the County, and support planned economic growth. It is highlighted that although the County is successful in attracting high earning households, lack of choice of executive housing could act as a significant barrier to meeting future economic aspirations, as identified in the County Durham Strategic Housing Market Assessment.
88. The inclusion of office floorspace is welcomed which will attract new business opportunities, and support the retention and creation of a higher number of jobs along the A1(M) corridor. Recent research by Business Durham has identified a shortfall in available office premises along the A1(M) corridor.
89. *Visit County Durham* – supports the application stating that the development would contribute to several of the Durham Tourism Management Plan priorities around the rural visitor economy, quality and local distinctiveness, in particular:
 - support the development of local distinctiveness, opening a hidden chapter of Durham’s heritage to the public. The proposal also presents opportunities to promote the themes of history and innovation, people, location and connectivity (Priority 3).
 - grow the profile of the county regionally and nationally by adding to the distinctive mix of attractions in the region. This will help to stimulate first time staying visitors and attract repeat visitors from the local area (Priority 5).
 - help extend visitor stays by drawing visitors into rural areas and optimising the potential of its neighbouring market town, Chester-le-Street, to attract visitors and operate as a service centre for people on rural holidays (Priority 6).
 - increase the contribution of Durham’s rural areas to the overall value of the county visitor economy, providing an alternative offer that broadens the scope and variety of attractions in the area so that there is more for visitors to see and do (Priority 8).
90. *Regeneration and Economic Development* – supports the application, highlighting that it would provide executive housing, which is a currently underrepresented sector within the county. It is also acknowledged that the scheme will offer business leaders

the opportunity to reside close to their offices, and that Chester le Street would also benefit through increased trade within the town centre. The proposals align with the ambitions of the County's Regeneration Statement and Chester-le-Street's Regeneration Masterplan.

PUBLIC RESPONSES:

91. The proposals were displayed at a Public Exhibition on Wednesday 26th August 2015 at Bowes Offices within the Estate prior to formal submission. The applicant sent leaflets to Estate residents and to Local Councillors explaining the proposals and inviting them to the exhibition. Following submission the application was advertised by site notice and in the local press. Notification letters were sent to 72 individual households in the area. Following the submission of points of clarification by the applicant further publicity was undertaken in the form of individual letters to those originally consulted and those who had commented on the application. In total, three letters have been received from individuals with regards to the proposed development, two of which raise objections, and one which indicates support.

OBJECTIONS:

92. Two letters of objection have been received from individuals in response to the application. The grounds of objection and concern raised by those objecting to the proposed development are summarised below:
- Loss of Green Belt land
 - Facilitation of coalescence and urban sprawl
 - Impact of noise and disruption of communities along A183 and nearby locality both during construction and on completion.
 - Increased traffic and congestion
 - Concern over highway safety
 - Development would be more suited to the North West of the Lambton Estate which would give more direct access from the A1.
 - Development would result in increased pressure on already overstretched services and facilities. There are no GP practices in Bournmoor, no Dental practices and no pharmacies.
 - Local schools do not have the capacity to accommodate the numbers of new pupils that this development would bring.
 - Limited and seasonal increased access does not justify the release of the Green Belt.
93. *County Durham Local Access Forum (LAF)* – Do not agree that the access arrangements as proposed would open up one of the County's hidden gems as a regionally important tourist destination. Supports the intention to improve opportunities for access and recreation but considers that linear and area based access to land and the adjacent River Wear should be established in perpetuity by establishing new rights of way, rights of navigation and by Dedicating Land for Access to the Countryside. In addition to providing for the needs of outdoor recreation on foot consider that equal

consideration should be given to providing for the needs of cyclists and horse riders and the potential for water related activities.

94. County Durham LAF considers the proposals as wholly inadequate to serve the needs of the residents of this proposed development and the wider community and would welcome the opportunity to work with the applicant to ensure that the full potential of this site is realised.
95. *Tyne and Wear Local Access Forum (LAF)* - state that they consider that access and navigation rights should be secured in perpetuity, by the establishment of Public Rights of Way and rights of navigation. LAF consider permissive rights to be a wholly inadequate alternative. They would also encourage area based access to be granted across the estate, as opposed to being restricted to High General's Wood, which may lead to related traffic and parking problems.
96. *The Campaign to Protect Rural England* – Originally raised concerns, considering the proposal involved an incursion into the Green Belt, which constituted inappropriate development. It was accepted that the major issue was whether “very special circumstances” existed, and in the view of CPRE, they did not. However, since the receipt of additional information, further comments have been submitted which note that CPRE consider the opening of the Estate to public access to be a very important part of the planning judgement, and that if widespread access to the Estate on both recreational and sustainable travel routes is provided, linking up with existing routes, then ‘very special circumstances’ may exist, notwithstanding the location of the site within the Green Belt.

Support

97. One letter of support has been received from an individual in response to the application. The merits of the scheme are cited as being:
 - Potential for custom/self-build opportunities to facilitate the creation of superior quality housing stock.
98. *Kevan Jones MP – Member of Parliament for Durham North* – supports the application stating that the plans could provide a significant boost to the local economy in his constituency. Development will enable significant investment in the existing Estate, including the Lambton Castle and the surrounding area. Development would not only be beneficial to the economy, it will also open up large parts of the Estate to the public for the first time and allow for the continuation of traditional crafts.
99. *North East Chamber of Commerce* – supports the application, noting that there is a need for greater levels of high-quality executive housing in the region, as identified in their own study. It is considered that a failure to tackle this demand would undermine efforts to support indigenous business growth, nurture a highly skilled workforce and attract major private sector investment to Durham. Additionally it is acknowledged that the proposed development would protect the historic value of the Lambton Estate, provide high quality public spaces, along with new retail and business opportunities which would not negatively impact upon others. Furthermore, the boost to the local construction industry and its supply chain, as well as additional uplift to the local area's economic output should be welcomed.
100. *Durham Constabulary* – No objections are raised, and advice is offered relating to security and safety measures to be built into the design of the development.

APPLICANTS STATEMENT:

101. The Lambton Estate is one of County Durham's 'hidden gems' containing 23 listed buildings and structures set within a 600hectare (approximately 1,482acre) Estate parts of which are a designated Grade II Historic Park and Garden.
102. Despite past efforts, and recent investment, many of the properties and historic grounds continue to decline. The Estate is now at a critical point in its history and requires a long term, viable, framework to provide significant investment to secure its future and preserve the heritage assets.
103. To address these challenges, following joint working between the Trustees, their advisors, the Council and English Heritage (as was) an area of the Estate was allocated for residential and office development within the emerging County Durham Local Plan (Policies 12 and 24). Further analysis and guidance is incorporated in the Lambton Estate Supplementary Planning Document (2013).
104. Because of delay with the County Durham Plan the Trustees, with the support of Historic England, have brought forward submission of this planning application. The proposals represent a unique opportunity to deliver a mixed use development, comprising both affordable and executive housing, in a prestigious location together with further office accommodation. This generates the revenue for the much needed investment into the historic fabric of the Estate.
105. A Conservation Management Plan identifies the necessary critical investment to sustain the Estate for future generations; this is costed at £26 – £28.5 million and will be secured by a section 106 legal agreement. Subsidy from public sources is not available to meet this heritage deficit. Historic England has reviewed the Conservation Management Plan and considers it represents a comprehensive repair package to halt the decline of the historic environment.
106. The proposals will open up the historic landscape of the Estate allowing public access to the River Wear corridor, Lamb Bridge and key views of Lambton Castle. Initially, 10.3km (6.5 miles) of proposed seasonal permissive walking and cycling routes will be delivered. By the 150th home (in roughly five years' time) 14.8km (9.3 miles) of routes will be opened on an annual permissive basis delivering a comprehensive network of public access throughout the Lambton Estate. Again this will be secured via a section 106 legal agreement.
107. Throughout discussions with stakeholders the un-tapped potential of the Estate as a visitor destination has been recognised. Based on comparable locations within the region estimates indicate that the introduction of public access will attract around 75,000 visitors each year.
108. Although the Lambton Estate is currently designated as Green Belt it is important to note that the vast majority of the Estate would remain in the Green Belt.
109. Insofar as the development proposals are concerned the Green Belt policy was first conceived almost a quarter a century ago. The Chester-le-Street Local Plan has been time expired for nearly a decade. It is, therefore, entirely appropriate to re-appraise the role and function of the Green Belt which would not, at a strategic level, be harmed by the proposed development.
110. The Very Special Circumstances that apply to the proposals, and clearly justify this unique development, are numerous and comprise of the following:

- Ensure the restoration and enhancement of the heritage assets across the Lambton Estate delivering a £26 - £28.5million investment the need for which is comprehensively identified in the Conservation Management Plan
- Without this much needed investment the Lambton Estate would otherwise continue to deteriorate with a real risk of the Estate becoming fragmented
- Provide more than 9 miles of footpaths and cycle routes delivering significant and unprecedented public access to the Estate which would otherwise remain private
- Create significant positive cultural and tourism impacts in line with Visit Durham's Destination Management Plan
- Increase the beneficial use of the Green Belt across the wider Estate
- Deliver a socially cohesive development of an exemplary architectural standard providing a mix of housing particularly:
 - those at the upper end of the market which are under-represented as confirmed in the Council's Strategic Housing Market Assessment
 - delivering 60 affordable homes both for rent and sale at discount from open market values
- Expanding the already successful Bowes Offices providing opportunities for entrepreneurs who wish to relocate their businesses close to their homes with over 460 - 525 new jobs forecast.
- Contributing to the economic success of the region and delivering up to a £52m increase in GVA assisting the Northern Powerhouse.

111. In summary, it is the strong view of the Trustees that planning permission should be granted for this unique proposal which will secure the long term future of the Lambton Estate a key asset for the County.

PLANNING CONSIDERATIONS AND ASSESSMENT

112. Section 38(6) of the Planning and Compulsory Purchase Act 2004 sets out that if regard is to be had to the development plan, decisions should be made in accordance with the development plan unless material considerations indicate otherwise. In accordance with Paragraph 212 of the National Planning Policy Framework (NPPF), the policies contained therein are material considerations that should be taken into account in decision-making. Other material considerations include representations received. In this context, it is considered that the main planning issues in this instance relate to; the principle of development, the impacts of the proposal upon the Green Belt, heritage assets and archaeology, whether the proposal involves the loss of Best and Most Versatile Agricultural Land, provision of affordable housing, the principle of business development, ancillary retail and community uses, highway safety and operation, impact upon landscape character, ecology, flood risk and drainage, design approach and residential amenity, contamination and coal mining legacy, provision of open space, provision of public art, education infrastructure, sustainability, viability and planning obligations, whether the proposal constitutes Enabling Development, and whether the application is premature

Background

113. The Lambton Estate is a significant historic asset within the North East of England, with the modern Estate having had a rich and varied history, which is reflected in the twenty three listed structures and single Scheduled Monument that it contains, and the designation of over half of it as a Grade II registered park and garden. The park and garden covers the historic boundary of the parkland belonging to Lambton Castle and it is here where the majority of listed buildings are located, with a smaller cluster around Biddick Hall.

114. The historic buildings and structures are in varying states of repair. The Grade II* Listed Lamb Bridge and the Iron Gates, Posts and Railings to the north west of Lambton Castle are on Historic England's Heritage at Risk Register. The application includes a Conservation Management Plan (CMP), which identifies a number of assets requiring urgent attention, together with those that require attention in the medium to longer term.
115. Consequently, the Estate is at a critical point in its history and requires a long term, viable framework to secure its future and preserve its nationally important heritage assets. The Trustees, Council and Historic England have recognised the need for change and intervention to secure a long term future for the Estate, and worked together to inform preparation of the Lambton Estate Supplementary Planning Document (SPD) (October 2013) which set out a long term strategy to secure a long term sustainable future for the Estate, and associated with this, the site was proposed as an allocation through Policies 12 and 24 of the County Durham Plan.
116. The withdrawal of the County Durham Plan from examination means that the timescales for adoption of a Plan remain unclear. The applicant considers that if action is not taken in the short term, then the heritage assets will continue to fall into increasing disrepair which in turn will impact upon the viability of any future planning applications. Over a 2-3 year period, the applicants estimate that some repair and restorations costs could increase by up to 25%.
117. Historic England acknowledges that the CMP starkly indicates the scale of the problems facing the historic environment and leaves no doubt that there is a serious problem that will only worsen through inaction. They note that, in principle, repairing Lambton's historic environment and attracting onward investment is a very positive and necessary timely step.
118. Consequently, the applicant has decided to submit a planning application in advance of the adoption of the County Durham Plan.

Principle of Development

119. Though closely related to the established settlement of Bournmoor, the application site falls beyond any defined settlement boundaries in the CLSLP and is not identified in that Plan as a site where new housing or further employment or retail development will be directed. The site is also located within the North Durham Green Belt.
120. The LPA is currently unable to demonstrate a five year housing land supply and this is discussed elsewhere in this report. Furthermore, it is considered that policies within existing Local Plans referring to settlement boundaries can be considered to be policies for the supply of housing. Paragraph 211 of the NPPF is clear that for the purposes of decision-taking, policies in Local Plans should not be considered out-of-date simply because they were adopted prior to the publication of the NPPF, as is the case in this instance. However, case law has established that where policies for the supply of housing are based on housing figures of some age, which did not represent an objectively assessed need, then they are "out of date".
121. The 'saved' policies for supply of housing within the CLSLP were based upon housing supply figures derived from the former County Structure Plan which is no longer extant. As a result, they do not reflect an up to date objective assessment of need. Consequently, these policies, namely CLSLP Policies NE2 and HP6, must now be considered to be "out of date" for the purposes of Paragraph 14 of the NPPF, the implication of this being that no weight should be afforded to them. Therefore the fact

that the site is in conflict with CLSLP Policies NE2, and HP6 because it falls beyond defined settlement boundaries, is no longer considered of significance in the determination of this application.

122. Paragraph 14 of the NPPF confirms that a 'presumption in favour of sustainable development' should be seen as the 'golden thread' running through the planning process. It goes on to confirm that for decision taking this means that where relevant policies are out of date, as is the case in this instance for the reasons set out above, then planning permission should be granted unless any of two circumstances arise, namely that any adverse impacts of so doing would significantly and demonstrably outweigh the benefits; or specific policies in this Framework indicate development should be restricted.
123. In this case the latter circumstance applies because as the site falls within designated Green Belt the proposal must be determined in accordance with the specific policies within the NPPF namely Paragraphs 87 and 88, which indicate development should be restricted because of the site's location within Green Belt unless the specific test set out in Paragraph 88 is met. This states that when considering a planning application, the Local Planning Authority should ensure that substantial weight is given to any harm to the Green Belt by reason of inappropriateness, and that development will only be acceptable in 'very special circumstances' and where that harm, and any other harm, is clearly outweighed by other considerations.
124. Paragraphs 87 and 88 of NPPF are therefore very significant to this case. The proposal is considered in more detail in the context of current Green Belt policies elsewhere in this report. Furthermore, in respect to the identification of 'other harm' referenced in Paragraph 88 it will be necessary to assess the impact of the proposal in relation to the wide range of relevant planning considerations, including accessibility to services, infrastructure, highway/ access, landscape, amenity, heritage and ecological matters in order that the balancing exercise required by Paragraph 88 can be carried out.
125. As outlined previously the 'saved' local plan policies relating to housing land supply are considered to be out of date. Therefore the NPPF and PPG are the starting point for the consideration of the residential element of the scheme together with the integrated economic and community uses that are an ancillary component of the development. As such, aside from the Green Belt issue, the acceptability of the residential use on the site will be informed by the sustainability credentials of the proposal.

Green Belt

Policy Context

126. The application site is allocated within the adopted CLSLP as forming part of the North Durham Green Belt under Policy NE3. The removal of the site from the Green Belt was proposed in the County Durham Plan, however as this Plan has now been withdrawn from examination, no weight can be afforded to this.
127. In the interim, the Council's cabinet endorsed a paper in June 2015 entitled "Assessing Development Proposals in County Durham in the light of the Inspector's Interim Report on the County Durham Plan." Insofar as it relates to this application, the paper applies the Green Belt tests as set out in the NPPF.
128. The NPPF attaches great importance to Green Belts, and identifies, at paragraph 85 that Green Belt serves five purposes. Further, at paragraph 89 it states that the

construction of new buildings within the Green Belt should be considered as being inappropriate development, except in specific, identified instances, and at paragraph 87 it states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved, except in very special circumstances.

129. Paragraph 88 clarifies that Local Planning Authorities should ensure that substantial weight is given to any harm to the Green Belt, and that “very special circumstances” will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.
130. CLSLP Policy NE3, which defines the North Durham Green Belt is considered to be consistent with the NPPF, and therefore can be afforded significant weight in the decision making process, although the wider evidence base on development requirements has significantly changed. CLSLP Policy NE4 sets out what types of development may be considered to be appropriate within the Green Belt. Although the general objectives of the policy are NPPF compliant, the detail is not, as the NPPF introduces a wider range of exceptions. Consequently, only limited weight can be afforded to this policy.
131. CLSLP Policy NE5 sets out a presumption against new build dwellings in the Green Belt. As with Policy NE4, although the general objectives of the policy are NPPF compliant, the detail is not as the NPPF introduces a wider range of exceptions. Consequently, only limited weight can be afforded to this policy, and primacy should be given to advice within the NPPF.
132. CLSLP Policy NE6 states that development within, or conspicuous from the Green Belt will not be permitted in the interests of safeguarding visual amenity. The NPPF makes no provision for controlling development on the basis of impact upon visual amenity, although provision is made for impact upon openness. Consequently, only limited weight can be afforded to this policy, and primacy should be given to advice within the NPPF.

Whether the proposals constitute inappropriate development

133. The proposed development meets none of the exceptions where construction of new buildings could be considered to be appropriate, as identified within paragraph 89 of the NPPF, or CLSLP Policy NE4. Consequently, the proposed development constitutes inappropriate development in the Green Belt.
134. Inappropriate development is by definition harmful, it should therefore be considered whether the harm by reason of inappropriateness, and the further harm, caused to the openness and purpose of the Green Belt is clearly outweighed by the countervailing benefits arising from the development, so as to amount to very special circumstances.
135. In considering whether to allow development in the Green Belt, it must be considered, first, the level of harm arising from the inappropriate development, and then secondly consider the benefits said to be delivered by the development; and then consider whether those benefits clearly outweigh the harm so as to amount to very special circumstances.
136. Very special circumstances can be made up of a single element, or a number of individual benefits, which when considered cumulatively can be considered ‘very special’. The weight given to the various elements identified which either individually or cumulatively are considered to constitute very special circumstances is a matter of planning judgment and must be weighed against the Green Belt harm of inappropriateness and any other harm that may exist.

Level of harm to the Green Belt

Purposes of the Green Belt

137. Paragraph 80 of the NPPF sets out the five purposes of Green Belt, and the designation of Green Belt, which are as follows;

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

Checking the unrestricted sprawl of large built-up areas

138. Although the Estate could be considered to form a large expanse of green space within the wider Tyne and Wear and North Durham conurbation, it is considered that the development of the site would not contribute to the urban sprawl of the wider area. The development site is well defined within the boundary walls of the Estate. The remainder of the Estate provides a significant landscape buffer, particularly to the north, east, and west, with open land remaining to the south. The managed nature of the Estate and its strong boundaries mean that this is likely to remain the case for many years to come. Consequently, it is considered that the development is unlikely to contribute to urban sprawl, being controlled through the parameter plans which preserve landscape setting.

Preventing neighbouring towns merging into one another

139. It is considered that the site is located in such a position that there would not be, or indeed be any discernable perception of Chester-le-Street and Bournmoor merging, or indeed a merging of Bournmoor with the wider Wearside conurbation. A significant amount of separation would remain between the site, and Chester le Street, which would be around 2km distant, and crucially beyond the River Wear, and the A1(M) motorway. This separation is further accentuated by the topography which rises from Junction 63 of the A1(M), and the River Wear, and by the fact that the A183 is followed along its northern side by the Estate wall. The first entrance to the site from the A183 when approaching from Chester le Street, is approximately 2.25km. There would be no merging with Fencehouses as a result of these proposals.

140. There would be a degree of visual relationship with Bournmoor, which is in closer proximity; however the site, given the surroundings of the wider Estate, would not contribute to Bournmoor's merging with Washington, to the north.

141. It is therefore considered that the development of the site would not lead to coalescence.

Assisting in safeguarding the countryside from encroachment

142. The development would clearly result in encroachment into the countryside, and further the CLSLP specifically identifies one of the purposes of the Green Belt to be preventing the encroachment into the Lambton Park area. Whilst encroachment would result, it should be noted that the site is not publically accessible, with only limited views into the applications site, and the benefits arising from the scheme are material to this matter and are discussed below.

Preserving the setting and special character of historic towns

143. The CLSLP specifically acknowledges that this not a purpose of the Green Belt in this location. The specific impacts of the development upon the historic significance of the Estate are covered elsewhere in this report. Consequently, it is considered to not be necessary to consider this element further.

Assisting in urban regeneration, by encouraging the recycling of derelict and other urban land

144. Although the site contains elements of fixed surface infrastructure linked to its former use as a Lion Park, showground, and garden centre the site is considered to not fall within the definition of previously developed land as set out in the NPPF. Therefore, in itself the proposal would not constitute the recycling of derelict or other urban land, although it would indirectly bring back into active use various historic buildings within the Estate, the future of which would otherwise be uncertain.
145. Having regards to the “executive” nature of the proposed development, and the historic under delivery of such developments within the County, it is considered unlikely that the delivery of this development, in this location, would be prejudicial to regeneration schemes elsewhere.

Openness

146. Paragraph 79 of the NPPF sets out that the fundamental aim of the Green Belt is to prevent urban sprawl by keeping land permanently open. Therefore, it is appropriate to consider both the openness of the site at present, and further, how the proposed development would be likely to impact upon this.
147. At present, the site can be considered to largely open in character, as it no longer contains any significant amount of built development. However this openness is punctuated by infrastructure remaining from the site’s former uses as Lambton Lion Park, and as a Garden Centre, and also by woodland planting. This character of openness is very much only experienced from within the site.
148. Critically, public access to the site, at present is extremely limited and the site is contained by the Estate’s boundary wall to the south, and the wooded extent of the Estate to the north and west. The boundary wall ranges from 1.2m to 2.2m in height. Limited views into the site exist from the east, but are read in the context of the relatively urban setting of the petrol filling station, and Bournmoor.
149. From beyond the boundaries of the site, it is read very much in the context of the boundary wall, with substantial woodland belt beyond. The woodland belt ranges in height and depth, but can be generally considered to be around 15m in height. Overall it can be considered that from the beyond the Estate boundary and from the wider Green Belt, that the site does not have an overwhelming character of openness.
150. Certainly, the development of the site would result in a change to the character of the site, when experienced from within the site itself, with the addition of new features and built development. However it stands to reason that with the site being largely self-contained, with limited public access, and with no overwhelming character of openness from beyond the site, that the impacts upon the openness of the Green Belt more widely, will be only limited.

Overall level of Green Belt harm

151. Having regards to the above, it is considered that the effect of the development on the Green Belt purposes is limited. Notwithstanding this, the proposed development remains 'inappropriate development' in the Green Belt which is by definition harmful. Therefore, in accordance with paragraph 87 of the NPPF, and having regards to the above, the key test to be applied is whether there are 'very special circumstances' for permitting the proposal which clearly outweigh the presumption against 'inappropriate development' in the Green Belt as well as the limited additional greenbelt harm identified.

Very Special Circumstances

152. The application seeks to demonstrate very special circumstances through a suite of specific measures to be delivered as a result of the development. These are:

- Restoration and enhancement of the Estate's heritage assets which will result from the investment of £26 - £28.5 million in the historic fabric of the Estate which otherwise would not be secured. The proposal provides a unique opportunity to deliver an exemplar development in an exceptional landscape setting, delivering essential investment to secure the future of this nationally and regionally important asset.
- Significant increase in public access to the wider Estate through the opening up of 9 miles of publicly accessible routes and 16 hectares of land. This also provides beneficial use of the Green Belt in accordance with NPPF objectives.
- Significant cultural and tourism impacts which will be brought about as a consequence of the proposed development which have the potential to generate between £5.1 million and £7.2 million per annum and between 51 and 61 jobs.
- Significant contribution towards meeting 'executive' housing needs and assisting in addressing current population loss because of in-appropriate housing stock as evidenced in the County Durham SHMA, as well as providing 60 affordable homes
- New economic benefits of the proposals, including the significant investment in the historic fabric outlined above, office accommodation for 460 – 525 employees and a further 230 -263 in the supply chain.

Preservation of Heritage Assets

The Conservation Management Plan

153. The current Estate sees the bringing together of 3 pre-eighteenth Century estates culminating in the creation of Lambton Castle at the core of a picturesque landscape in the nineteenth Century. This was then influenced by the expansion of local coal mining which benefited the owners greatly and saw considerable investment in the Estate. As is common, this was followed in the twentieth century by a period of retrenchment and ultimately, the almost abandonment of the castle itself and a change in direction for the wider estate and its management regime.

154. In the crudest sense, significance is derived from a series of 23 interlinked listed buildings of all grades and a scheduled monument set in and around a grade II registered park and garden. Added to this, is the use of a regionally renowned architect in the design of a number of the buildings, and structures, and the consistently high quality of these, and supporting buildings alike. This alone is sufficient to highlight the significance of the site, however, over and beyond this, in line with Conservation Principles, Policies and Guidance 2008 published by Historic England (then English Heritage) the estate displays all four identified heritage values to greater and lesser degrees, namely; historical value, aesthetic value, evidential value, and communal value.

155. Historical value is derived from the continuity of ownership and the management of the estate throughout as a traditional working estate despite the changing landscape around it. Given this management approach, the Estate has maintained a sense of introverted seclusion which adds to its powerful sense of place.
156. Aesthetic value is derived principally from the outstanding composition of landscape and buildings around the Wear Gorge. This is the work of the 1st Earl and resulted from uniting two of the historic estates physically. This remains the aesthetic focus with little, if anything of note added in the twentieth century.
157. The evidential value of the estate is perhaps less clear, but it offers huge potential for further understanding of the historic evolution of the site, and links to the industrial past of the region.
158. As would be expected, the communal value of the estate is more limited having been private for so long. Access was limited previously to the Lion Park which was the earlier public use of the application site, or restricted to peripheral public rights of way. This afforded little understanding of the estate as a whole or access to the most significant landscape.
159. Prior to the submission of the application, the applicant entered into lengthy and constructive dialogue with both the Authority's Design and Conservation Team, and also Historic England. The result of this is that the Conservation Management Plan (CMP) submitted with the application forms a comprehensive package of measures to enhance, and ensure the long term preservation of heritage assets with the Lambton Estate.
160. These measures have been arrived at following a full assessment of the heritage assets within the Estate, and have been prioritised accordingly. It is proposed that the works in three phases, over the course of the development. High Priority works would be carried out by the occupation of the first 150 dwellings, and are estimated to be complete by 2021, Medium Priority works on occupation of the 300th dwelling (approximately 2026), and Low Priority by the occupation of the 375th dwelling. The works have been prioritised on the basis of immediacy and degree of risk, with a focus in the first phase of work towards structures at risk, and interventions within the River Wear Gorge, which forms a setting and landscape of considerable significance within the wider Estate and Grade II registered park and garden.
161. Works identified as being of a high priority, and for delivery within the first phase include; stabilisation and restoration of Lamb Bridge (Grade II* listed), evaluation and stabilisation of Lambton Castle (Grade II* listed) retaining wall, repairs to Lambton Castle gates (Grade II* listed), and repairs to the Castle Stables and Castle Dairy (both Grade II listed) to make them weatherproof and prevent further deterioration. In total, this first phase of works is expected to cost around £7.8 million, and would serve to reinstate vehicular access to the Castle via Lamb Bridge, and stabilise the Castle itself, widening opportunities for it to be brought into an alternative commercial use.
162. Indeed, the conversion of Lambton Castle to an alternative appropriate and sustainable use is identified within the CMP as being a medium term priority, along with the conversion of the Dairy, Stables, Byre, and Stud. A wider programme of works to the River Wear, and a wide range of landscape restoration works are also proposed in this tranche of works, totaling around £18.9 million.
163. The final phase of works includes a programme of continued improvement and refurbishment works to both listed and unlisted Estate housing, further landscape

restoration, and the completion of the refurbishment of the Estate wall. This final phase of works is expected to cost around £1.8 million.

164. The estimated costs of these works have been independently verified by Quantity Surveyors commissioned by the Authority and have been found to be sound.
165. With regard to the proposed works, Historic England recognises that the Estate currently “displays a pronounced sense of long-standing decline”, before going on to identify that the landscape variety of the parkland has been seriously lessened by the tree plantations, and that further harm was caused by the creation of the lion park. Historic England acknowledge that many of the key historic listed structures are in a “poor” to “very poor” condition, including Lamb Bridge and the Lambton Castle gates, which are both on the Historic England Heritage At Risk Register. Historic England further considers that the condition of these elements adversely affects the viability and long term future of Lambton Castle, which itself is at risk due to the condition of its retaining wall. Importantly, Historic England consider that the schedule of works contained within the Conservation Management Plan starkly indicates the scale of the problems facing the historic environment and leave no doubt there are serious problems that will only worsen through inaction.
166. The Council’s Design and Conservation Team consider the CMP to be well thought through, and consider the scheme to be an exciting opportunity to see the preservation and enhancement of one of the greatest assets of the region.
167. It is considered that the package of measures which is proposed within the CMP has the capability to constitute a significant benefit for the County, and wider region, as it would secure the future of a number of significant heritage assets, and more importantly, significant heritage assets that are in poor condition and in significant need of intervention works. However, to be balanced against this, and requiring consideration before it can be ascertained whether the proposed measures constitute “very special circumstances”, is the impact that the proposed development itself would have upon the heritage value of the Estate.

Impact upon the significance of heritage assets

168. When considering whether to grant planning permission that affects a listed building or its setting Section 66 of the Planning (Listed Building and Conservation Areas) Act 1990 requires a local planning authority to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. This duty is reflected in the NPPF which, at paragraph 17, considers that the conservation of the historic environment is one of the core planning principles that underpin plan making and decision taking.
169. Two aspects of the NPPF’s guidance on the conservation of the historic environment are particularly pertinent to this application: whether the proposal supports or harms conservation and the impact of heritage as a public benefit when considering applications that are contrary to a local development plan. Paragraph 132 of the NPPF ask that great weight should be given in the planning process to the conservation of designated heritage assets and that any harm to significance is justified by a clear and convincing justification of public benefit.
170. CLSLP Policy BE9 states that development will only be permitted where it can be demonstrated that the proposal would conserve or enhance the special historic landscape qualities of a historic park or garden. This Policy is considered to be NPPF compliant, and significant weight can be afforded to it.

171. CLSLP Policy BE10 states that there will be a presumption in favour of the preservation of scheduled ancient monuments, and that planning permission for development which would have an adverse impact upon their site or setting will not be permitted. This Policy is considered to be NPPF compliant, and significant weight can be afforded to it.
172. The Scheduled Monument at Chester New Bridge is located some distance west of the application site, within the wider Estate. Due to intervening and extensive landscape, it is considered that no adverse effects will result, and Historic England raises no concerns with regards to this matter. The proposal is therefore considered to be in accordance with CLSLP Policy BE10 in this respect.
173. Most wide-ranging applications such as this one contain elements of harm and conservation, and a balanced judgement is required to decide where the overall impact falls. The submitted Environment Statement considers this issue. In this case, the proposed development would result in minor harm the part of the Grade II registered park and garden within which it would be located. However, in the context of the overall significance of the park, it is considered that this harm would be less than substantial. This is a view shared by Historic England, the Design and Conservation Section, and the Landscape Section.
174. The site for the built development has been carefully selected to affect only those areas which either relate to existing development or are confined to the most degraded sections of the designated landscape. There is no doubt that the proposal will radically alter the appearance of the land, however, the selection of this location protects those most significant areas identified in the conservation management plan including the river gorge and widely distributed listed buildings. Given the visually contained nature of the site, the current and proposed landscaping including already mature tree belts and the topography of the land the setting of those identified assets will not be affected.
175. Extensive consideration of this matter has been undertaken, and given the number of assets on the Estate and scale of the proposed development, it is a credit to the proposed development that impact on setting has been minimised to this extent. This is evidence that the application site has historically become more detached both physically and in character from the heart of the estate.
176. Furthermore, the extensive works, as identified within the CMP and ES would offer significant benefits to the overall Estate, and when balanced against the less than substantial harm to the historic park, are considered result in net benefits to the value of the Estate overall. As the works identified within the CMP, and the timescale of the their delivery can be secured by means of a Section 106 legal agreement, there is clear public benefit here that outweighs the less than substantial harm, and further it is considered that the overall package of conservation measures are likely to constitute “very special circumstances” with regards to Green Belt policy.
177. Additionally, in accordance with paragraphs 132 and 134 of the NPPF, it is considered that there would be less than substantial harm to the significance of designated heritage assets, which would be outweighed by the public benefits of the proposal, in terms of the heritage balance, as set out within this report. Further, there would be no conflict with CLSLP Policies BE9 and BE10. These conclusions are supported by the comments of Design and Conservation officers, and also Historic England.

Improvements to Public Access

Current Access to the Estate

178. At present, public access to the Lambton Estate is extremely limited, having originally been designed for the enjoyment of the “fortunate few”. Only three Public Rights of Way currently enter the Estate, and even then only essentially skirt the edges, and do not penetrate to the valuable core of the estate, around the Wear Gorge and Castle. Even when the Garden Centre and Lion Park were in operation for a period in the 1970s and 1980s, public access to the Estate was only available principally to the southernmost part of the park.
179. Consequently, Lambton Estate is unusual in that such a large area of parkland, in the midst of the Tyne and Wear conurbation, has largely remained hidden from wider public view for around 200 years.

Public Access Proposals

180. The application includes proposals to open the Estate up to public access on a permissive basis, for the first time. Furthermore, public access to the core of the Estate is proposed, allowing all to enjoyment the qualities and heritage of the parkland.
181. Public access is proposed to be developed on a transitional basis, in order to accommodate the existing sporting use of the Estate. It is ultimately envisaged that the sporting use would cease, however at present it forms a significant part of the Estate’s income and cannot simply be ceased at the commencement of development. Further, the sporting business employs many of the Estate employees, who would, over a period of potentially transfer into alternative employment on the Estate once the focus shifts from sporting use, to public access and the alternative commercial uses of Estate buildings, including the castle. Consequently it is considered to be unreasonable to expect full permissive access at the commencement of development.
182. At the commencement of development it is proposed that the following routes would be provided:
- 1.6 miles of annual permissive route being provided through the southern part of the Estate, running approximately parallel to the A183.
 - 2.1 miles of seasonal permissive routes extending from Chatershaugh in the north east, to Lumley Lodge in south west via Black Drive. This route would provide dramatic views of the Castle, and would be open 1st February – 30th June, and on Sundays 1st July to 30th September. This level of access responds to, and enables the continuation of the existing sporting use of the estate.
 - 2.8 miles of additional seasonal permissive routes running from the north of the Estate to the A183, running largely alongside the River Wear, and penetrating the heart of the Estate. This route would be open 1st February – 30th June
 - General’s Wood, an area of approximately 16.1 ha of woodland on the northern edge of the Estate would be open for unrestricted access.
 - Subject to separate planning permission, a car park would be created to the east of the Estate, accessed via the A183. It is also proposed to provide a car park on the former Garden Centre site.
183. Upon the occupation of the 150th dwelling, it is proposed that the full level of enhanced access would be realised. This would mean that:
- All previously seasonal permissive routes would become annual permissive routes.
 - 2.7 miles of additional annual permissive routes provided throughout the Estate, including access to the north bank of the River Wear via the by then restored Lamb Bridge.

- A permanent car park would be provided within the eastern part of the application site, within the proposed office development.
184. In total it is proposed that there would be 9.3 miles of annual public access routes, unrestricted access to 16 hectares of General's Wood, and two permanent visitor car parks. Whilst a modest car parking charge would be levied, it is proposed that access to the Estate on foot, or bicycle would be free of charge. The car park to the north east of the Estate falls outside of the application site, and would be subject to separate planning permission.
185. It is considered that these proposals offer a level of public benefit to be fully realised over the duration of the development, offering wide-ranging public access to the Estate for the first time in its history. A large part The Estate is a Grade II Registered Historic and Garden, and its size and quality mean that it is of significant value to County Durham and the region as a whole. It is considered that the opportunity for the public to be granted widespread permissive access to this regional asset should not be underestimated.
186. Policy RL9 of CLSLP permits development related to the quiet enjoyment of the open countryside for informal recreational use, provided that there are no impacts to, inter alia, the countryside, neighbouring properties, rights of way and environmental impacts.
187. Policy RL10 of the CLSLP states that the recreational development within the Green Belt must not result in coalescence or detract from visual amenity. This policy is considered to be only partially consistent with NPPF as it does not consider the need to preserve openness. Regardless however, the access proposals, in themselves are considered to be unlikely to have a detrimental impact upon either the visual amenity, or openness of the Green Belt, or open countryside, nor result in coalescence. Further, they align with paragraph 81 of the NPPF which requires that Local Authorities should plan positively to enhance the beneficial use of the Green Belt.
188. Existing Public Rights of Way within the Estate are considered to be unlikely to be negatively impacted upon, instead by linking up with the wider network of proposed paths, any impact upon these Rights of Way can be considered to be beneficial.
189. Consequently the proposals can be considered to be in accordance CLSLP Policies RL9 and RL10.

Permissive Access

190. There have been concerns raised from several consultees, notably the Council's Access Rights of Way Section, County Durham Local Access Forum, Tyne and Wear Local Access Forum, and Campaign for the Protection of Rural England that the proposals for public access do not go far enough, in that there is not public access in perpetuity in the form of dedicated public rights of way.
191. The applicant has clarified that the proposal only includes permissive rights, so that the management and maintenance of routes rests with the Estate. This would to enable the wider working Estate to function without conflict with visitors, and to allow other activities within the Estate to continue, such as the Lambton Run, which would, it is submitted, become prohibitive on Public Rights of Way, due to additional insurance and management considerations.
192. Access via permissive rights is common across large Estates in the North of England, including Gibside and the County Council's own Hardwick Park. It has been shown

that public access on this basis can, and does work effectively. Further, controlled access to such parkland ensures that its character, ambience, and hence, value is preserved. Concerns that by not designating public rights of way, that only limited control could be exercised over the level of public access, are addressed by means of securing the permissive access measures through a Section 106 legal agreement, although it is to be noted that such agreement could not go as far as to require the existence of such access in perpetuity.

193. Therefore, it is considered that it would be unreasonable to insist upon the provision of public rights of way in this instance, and that weight can be afforded to proposed public access measures, as forming “very special circumstances”, in the form that they have been presented, although this level of weight is less than that which could be afforded if dedicated Public Rights of Way were being proposed.

Culture and Tourism

194. The application is accompanied by a tourism study which outlines the forecast benefits and opportunities that the development and its associated opportunities within the wider Estate would bring.

195. The applicant estimates that by opening up the Estate to public access, that it has the potential to attract around 75,000 visitors per year. By way of comparison, the independently operated Eggleston Hall near Barnard Castle attracted 40,000 visitors in 2013, and large established National Trust properties at Craggside and Wallington Hall both attracted over 190,00 visitors in the same period. Given the scale and quality of the Lambton Estate, it is considered the estimated visitor numbers for the Lambton Estate are reasonable.

196. Taking account of displacement from existing attractions, it is estimated that additional spending in the local economy from day visitors would be between £375,000 - £750,000 per annum. It is also expected that 50% of overnight visitors might be new, or extended stays. Again, accounting for displacement, an average spend of between £550,000 - £700,000 would be expected. This means that it is estimated direct expenditure as a result of public access to the Estate would be between £925,000 and £1.45 million.

197. Businesses benefitting from visitor spending would, themselves, increase their own expenditure, further increasing spending in the area. When multiplied out, the indirect expenditure could amount to between £2.4 million and £4 million, and could result in the generation of between 26-41 jobs in the supply chain.

198. Further, the restoration of Lambton Castle would make it available for commercial use, and whilst the application currently includes no specific proposals for the Castle, both a wedding venue and/or small boutique hotel, are possible uses, which again would contribute to the wider County Durham visitor economy. Estimated figures suggest that a hotel could contribute around £1.3 million on site expenditure per annum.

199. The figures provided within the application are accepted by Visit County Durham, who has indicated its support for the application, stating that the development would contribute to several of the Durham Tourism Management Plan (DTMP) priorities around the rural visitor economy, quality and local distinctiveness.

200. It is acknowledged that public access to the Estate would support the development of local distinctiveness in opening a hidden chapter of Durham’s heritage to the public, and would also present opportunities to promote the themes of history and innovation, people, location and connectivity in accordance with Priority 3 of the DTMP.

Additionally, it is considered that it would grow the profile of the county regionally and nationally by adding to the distinctive mix of attractions in the region, helping to stimulate first time staying visitors and attract repeat visitors from the local area, in accordance with Priority 5 of the DMTP.

201. Further, it would help extend visitor stays by drawing visitors into rural areas and optimising the potential of its neighbouring market town, Chester-le-Street, to attract visitors and operate as a service centre for people on rural holidays. As a consequence the contribution of Durham's rural areas to the overall value of the county visitor economy would be increased, providing an alternative offer that broadens the scope and variety of attractions in the area so that there is more for visitors to see and do. This would be in accordance with Priorities 6 and 8 of the DTMP.

Meeting Housing Need

202. PPG states that unmet housing need is unlikely to outweigh the harm to the Green Belt, and other harm, such that it can constitute "very special circumstance" justifying inappropriate development on a site within the Green Belt. However, in this instance, meeting housing need is proposed as part of suite of "very special circumstances", and although unlikely to justify inappropriate development in the Green Belt on its own, it can be considered as having moderate weight, within the wider suite of proposals.
203. In respect to housing, NPPF outlines the Government's objective of ensuring that the planning system delivers a flexible, responsive supply of housing land. The NPPF requires Local Planning Authorities (LPAs) to maintain a five-year supply of deliverable housing sites against Objectively Assessed Needs (OAN). The proposal will clearly contribute to this national policy objective. In the determination of recent planning applications the Council considered that a five year housing land supply could be demonstrated. This was based upon the most up to date OAN in relation to housing which was derived from the findings of the Inspectors Interim Report in relation to the County Durham Plan Examination in Public. However, with this Interim Report now quashed this OAN cannot be utilised to inform the five year housing land position. A revised OAN is currently being calculated but is not yet complete. The Council is therefore currently unable to calculate and therefore cannot demonstrate a five year housing land supply. Consequently, the delivery of housing can be considered to be a benefit of the scheme, albeit one that is unlikely, in itself, to constitute "very special circumstances".
204. The application primarily proposes a range of housing products that are "executive" in nature. The County Durham Strategic Housing Market Assessment (SHMA), provides a broad definition of executive housing as being "higher quality accommodation suited to the needs and aspirations of higher income households". It is also generally accepted that it can also comprise higher density properties or similar standard of design and finish, in high value locations. As the application is only in outline form, exact details of the mix of housing to be provided on site is not yet known, however the applicant has indicated that it will be in line with the SHMA definition of executive housing, and this would be considered further at the reserved matters stage.
205. The SHMA records that 'executive housing is currently under-represented in the dwelling stock in the North East Region'. Of significance is the fact that a household survey was undertaken which identified 2,946 households with a gross income of at least £1000 per week intending to move in the next five years. Of these, 14.7% (433 households) were moving out of the County but remaining in the north east. Reasons for moving were recorded as 47.1% seeking a larger property or one that was better in

some way followed by 12.7% moving to a better neighbourhood. This illustrates the need for executive housing to retain, and potentially attract higher earning households in County Durham, a position that is supported by Regeneration officers, North East Chamber of Commerce, and Business Durham

206. The benefits of delivering “executive housing” in the North East of England have been examined before in the context of the Wynyard development in the Tees Valley close to the south-eastern edge of County Durham. This research by CURDS (Centre for Urban & Regional Development Studies at University of Newcastle upon Tyne) found that:
- The overwhelming majority of the occupiers are creative professionals;
 - 40% of households in Wynyard own or part own a business;
 - 40% moved to Wynyard from outside of the North East region;
 - Fourteen separate businesses exist at Wynyard, half of which have main markets outside of the North East region.
207. This factual evidence points to the economic and social benefits that executive housing can bring and in the context of County Durham, which has lower than national levels of entrepreneurial activity and high levels of unemployment, the benefits are potentially considerable.
208. The proposed development is considered to comprise an opportunity to address this identified need, providing high quality homes, in an attractive and exclusive environment. The situational circumstances of the application site are perhaps unique within County Durham. Further, the provision of a substantial development of homes aimed at high-earning professionals is likely to have a wider positive economic benefit, in accordance with regional economic growth ambitions.
209. CLSLP Policy HP13 requires schemes of 15 units or more to provide affordable housing, with a target provision of 30%. NPPF paragraph 159 requires that local planning authorities have a clear understanding of housing need and that a Strategic Housing Market Assessment (SHMA) should identify full housing need including affordable housing. CLSLP Policy HP13 is not fully compliant with the NPPF having regard to its expectation that an unspecified element of affordable housing should only be expected on sites of a threshold which is not supported by an up-to-date evidence base.
210. The County Durham SHMA is more up to date than CLSLP Policy HP13 and provides the current objective assessment of need for affordable housing across the County. The SHMA identifies that on developments of 15 dwellings or more 15% affordable housing provision is required within the northern delivery area within which the application site is situated.
211. The application includes the provision of 15% affordable housing to be provided on site, which amounts to 60 dwellings. It is further proposed that 45 of these units would be made available for affordable rent, and 15 would be made available for sale at discount market value. This provision would be secured by means of a legal agreement, with all to be provided prior to the occupation of the 200th market dwelling.
212. This is considered to be in accordance with the aims of CLSLP Policy HP13, the SHMA, and also paragraph 159 of the NPPF.
213. With this in mind, it is considered that moderate weight can be attached to meeting housing need as constituting part of a suite of “very special circumstances”.

Economic Benefits

214. Aside from residential development, the application proposes two community and retail hubs of a total of approximately 2,450sq.m of floor space, and office development amounting to approximately 8,000sq.m.
215. The retail element is primarily intended to service the needs of residents of the proposed housing development, and is thus described as being ancillary to these needs. It is proposed that none of these units would individually exceed 450sq.m, meaning that they would remain of a relatively small scale.
216. The B1 office development included within the development is considered to offer significant employment potential, and has been estimated by the applicant to be capable of providing between 460 – 525 jobs at the Lambton Estate, in addition to the well occupied Bowes Offices commercial development.
217. It is proposed that the first 1,395sq.m of the B1 development would be secured before the 150th market dwelling is occupied, with the remainder being secured prior to the occupation of the 390th dwelling, or in accordance with a phasing plan to be agreed with the local planning authority, with the aim of the office development being delivered in full within 20 years of the commencement of development.
218. Whilst this element is covered by planning condition, full delivery cannot be guaranteed due to the outline nature of the scheme, with no precise number of residential units specified as this stage. Further, it is noted that the timeframes proposed are in the long term, with potential complete delivery of B1 floorspace only 20 years beyond the commencement of development. Whilst the proposed office floorspace will likely have a significant positive economic impact, when combined with tourism benefits outlined above, many of these benefits will be only realised in the longer term. The shorter to medium term benefits are likely to be more limited, and consequently it is considered that the level of weight which can be attributed to this element is reduced, although it should still carry some weight towards forming “very special circumstances”.

Whether Very Special Circumstances Exist

219. Both Government Policy and the Courts have established that in order to demonstrate “very special circumstances”, a number of considerations can, in combination; outweigh the harm to the Green Belt by virtue of inappropriateness, and any other harm. This is a matter of judgment but Members need to be satisfied that the factors in favour of the proposals clearly outweigh the harm to the Green Belt and any other harm.
220. As outlined above, although the development would comprise inappropriate development in the Green Belt, and therefore would be harmful by definition, the level of harm to the Green Belt is considered to be limited, taking into consideration the purposes of the Green Belt and the specific character of the site.
221. It is further considered that the collection of benefits that the proposals offer, as identified above, comprise significant benefits that collectively have the potential to offer unique opportunities within County Durham and the North East of England. The significant investment in the restoration of valuable historic assets, and the opportunity to open Lambton Park to widespread public access for the first time in its history, with associated economic benefits through tourism should not be underestimated.

222. The development also comprises a significant opportunity to deliver executive housing within a high quality, planned sustainable community, in a high profile location, meeting an identified need. Additional benefits in the form of the delivery of B1 office development are also evident.
223. In view of this, it is considered that the cumulative benefit of these proposals is such that the development is capable of providing 'very special circumstances' in relation to Green Belt harm, and thus development within the Green Belt. However, paragraph 88 of the NPPF is clear in stating that 'very special circumstances' will not exist unless both potential harm to the Green Belt, and any other harm, is clearly outweighed by other considerations. Consequently, whilst harm to the Green Belt has been considered, it is necessary to consider other potential harm, before a conclusion can be reached as to whether 'very special circumstances' exist in this instance.

Best and Most Versatile Agricultural Land

224. Paragraph 112 of the NPPF states that the economic and other benefits of the best and most versatile agricultural land should be taken into account, and where significant development of agricultural land is proposed, that areas of poorer quality land should be used in preference to that of a higher quality. The NPPF defines best and most versatile agricultural land under the agricultural land classification as being that which is classified as being of Grade 1, 2 or 3a quality.
225. Much of the application site is current in an informal grazing use and for the keeping of horses, consequently it can be considered to have some agricultural potential. Accordingly, the applicant has carried out an agricultural land classification exercise, which identifies the land to be Grade 3b.
226. The land is not therefore best and most versatile land. Natural England has confirmed that it accepts the findings of the submitted report. Consequently, it is considered that the development of this site would not be contrary to paragraph 112 of the NPPF.

Affordable Housing

227. CLSLP Policy HP13 requires schemes of 15 units or more to provide affordable housing, with a target provision of 30%. NPPF paragraph 159 requires that local planning authorities have a clear understanding of housing need. A Strategic Housing Market Assessment (SHMA) should identify full housing need including affordable housing. CLSLP Policy HP13 is not fully compliant with the NPPF having regard to its expectation that an unspecified element of affordable housing should only be expected on sites of a threshold which is not supported by an up-to-date evidence base.
228. The County Durham SHMA is more up to date than CLSLP Policy HP13 and provides the robust objective assessment of need for affordable housing across the County. The SHMA identifies that on developments of 15 dwellings or more 15% affordable housing provision is required within the northern delivery area within which the application site is situated.
229. The application includes the provision of 15% affordable housing to be provided on site, which amounts to 60 dwellings. It is further proposed that 45 of these units would be made available for affordable rent, and 15 would be made available for sale at discount market value. This provision would be secured by means of a legal agreement, with all to be provided prior to the occupation of the 200th market dwelling.

230. This is considered to be in accordance with the aims of CLSLP Policy HP13, and also paragraph 159 of the NPPF.

Principle of Business Development

231. CLSLP Policy IN8 sets out a number of criteria to determine the acceptability of employment proposals, however this policy is considered to be only partially compliant with the NPPF. The scheme accords with the criteria prescribed in this policy, with the exception of the proposal not falling within the defined settlement boundary. However, as it is considered that the land uses proposed should be considered as a whole and given the status of settlement boundaries with regards to residential development, as detailed above it is considered reasonable to give more weight to the actual sustainability credentials of the site and relevant up to date evidence, rather than the fact that the site falls beyond a defined boundary line. It is also prudent to note that this element of the scheme is located adjacent to an existing employment development at Bowes Offices which is now approaching full occupancy.

232. Paragraph 24 of the NPPF states that local planning authorities should apply a sequential test to planning application for main town centre uses that are not in an existing centre are not in accordance with an up-to-date Local Plan.

233. Paragraph 26 of the NPPF states that applications for retail, leisure and office development outside of town centres should be accompanied by an impact assessment, if the development is over a proportionate, local set floorspace threshold, or where there is no locally set threshold, over a threshold of 2,500sq.m

234. Paragraph 27 of the NPPF states that where an application fails to satisfy the sequential test or is likely to have significant adverse impact on one or more of the above factors, it should be refused.

235. The Council's Employment Land Review (ELR) identifies the A1 Corridor, within which site is located, as one of the key market locations suitable for meeting for future employment requirements. This particular site is identified as being capable of contributing to such growth.

236. The area identified for employment development relates well to the existing high quality office provision at Bowes Offices, being located in the eastern part of the site, and is approaching full occupancy, and would seek to compliment this offer. Furthermore, it would offer opportunities for existing and future residents in the area, including those of the proposed housing development, to live and work within close proximity and so reduce commuting. Being the equivalent of approximately only 7.7% of the total overall floorspace proposed it also remains a minor part of the overall development. It also presents an opportunity to facilitate the clustering of businesses, a principle set out in Paragraph 21 of NPPF. Subject to a high quality detailed design and layout being secured along the lines of the existing employment units the type of development proposed would complement existing provision and would be sympathetic to the character and visual quality of the wider Estate.

237. The importance of securing this element of the development, in order to ensure that it is truly mixed-use, is discussed elsewhere in this report, and planning conditions are suggested in order to ensure the timely delivery of the office development, in conjunction with the residential elements of the scheme.

238. With regards to the NPPF, the floorspace proposed is above the 2,500sq.m threshold prescribed in paragraph 26, and therefore the Impact test applies in addition to the Sequential Test . The applicant has carried out the necessary exercise, looking at

local centres in Chester le Street, Washington, Houghton le Spring, Shiney Row and Fencehouses. Paragraph 27 of the NPPF states that where an application fails to satisfy the sequential test, or is likely to have significant adverse impacts, then it should be refused.

239. With regard to Chester le Street, it is noted that the Chester le Street Development Masterplan identifies that the town centre has only limited B1 office development opportunities, and that these are largely confined to upper floors above A1 retail uses. Further, many of the ground floor opportunities are at less than average floor plate size requiring opportunistic interventions when neighbouring units become available.
240. Consequently, the sequential test finds that there are no sequentially preferable locations for the proposed B1 floorspace within Chester le Street town centre, as the offer within Chester le Street is considered to be incomparable to the accommodation that the proposed development would offer, which would be more in line with the existing accommodation at Bowes Offices. This conclusion is considered to be reasonable. Equally in terms of impact, with no comparable offer within Chester le Street, it stands to reason that any impacts upon Chester le Street would be limited, and further, when the proposed development is considered as a whole, that the overall impact upon the viability and vitality of Chester le Street is likely to be positive, due to increased trade from residents of the Lambton development.
241. Turning to impacts upon local centres within Sunderland, the applicant has identified that those centres within the catchment are Washington, Shiney Row, Fencehouses, and Houghton le Spring. Rainton Bridge is also identified, although not being a local centre itself, would not be sequentially preferable in any event. This catchment is broadly agreed.
242. Houghton le Spring is identified as being a town centre, and Sunderland City Council's own analysis of its function is one of primarily day-to-day local and 'top up' shopping needs, although there is also a wider administrative role, for example the town centre hosts a large Gentoo housing office. As with Chester le Street, whilst vacancies exist within Houghton le Spring, these are considered within the sequential test to not be suitable for the types of occupiers envisaged at Lambton Estate, and that as a result, that the proposed floorspace would not be in direct competition. Consequently, the conclusions of the sequential and impact assessment are considered to be reasonable, and it is considered likely that the proposed development would not unreasonably impact upon the viability and vitality of Houghton le Spring.
243. Fencehouses and Shiney Row are smaller centres, albeit with vacancy rates of between 10% and 22.2%, however as with Houghton le Spring, these centres are largely local service and retail based, and are not centres where significant levels of B1 floorspace would be expected to be located, and that which is on offer would be unlikely to meet the requirements of those types of business, namely small to medium scale and high value with linkages to executive housing, which would be expected to locate within the Lambton development.
244. In terms of impacts upon Washington, it is noted that it is currently performing strongly, and therefore opportunities are limited, to the extent that it is likely that in the future that Sunderland City Council will have to identify additional employment land to meet existing unmet demand. The conclusion therefore that the proposed B1 floorspace at Lambton would not have a significant impact upon Washington is considered to be reasonable.
245. Sunderland City Council has commented with respect to this element of the proposal, considering that the B1 floorspace will not be linked to the residential development.

For clarity, it is proposed that priority for occupation of the proposed B1 development would be given to occupiers of residential dwellings at Lambton, within the Section 106 Legal Agreement, although this would not restrict occupation of the B1 units to occupiers of the residential dwellings. Accordingly, they could be occupied by anyone.

246. The need for a sequential test is highlighted by Sunderland City Council, however in conclusion, it considers that the proposed development could be viewed positively as it could provide employment opportunities for residents in areas of Sunderland close to the Lambton Estate.
247. To conclude this point, the proposed development at Lambton should be considered as a whole, within the context of an overall masterplan. The development proposal comprises a genuine mixed-use scheme of executive residential, employment and ancillary retail development, which together is intended to create a sustainable community, and there are clear and defined linkages between the various elements. The proposed B1 floorspace will be linked to the residential development, and will seek to build upon the success of the Bowes Offices development, which has succeeded in attracting small to medium scale high value businesses to the Estate.
248. When considered as a whole, the proposal is in accordance with paragraph 19 of the NPPF, which seeks to support economic growth, paragraph 21 which seeks to support existing business sectors, paragraph 38 which seeks to promote a mix of uses, and also paragraph 70 which seeks to ensure an integrated approach to considering the location of housing, economic uses and community facilities.
249. In this context, whilst the proposed B1 office floorspace represents a town centre use in an out of centre location, and whilst it is acknowledged that the submitted sequential and impact tests could be more detailed, it is considered that the information that has been submitted within the application as whole demonstrates that the B1 office floorspace cannot easily be disaggregated from the rest of the development, that there are unlikely to be any alternative sequentially preferable, comparable and available accommodation in existing local centres, and as result, that there would be unlikely to be a significant adverse impact upon such centres.

Ancillary Retail and Community Uses

250. Bournmoor is the third largest of the 'Medium Sized Villages' identified by the County Durham Settlement Study by population. It also has a population greater than ten of the 'Local Service Centres'; this illustrates the under representation of a range of facilities in Bournmoor when compared against population. The proposals at Lambton Park provide an opportunity to contribute towards addressing this deficiency and help support and sustain existing facilities in Bournmoor with the increase in the working and resident population which would result from the development.
251. CLSLP Policy R16 addresses retailing beyond local centres. The policy is not consistent with NPPF as it does not identify the need for an impact test, and is more restrictive than the NPPF in relation to floorspace restrictions. Consequently only limited weight can be afforded to this policy, and primacy should be given to advice within NPPF.
252. CLSLP Policy R17 states that major new residential development not within reasonable walking distance of shops must include small shops under 100sq.m. Whilst the thrust of this policy accords with the general objectives of the NPPF, which aims to promote sustainable development and mixed communities, the NPPF is not prescriptive as to the type and size of uses to be incorporated. The policy is therefore

not considered to be compliant with the NPPF. Therefore only limited weight can be afforded to this policy, and primacy should be given to advice within the NPPF.

253. The NPPF therefore provides the most up to date policy framework in respect to this aspect of the proposal. The floor space falls below that threshold prescribed in Paragraph 26 of NPPF and therefore an impact assessment is not applicable. Furthermore, as this aspect of the proposal is ancillary to the scheme, is located in a manner which clearly seeks to serve the existing and proposed land uses within the wider Estate and is included to secure a sustainable balanced, mixed community in line with NPPF principles, in particular paragraphs 38 and 70. As a result, it is not considered necessary to require a Sequential Test to be applied in this instance. Indeed, the retail and community uses are considered ancillary to the overall development representing only around 2.3% of the overall floorspace proposed.
254. In its representation, Sunderland City Council acknowledge that the proposed ancillary retail development is likely only to serve as a “top up facility” and is unlikely to have a significant impact upon existing retail provision at Shiney Row. In order to ensure that the retail development remains ancillary to the wider residential development, a planning condition is proposed in order to limit the retail floorspace of each individual unit.
255. With regards to concerns raised by one objector, it is considered likely that this element of the proposal would address the servicing needs of the residential development, and may include a GP Practice and/or a pharmacy should demand present such an opportunity.

Highway Safety, Access and Traffic

256. The submitted ES seeks to inform on and assess the key highways related implications of the development. This assesses matters such as the accessibility of the development; trip generation and traffic assignment; future year flows; operational assessment of junctions; highway safety; and highways works necessary to facilitate the development. Further addendum information has also been supplied during the course of the application seeking to address points raised by the Highway Authority during the course of the application.
257. The development is to be accessed at two points, from a proposed roundabout at Houghtongate, at the position of the existing junction with the A1052, and from a further roundabout close to the existing access point to Bowes Offices from the A183, which will be subsequently be closed.
258. Impacts of the development upon the highway network, both strategically and locally, have been modelled. The ES finds that the residual impact of the proposed development upon the Local Highway Network would be of neutral or negligible significance, although some minor adverse impacts might be apparent during construction. In terms of the Strategic Highway Network, it considered that if the development were to commence in 2017, then the impacts in that year would be of neutral or negligible significance, moving to a minor adverse impact upon Junction 63 of the A1(M) by the year 2025.
259. The NPPF advises that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. CLSLP Policy T15 states that development should not create unacceptable traffic, provide safe access, and provide adequate access for service and emergency vehicle. Policy T15 is considered to be only partially consistent with the NPPF, as it sets a higher test than that in the NPPF. Consequently, only limited weight can be afforded to it.

Nevertheless, Policy T17 provides a general policy on accessibility, including reducing reliance on the private car, encouraging the use of public transport, and encouraging walking and cycling. This policy is considered to be compliant with NPPF and can be afforded significant weight.

260. Both the Highways Authority and Highways England have considered the content of the Transport Assessment, ES findings and proposed access arrangements, and raise no objections. A number of points were raised by the Highway Authority during the application process, relating to the methodology utilised within the Transport Assessment, however these have been addressed by the applicants to the satisfaction of the Highway Authority.
261. It should be noted that the recently completed improvement works to Junction 63 of the A1(M) were carried out with consideration to traffic flows likely to be generated by allocations proposed within the County Durham Plan. Therefore, although the CDP is no longer in the examination process, the fact that this application was proposed as an allocation means that the potential impact upon the junction has already been mitigated. Consequently, it is considered that the development would not result in severe impacts upon the highway network, such that it would warrant refusal, having regards to the test of severe impact contained within paragraph 32 of the NPPF.
262. With regards to public transport, it is considered that the site is currently reasonably served by bus routes 4 and 78/78A, which stop on the A183 close to the application site. It is considered that the development would be unlikely to adversely impact upon these services, and could potentially have a beneficial impact with regards to use, and potential extension of routes to run through the development. This is in general accordance with CLSLP Policy T6, which itself is considered to be consistent with NPPF.
263. Sunderland City Council has raised concerns with the proposed development on the grounds of highway impacts. However, the application documentation has been subject to a comprehensive review by Highways England and the Highway Authority, both of whom raise no objections in line with planning policy.
264. Highway safety and traffic congestion have been issued raised by objectors, however it is considered that the applicant has sufficiently demonstrated that the proposed development would not have a severe impact upon highway operation, and further, that the introduction of the two roundabouts would not result in a highway safety situation which would be materially worse than that which exists at present. Consequently, it is considered the requirements of Part 4 of the NPPF have been met, as have those requirements of CLSLP Policy T15 which are considered to be consistent with NPPF.

Landscape

Impact upon Landscape Character

265. The western part of the application site lies within the Grade II registered park and garden, whilst land in the eastern part of the application site has been locally identified as Historic Parks and Gardens of Local Interest. Additionally, much of site lies within an Area of High Landscape Value as identified in the CLSLP.
266. The landscape of the site is in generally moderate condition, its open parkland character having been eroded in the past through the planting of woodland and the development of roads and water bodies in the former lion park. Some important elements remain and particularly the park wall, mature woodland belts, including the

main 'South Belt', and wooded drives associated with Bowes House and Biddick Hall. It forms part of a wider historic parkland landscape of high (national, regional and local) value. It is of generally moderate or good scenic quality and forms part of wider tract of attractive wooded countryside. As private estate farmland it has no direct recreational value.

267. The visibility of the site is contained to a large degree by woodland belts both within the site and adjacent to it. There are some occasional glimpsed and filtered views into the site over the park wall and through woodland or trees from the A183 Chester Road. There are more open or less heavily filtered views into the eastern end of the site from the A183 in the vicinity of the former garden centre, and from the Weardale Way and footpath 8 which follow wooded walks in that area. The site is generally visually contained in views from the remainder of the park other than in heavily filtered views through tree belts, for the most part at close proximity.
268. The proposals would entail the removal of some areas of woodland and some individual trees to facilitate access or development. These are identified in the pre-development Tree Survey and impacts are described in the Arboriculture section of the ES. Subject to detailed design this would not generally affect individually important features. The new access at Houghton Gate would entail a localised breach in the historic South Belt and the loss of a section of park wall. The significance of this is discussed below.
269. With regards to wider landscape character, the site forms part of both the Wear Lowlands County Character Area, and the Eastern Valley Terraces Broad Character Area. It is considered that both of these areas are generally of medium sensitivity to development of this type. However, any impacts are likely to be only localised, and therefore can be considered to be of a low magnitude and of only minor wider significance.
270. On a local level however, the landscape of Lambton Park and its associated wooded estate farmland is of high sensitivity. The landscape of the site itself is of somewhat lower sensitivity, and particularly the former lion park area, but retains some sensitivity both as attractive wooded countryside and as part of a wider historic landscape. The effect on the character of the site itself would be transformative. The change from a pastoral to a sub-urban character in the centre and west of the site would be of a high magnitude, and therefore a significant adverse effect, however the proposals would not have a substantial effect on the character of the wider park due to the level of visual containment. There would be no effect on the more aesthetically considered landscapes of the parkland core along the river gorge, or in views from other areas of the registered park to the north and the west.
271. The screening effects of woodland within and around the site would be critical in that respect. To ensure that in the future it would be necessary to manage those woodlands for continuous cover and visual density. Further details of a woodland management plan can also be secured by means of a planning condition.
272. Turning to specific views and impacts highlighted within the Landscape Visual Impact Assessment (LVIA) that has been submitted with the application, it is noted by officers that there is the possibility of some glimpsed views of Lambton Castle through woodland belts to the north of the site, however mitigation is proposed to address this, and can be secured by planning condition.
273. The breach through the park wall and woodland to the south of application site is of some significance. Historically the park has been very inward looking with strong external boundaries, and it is considered to be important that this new entrance is both

in keeping with the character of the wider park boundary, and at the same time subordinate to other historic entrances to the park. It is considered likely that design solutions could be found at a detailed design stage that would adequately mitigate this impact.

274. The development of office uses in the east of the site would have a transformative effect on the character of that area which is currently one of attractive formal tree-lined lanes crossing open pasture. This would be a substantial adverse effect in itself. It would not have a substantial effect on the character of the wider parkland or the grounds of Biddick Hall due to the degree of visual containment, but would be notable in views from the drive to Biddick Hall, the Weardale Way and Footpath No 8 (North Lodge). Some additional planting is proposed which would in time be effective in screening parts of the proposed development from some vantage points, but at the expense of views.
275. The development of office uses would be visible from a section of the A183 in a view until recently occupied by the former garden centre. Over time, development could be screened or assimilated by structural landscaping augmenting the roadside planting in this area; however this would be a matter of detailed design.
276. Overall, the residual effects of the development proposals on the character of the local landscape are considered to be of a medium magnitude. That reflects the high and permanent, but localised and potentially visually contained nature of the impacts.
277. The proposed Conservation Management Plan provides for a range of landscape conservation measures including re-structuring or re-shaping woodlands, planting new parkland trees, conserving existing veteran trees, and opening up lost views, together with a wide range of works to buildings and structures that contribute to the character of the landscape.
278. Whether the beneficial effects of these works on the character of the wider parkland landscape would offset and outweigh the adverse effects of development on part of it is a complex judgement. However, it is considered that when the impacts of the proposals considered in the round would, on balance, be beneficial. While many of the benefits of the Conservation Management Plan relate to built heritage assets, these are important components of the historic landscape and as such their conservation must weigh in the balance alongside landscape conservation works as a beneficial effect on the character of the landscape.

Impacts upon Designated Landscapes

279. The impact of the proposed development upon the registered park and garden has been considered elsewhere in this report. However, it is worth reiterating that although the effect of the development would be harmful, that in the context of the wider designation, that harm would be minor. When considered in conjunction with the measures proposed within the CMP, the overall effects can be considered to be beneficial, and in accordance with CLSLP Policy BE9 which seeks to conserve and enhance the special historic and landscape qualities of the designated area, and is considered to be consistent with NPPF.
280. In terms of impacts upon the Area of High Landscape Value, CLSLP Policy NE15 is considered to be only partially NPPF compliant, as the NPPF does not recommend local landscape designations. However the NPPF does acknowledge the importance of protecting 'valued landscapes', which the AHLV can be considered to be. Therefore, it is considered that some weight should still be attached to this policy.

281. As identified above, the development would be harmful, and would detract in some degree from the high landscape quality of the area. However, if the proposals are considered holistically, having regards to the landscape improvement and restoration measures in the CMP, this harm is mitigated, and the overall quality of the AHLV would be maintained in accordance with CLSLP Policy NE15.

Ecology

282. There are no statutorily designated sites, namely Sites of Special Scientific Interest (SSSI), Special Protection Areas (SPAs), or Special Areas of Conservation (SACs) within 2km of the site.

283. Paragraphs 109 of the NPPF states that development should contribute to, and enhance the natural and local environment by, amongst other things, minimising impacts on biodiversity and providing net gains in biodiversity where possible.

284. The submitted Environmental Statement relates to the potential impact of the development upon ecology and biodiversity. This chapter was informed by Phase 1 Habitat Survey, a Great Crested Newt Survey, a Bat Survey, and a Breeding Bird Survey. A number of species were recorded on site, including 9 species of bat, and several species of woodland and ground nesting birds.

285. The ES identifies that the proposed development would have a mainly negligible impact upon a number of habitats, but without mitigation, would also have a minor adverse, moderate adverse, and in a single case a substantial adverse impact upon others. The significant impact would relate to perennial grassland, which would be inevitably be lost through development.

286. In terms of impacts upon species, it is considered that without mitigation there would be a moderate adverse impact upon breeding birds, a minor adverse impact upon amphibians, and a moderate adverse impact upon bats. Some of these species are European Protected Species.

287. Under the requirements of The Conservation of Habitats and Species Regulations 2010 it is a criminal offence to (amongst other things) deliberately capture, kill, injure or disturb a European Protected Species, unless such works are carried out with the benefit of a licence from Natural England. Regulation 9(3) of The Habitats Regulations requires local planning authorities to have regard to the requirements of the Habitats Directive in exercising its functions. Case law has established that local planning authorities must consider whether the applicant might obtain a protected species license from Natural England where there is likely to be a disturbance of a European Protected Species. This requires an examination of the derogation provisions.

288. The application proposes a wide range of ecological mitigation measures, including the retention of habitats wherever possible within the design of the scheme, retention of green linkages throughout the site and to surrounding areas, the creation of new habitats to support and complement the existing range of species present, the creation of broadleaf woodland, bat roosting opportunities provided within 5% of dwellings on the site, 20 bat boxes erected within surrounding woodland, 100 bird boxes to be erected in retained trees across the site, and a construction management plan during the construction period.

289. The County Ecologist and Natural England have considered the submitted information, and raised no objection to the application. The potential impacts of the development are noted, however providing that the proposed mitigation is secured,

then they are satisfied that the overall impact of the proposed development would be acceptable.

290. Under the derogation provisions, the Local Planning Authority should be satisfied that; i) the development must meet a purpose of preserving public health or public safety or other imperative reasons of overriding public interest including those of social or economic nature and beneficial consequences of primary importance for the environment ii) there is no satisfactory alternative; and iii) favourable conservation status of the species is maintained.
291. With regard to these tests, it is considered that there are substantial public interests that would be met by this development, namely related to the conservation of historic assets, the range of public access measures to the Estate, the economic benefits associated both directly and indirectly with the development, the meeting of housing need, and the provision of affordable housing. Together, it is considered that these benefits constitute reasons of overriding public interest with regard to the first part of the derogation tests.
292. With regard to the second test, it is considered that these benefits cannot be delivered by an alternative means, and with regards to the third, that the mitigation measures proposed would maintain the favourable conservation status of the species. It is considered therefore, that the derogation tests would be met, and a Natural England licence granted, and further, that the requirements of paragraph 109 of the NPPF are met in this instance.

Archaeology

293. Paragraph 135 of the NPPF states that the impact of a development upon the significance of a non-designated heritage asset should be taken into account in determining applications.
294. The application is accompanied by a Scheme of Archaeological Mitigation, which has been informed by findings contained within the submitted Environmental Statement. This identifies that there is no recorded evidence of prehistoric or Roman sites with the site; however the possibility of remains cannot be dismissed. Additionally, there is the potential for evidence of former mining and agricultural activity, previous Estate boundaries, and of course the in-situ remains of the Lion Park. Consequently, programme of archaeological works is proposed.
295. The proposed archaeological works to be carried out comprise a geo-physical survey of the site, a programme of trial trenching to be carried out based on the results of the geo-physical survey, the recording of the former Lion Park, and a monitoring regime during construction. The monitoring regime would take the form of recording, or preservation in-situ depending on the significance of any remains found.
296. The County Archaeologist has considered the content of the submitted document and raises no objections, stating that the proposed approach is appropriate to protect the archaeological interest of the site. The phased approach to field evaluation is accepted, as mapping evidence allows for the fairly accurate location of post-medieval features, and the green space allowance within the masterplan provides scope for in-situ preservation, if required. A planning condition is suggested to secure adherence to the proposed methodology.
297. Consequently, the application is considered to accord with paragraph 135 of the NPPF as any possible impact upon the significance of potential archaeological remains would be limited.

Flood Risk and Drainage

298. Paragraph 100 of the NPPF seeks to ensure that inappropriate development in areas of flood risk is avoided, and where unavoidable, that risks are adequately mitigated. Paragraph 103 states that development should not increase flood risk elsewhere, and that development should be informed by site specific flood risk assessment.
299. The submitted Environmental Statement relates to water management and this identifies that the application site lies within flood zone 1 and is therefore located on land least likely to suffer from tidal or fluvial flooding. There are no significant records of flooding at the site, although it is acknowledged that A183, to the south of the site has flooded in the past, and that this issue is believed to have now been addressed. It is acknowledged that the existing former hippopotamus enclosure within the site represents a minor surface water flood risk, as is an unnamed minor watercourse which is located centrally within the site. It is noted that this watercourse currently accepts unrestricted surface water flows, and that it outfalls into the River Wear.
300. It is proposed that surface water flows from the site continue to be directed into the unnamed watercourse, following the development.
301. Durham County Council is the Lead Local Flood Authority (LLFA) and the SUDS Approval Body (SAB). Drainage and Coastal Protection Officers have been consulted on the application and objections are not raised to the development in principle. Drainage and Coastal Protection Officers advise that final details of surface water disposal for the development should be devised and this should follow the hierarchy of preference for surface water disposal and restrict discharge rates to greenfield run-off rates. It is noted that the Environment Agency and Strategic Flood Risk Assessment Maps indicate areas of potential flooding across the site and the final design must address this. The Environment Agency has raised no objections to the development.
302. Northumbrian Water has raised no objections though advise that insufficient information is provided with regards to final surface and foul water disposal and a condition is recommended as a result.
303. A condition to resolve the final surface and foul water disposal proposals can be added to an approval and no objections to the development on the grounds of flood risk or drainage are raised having regard to Part 10 of the NPPF.

Design Approach

304. CLSLP Policy HP9 sets out residential design criteria for new developments, stating that new development should relate well to the surrounding area, as well as providing adequate privacy, and daylight. This policy is considered to be generally compliant with NPPF, although is prescriptive in certain areas beyond what might be expected by the NPPF.
305. As the application is only in outline form, with matters other than access reserved for future consideration, there is no proposed layout available at the present time. However, the submitted design and access statement provides details of the proposed design approach. The application is also accompanied by a series of parameter plans that provide the control mechanism and framework for any reserved matters planning applications.
306. The design approach seeks to meet several objectives and principles, with the philosophy being developed from Garden City Principles, namely to be landscaped

led, socially cohesive, contextual, exemplar, legible, and to be a sustainable community.

307. From this philosophy, the design and access statement develops the following design principles;

- Reflect the underlying character and nature of Lambton as a traditional working estate,
- Take inspiration from the landscape character of the Estate, specifically its introspection and seclusion, extensive woodland and parkland history.
- Consider opportunities for incorporating views of Penshaw Monument and potentially the Stud.
- Consist of cohesive, high quality architecture.
- Integrate effectively and make the best possible use of historic buildings in and around its perimeter, in order to deliver the maximum benefit from them in terms of character, and maximum benefit to them in terms of sustainable and constructive use.
- Carefully integrate lighting proposals to minimise impact on the surrounding wildlife and heritage assets.
- Undertake the early establishment of green infrastructure proposals within the development to provide a high quality setting for the first and subsequent phases of housing.

308. It is proposed that the development would take the form of several “character areas”, exhibiting a variety of English vernacular styles and approaches, including formal avenues, and estate village styles, details of which would be agreed at the Reserved Matters stage.

309. Overall, it is expected that density across the site will be lower than would normally be expected on a development site of this scale. This reflects the executive housing, and high value nature of the development, and is considered to be acceptable in this instance. Certainly, at the densities proposed, it would appear that the level of development proposed could be achieved without compromising residential amenity. The points raised by Durham Constabulary can be incorporated during the detailed design process.

310. With regards to CLSLP T8, this seeks to minimise the level of car parking provision within a development. The NPPF provides for local standards and does not seek to minimise parking. Therefore it is considered that no weight should be afforded to Policy T8, as it is not NPPF compliant.

311. Car parking provision would be addressed at the detailed design stage, taking into account the submitted framework travel plan. The proposed likely density of development means that it there will be sufficient space within each development cell to provide sufficient parking, in accordance with local parking standards.

312. Whilst precise details of layout and housetypes are not yet available, it is considered that the information provided to date demonstrates a strong commitment by the developers to deliver a high quality development, which would be more than capable of meeting those requirements of CLSLP Policy HP9 which can be considered to be NPPF compliant, however, a planning condition is proposed in order to secure a comprehensive design code, which would tie the design approach across the site together.

Residential Amenity

313. The site, by being located within the Estate, benefits from reasonable separation from most residential properties in the area. There is a small collection of dwellings at the eastern end of the site, which mainly comprise properties owned by the Estate, although at least one is now owner occupied. Further residential properties exist to the south, across the A183 Chester Road, however these are screened by buffer planting and do not generally enjoy extensive views into the Lambton Estate.

Privacy, Outlook and Loss of Light

314. As the application is only in outline form, no details of layout have yet been submitted. Accordingly, it is not possible to consider this matter in great detail at this time. However, the scheme proposed is of a low density, and given the relationships with existing residential properties, Officers are satisfied at this stage that a scheme of development could be arrived at that, which would not lead to unreasonable loss of amenity in respect of privacy, outlook or loss of light.

Noise

315. With regards to the potential levels of residential amenity that prospective occupiers may enjoy, as well ensuring existing residents who live close to the site retain appropriate levels of amenity, a noise report has been submitted with the application, and covers a number matters.

316. Paragraph 123 of the NPPF states that planning decisions should aim to avoid noise giving rise significant adverse impacts on health and quality of life arising from noise from new development.

317. Noise generated by construction is difficult to model at the outline stage, as this can depend on a number of factors including phasing, and the exact layout of each phase. The general approach contained within the report which seeks to limit noise levels in accordance with BS5228 and AL72(10) is accepted by Environmental Health and Consumer Protection Officers, and should be achievable by means of restricting working hours and noise levels.

318. With regards to traffic noise, this has been assessed through noise monitoring on the application site. Although Environmental Health and Consumer Protection Officers have some reservations with regards to the methodology of the monitoring, they accept that the assessment is indicative of the existing noise climate. It is concluded that noise levels on the site due to existing traffic noise do not render the site unsuitable for development, and can be adequately mitigated having regards to specific layout, and if necessary, mitigation through construction techniques. Modelling of additional road traffic noise as a result of traffic generated by the development suggests that the additional impact upon amenity would be minimal.

319. It is noted that the business uses proposed are B1 (offices) only, and that any noise generated by this element of the development would mainly relate to external plant. The possibility of A4 (Pub/Restaurant) uses within the ancillary retail areas, also is potential source of noise, but in both cases Environmental Health and Consumer Protection Officer consider that these could both be adequately mitigated.

Odour

320. There is the potential for odour nuisance from A3 (Retail) and A4 (Pubs/Restaurant) uses, however subject to adequate extractor systems to be agreed at the detailed design stage, it is considered that this matter can be adequately addressed. A condition is suggested to secure the implementation of these measures.

Lighting

321. The submitted Landscape and Visual Impact Assessment (LVIA) considers the potential impact of lighting within the development. Environmental Health and Consumer Protection Officers agree with the conclusions within the LVIA and advise that subject to lighting being installed in accordance with the methods stated, that intrusive light will be minimal. A condition is suggested to in order to secure this.

Air Quality

322. Environmental Health and Consumer Protection Officers have considered the submitted information and consider that subject to a Dust Action Management Plan being secured by planning condition, that dust generated during construction can be adequately mitigated. Potential air quality impacts as a result of vehicle emissions have also been modelled, and the resultant change is considered to be negligible.

323. Having regards to the above therefore, it is considered that the development could be adequately accommodated on the site without unreasonable loss of amenity to existing nearby occupiers, of whom there are a very limited number, and further, that adequate levels of amenity would exist for prospective occupiers in accordance with CLSLP Policy H9 and paragraph 123 of the NPPF, subject to the suggested conditions being attached.

Contamination and Coal Mining Legacy

324. Paragraph 120 of the NPPF states that in order to prevent unacceptable risks from pollution and land instability, planning policies and decisions should ensure that new development is appropriate for its location, and that the effects of pollution on health, the natural environment or general amenity should be taken into account. Further, paragraph 121 states that planning decisions should ensure that development sites are suitable for the new use, taking account of ground conditions and land stability.

325. Accordingly, the application includes a contaminated land report, which finds that no significant sources of contaminants have been found on the site, although low levels of contamination may be present in localised areas due to historic landfilling. Further, slightly elevated concentrations of heavy metals or pesticides may be encountered due to recent agricultural use. Additionally, probable asbestos sheeting has been identified. The history of mining activity within the Estate means there is a high likelihood of the site being affected by instability.

326. It is considered within the report that there is a low likelihood that Minor to Substantial Adverse impacts upon construction operatives will be present during the construction. This is mainly due to the potential presence of asbestos containing materials within existing farm buildings and identified sources of hazardous ground gas. However, it is also considered that these risks can be adequately mitigated to a safe level with the adoption of safe working practices, the ultimate effect potentially being of a minor beneficial level, as the asbestos will be appropriately removed and disposed of.

327. With regards to end users, it is considered that there would be a low to moderate likelihood of adverse effects, due to potential contaminants and hazardous ground gas. It is recommended in the report that further intrusive investigation works and risk assessment is carried in order to establish an appropriate scheme of mitigation, however it is considered that all of the potential risk identified at this stage can be mitigated using standard remedial or construction techniques, for example use of gas protection in new dwellings.

328. Environmental Health and Consumer Protection officers have considered the submitted contaminated land risk assessment and accept its findings, subject to suitable conditions being attached to any permission which secure the necessary additional investigative and mitigation measures.
329. With regards to the risk posed by former mine workings within the vicinity of the site, the submitted information recommends that a programme of rotary drilling in order to investigate the depth of shallow coal seams, the presence of voids, and the thickness of bedrock across the site. Any instability could be mitigated by drilling, grout stabilising or the adoption of an appropriate standoff distance.
330. The Coal Authority has considered the submitted information and raises no objection to the application on the basis that appropriate conditions are attached in order to ensure the safety and stability of the proposed development.
331. It is considered therefore, that requirements of paragraphs 120 – 121 of the NPPF are met in this instance, and that the application is acceptable in these regards.

Open Space

332. CLSLP Policy RL4 sets out the level of recreation and sports space per 1000 population that would normally be expected, whilst CLSLP Policy RL5 sets out the required level of recreation provision that should be delivered with a development. It is considered that both of these policies are only partially compliant with NPPF, as paragraph 73 of the NPPF states that such requirements should be based on robust and up-to-date assessments. Paragraph 17 of the NPPF states that planning should secure a good standard of amenity for all existing and future occupants of land and buildings. The County Durham Open Space Needs Assessment (OSNA) forms part of the evidence base for the CDP, and whilst no weight can be afforded to the CDP, the OSNA still forms the most up-to-date assessment of open space requirements for County Durham
333. CLSLP Policy RL6 seeks to secure the maintenance of open space and recreational facilities for a period of ten years. This policy is considered to be NPPF compliant, insofar as it is silent on such specific matters. However, NPPF would now require any commuted sum, to not be excessively onerous such that it would impact upon the viability of the development. Furthermore, the OSNA now seeks to secure maintenance for a period of 15 years.
334. The OSNA sets out that ordinarily, a total of 5.2ha of open space provision would be expected to be provided by a development per thousand population, and that this provision should take a variety of forms; parks and gardens, outdoor sports space, play space, amenity open space, semi-natural greenspace and allotments.
335. Bearing in mind the significant access benefits that this proposal brings with regards to the wider Estate, it is considered that in this instance that the requirement to provide parks and garden provision within the application site would be unreasonable. Consequently, it is considered that a reduced provision of 4.2ha of open space provision per thousand population is secured with regards to this development.
336. On the basis that the development would consist of 400 dwellings, with an average of 2.4 occupants, it is considered that the development would be expected to produce a population of 960. If the 4.2ha per thousand population provision is adjusted accordingly, an overall provision of 4.032ha is expected to be provided by this development.

337. The applicant expects to be able to deliver this level of provision within the site. However, as the application is currently only in outline form and only parameter plans are available at the present time, it is not certain that this could be achieved in reality. If it prevails that the necessary provision cannot be secured on site, the applicant has agreed to provide a commuted sum for offsite provision, which is variable on the basis of the level of shortfall in on-site provision that is achieved. It has been agreed that a sum of £2,639 per dwelling for whom on-site provision is not achieved would be payable as a commuted sum, to allow the authority to improve or provide off-site facilities. This contribution can be secured by means of a Section 106 legal agreement.
338. Consequently it is considered that the requirements of CLSLP Policies RL4, RL5 and RL6, and paragraph 17 of the NPPF are met in this instance.

Public Art

339. CLSLP Policy BE2 seeks to secure a financial contribution of 1% build costs on developments costing more than £500,000. This policy is considered to be partially NPPF compliant, as although the NPPF and PPG is supportive of well-designed places, and public art, they also acknowledge that development should not be subject to a scale of obligations that comprises their viability.
340. In securing a contribution towards public art, the nature of the development has been considered. It is acknowledged that the applicant is investing significant sums of money into restoring several valuable heritage assets within the Estate, and further, with the proposed public access, that the results of this investment would be open for all to appreciate. In particular, the restoration of Lamb Bridge, the stabilisation of Lambton Castle and the improvements to the River Gorge, would reinstate several views which have been popular with several painters, most notably John Glover, but also Thomas Allom, John Pye, and Edward Watson. Clearly, the ability for visitors to appreciate these classic views is of public benefit.
341. Consequently, and having regard to this albeit indirect investment in public art, it is considered that it would be unreasonable to expect the applicant to pay the full 1% public art contribution as required by the CLSLP. However, a contribution of £250,000 has been agreed, towards public art initiatives, and this would be secured by means of a legal agreement.

Education

342. Paragraph 72 of the NPPF attaches great importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities. It also states that local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education. It also place great weight upon the need to create, expand or alter schools.
343. CLSLP Policy HP15 seeks to negotiate with developers a contribution, where appropriate for the provision of related social, community and infrastructure facilities where such provisions are necessary.
344. The Council's School Places Manager utilising a methodology set out in the cabinet approved school places document, has calculated that there is sufficient capacity for the level of secondary school demand generated by the proposed residential development.

345. However, it is considered that there is currently insufficient capacity for the level of primary school pupils likely to be associated with the development. It is noted that for most of the site, that only Bournmoor Primary School is likely to be the only school within a reasonable practicable distance, although a portion of the western part of the site would be within reasonable access of Chester le Street Church of England Primary School.
346. Based upon existing and projected rolls for these schools, it is considered that additional capacity for an additional 47 pupils will be required at Bournmoor Primary School over the period of the development. Based upon the cost of providing additional school places of £11,705 as contained within the cabinet endorsed document, a contribution of £550,135 is required, and this would be secured by means of Section 106 legal agreement, and be delivered before the occupation of the 125th dwelling.
347. Sunderland City Council has indicated that it is concerned that schools within Sunderland would come under pressure to accommodate pupils generated by the development, in particular Shiney Row, New Penshaw Primary, and Our Lady Queen of Peace. Although the City Council claim that all of these schools are closer to the site than any in County Durham, this is incorrect, as the closest primary school is at Bournmoor, in County Durham.
348. Whilst it cannot be guaranteed that children would not attend schools in Sunderland, it is considered that the measures secured with this application would ensure that the numbers of pupils generated by the development would be able to be accommodated at a school within County Durham, and further. As Bournmoor Primary School is the closest to the site, it is more than likely that parents would seek to send their children to this school as opposed to other schools within Sunderland.
349. Additionally, it should be noted that another recent major housing scheme close to the administrative boundary, but within Sunderland City did not provide financial contributions to Durham County Council, despite its proximity to Bournmoor Primary School. Consequently, it is considered to not be necessary to secure additional financial contributions for education provision within Sunderland.

Viability and Planning Obligations

350. CLSLP Policy BE22 states that planning obligations will sought from developers wherever necessary, in order to make development acceptable. This policy is considered to be only partially compliant with the NPPF, and thus, only limited weight can be afforded to it.
351. The NPPF states that at paragraph 173 that development should not be subject to such a scale of obligations and policy burdens that the ability of it being developed viably is not threatened. This advice is reiterated within Planning Practice Guidance.
352. In meeting all of the relevant policy tests, and in order to secure the measures that have been proposed to justify 'very special circumstances', the applicant has agreed to enter into a Section 106 legal agreement which includes the following;
- A programme of conservation works, as contained within the Conservation Management Plan
 - Public access to the Lambton Estate in accordance with the Access Management Plan,
 - 15% affordable housing

- A commuted sum of £250,000 towards the provision of public art,
- A sum of £550,135 towards the provision of additional school places
- The provision of 4.032ha on-site public open space with a pro-rata commuted sum payable in lieu if this proves not to be possible,

353. The application is accompanied by a business plan which has been appraised by officers, and further, the applicant has confirmed that the requirements of the Section 106 legal agreement would not impose such a burden, so as to render the development unviable.

354. The application and requirements of the Section 106 legal agreement are therefore considered to be NPPF compliant in this respect.

355. The S106 Planning Obligations are also considered to be compliant with regulation 122 of the Community Infrastructure Regulations 2010 in that they are necessary to make the development acceptable in planning terms, directly related to the development and fairly and reasonably related in scale and kind to the development.

Sustainability

356. The NPPF, at paragraph 7 sets out the Government's vision for sustainability, identifying that it has three dimensions; economic, social, environmental. It further expands upon these dimensions, by setting out more specific elements of sustainable development.

357. The proposed development comprises a genuine mixed use scheme incorporating high quality executive housing meeting an identified need, ancillary retail provision, and office accommodation linked to the residential development. The application presents a genuine opportunity for placemaking, and the development of a sustainable community, with a reduced reliance on car travel. A scheme of Targeted Recruitment and Training would be secured by planning condition in order to ensure that the opportunities that the development may bring to local communities in terms of job creation are fully realised.

358. Healthy communities would be promoted by the package of measures to open up the Estate to public access, and the conserving and enhancing of valuable heritage assets has a significant social cultural value.

359. In environmental terms, any ecological impact would be mitigated, and the development will incorporate significant levels of landscape planting. Additionally, the package of heritage works will include landscape enhancements, and the restoration of the registered historic park and garden.

360. With regards to meeting the challenges of climate change, the applicant has indicated that the new development would incorporate high standards of sustainable design and construction, and a condition is proposed to secure an approach to construction that minimises carbon usage and embeds sustainability.

361. It is therefore considered, that the application constitutes sustainable development.

Whether Very Special Circumstances Exist

362. This report has set out the suite of measures which have been proposed as being significant public benefits. Although the level of individual weight that can be afforded to the various elements is considered to vary, it is considered that the public benefits, when considered as a whole, carry significant weight. Further, it has identified that the

harm to the Green Belt as a result of the development would only be limited, although by being inappropriate development, it is harmful by definition.

363. Additionally, harm other than that which would occur to the Green Belt has been considered, and also found to be limited.
364. Paragraph 87 of the NPPF states that inappropriate development in the Green Belt should not be approved except in “very special circumstances”.
365. Paragraph 88 of the NPPF states that “very special circumstances” will not exist unless the potential harm to the Green Belt, and any other harm, is clearly outweighed by other considerations.
366. In this instance, the overall level of harm is considered to be limited, and that the wider benefits of the scheme, when considered as a whole are significant. Consequently, it is considered that the harm is clearly outweighed, and as a result that “very special circumstances” exist in this instance.

Enabling Development

367. This proposal has not been put forward as an enabling scheme in the context of Historic England’s approach. Nevertheless the scheme does enable substantial benefits as described above.
368. Paragraph 140 of NPPF provides guidance on enabling development, the key question being whether the proposal ‘which would otherwise conflict with planning policies but which would secure the future conservation of a heritage asset, outweigh the dis-benefits of departing from those policies’.
369. No further guidance is provided in the PPG on enabling development but Historic England does have further guidance through 2008 document “Enabling Development and the Conservation of Significant Places.”
370. In this case the scheme cannot reasonably be considered as enabling development because the proposal are in conformity with prevailing planning policies contained within the NPPF including:
- from a heritage perspective, compliance with paragraph 134 is achieved;
 - similarly, compliance with paragraph 113, landscape, is secured;
 - ‘Very Special Circumstances’ have been demonstrated that overwhelmingly outweigh any harm to the Green Belt; and
 - No other harm has been identified
371. In short, the proposals do not represent Enabling Development as prescribed by the NPPF and Historic England’s own guidance and should not be considered as a departure from the Development Plan where material planning considerations are required to support a decision to grant planning permission.
372. Analysis above in the context of Green Belt policy has concluded that the benefits clearly outweigh the harm and that the proposal constitutes very special circumstances. As such the enabling case does not need to be applied.

Prematurity

373. Planning Practice Guidance provides guidance on the issue of prematurity and advises that applications should only be refused on grounds of prematurity where it is clear that the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits, taking the framework and all other material considerations into account. It goes on to say that such circumstances are likely to be limited to situations where both:
- the proposal is so substantial, or the impacts so significant, that the plan making process would be undermined by predetermining decisions about scale, phasing or location of the development; and,
 - the emerging plan is at an advanced stage.
374. As discussed earlier in this report, it is considered that any adverse impacts of the proposal would be far outweighed by the significant benefits which the scheme presents.
375. Accordingly, the tests for refusing this application on the grounds of prematurity are not met. In any event, it is relevant to note the scale of the proposal -approximately 400 new homes, 2,450 sq.m of retail and community facilities and 8,000sqm of office space. Whilst the Objectively Assessed Need, employment land and retail requirements that will inform the next iteration of the County Durham Plan are still under review, it is nonetheless anticipated that the level of development proposed in this application will not be so significant as to undermine the plan making process on decisions which are central to the emerging plan. This is reinforced by the very limited level of objection to the application by third parties.
376. Furthermore, the County Durham Plan Inspector's Interim Report has been quashed and the Council has withdrawn the Plan from examination. A further consultation draft is likely to be published in early 2016. At this point in time, the County Durham Plan cannot be considered to be at an advanced stage.
377. It is also of note that the guidance in the PPG states that where a draft Local Plan is yet to be submitted for examination, a refusal on grounds of prematurity will seldom be justified.
378. In addition, it is pertinent to note that as Historic England recognise, the issues facing the historic fabric of the Estate will only worsen through delayed action.
379. In light of the above it is concluded that prematurity is not a legitimate reason to refuse this application as the grant of planning permission will not prejudice the outcome of the plan making process.

CONCLUSION

380. The proposed development, in being located with the Green Belt, is contrary to CLSLP Policies NE3, NE4, NE5 and NE6, and the CLSLP remains the adopted development plan for the locality. Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990, state that applications for planning permission must be determined in accordance with the development plan, unless material planning considerations indicate otherwise.
381. However, this report has considered the compliance of the relevant CLSLP policies with the content of the NPPF, in accordance with paragraph 216 of that document,

and has found that these policies to be only partially compliant, thereby reducing the level of weight that can be afforded to them.

382. In such, circumstances, advice contained within the NPPF should take primacy, and the proposed development, in being located within the Green Belt, constitutes development which is restricted by specific policies within the NPPF. Therefore the planning balance tests contained within paragraph 14 of the NPPF are not applicable in this instance.
383. It has been established in this report that the development proposed would be inappropriate in the Green Belt, and that in accordance with paragraph 87 of the NPPF, should not be approved except in 'very special circumstances'.
384. Paragraph 88 of the NPPF is clear in stating that 'very special circumstances' will not exist unless both potential harm to the Green Belt, and any other harm, is clearly outweighed by other considerations.
385. As paragraph 14 of the NPPF provides no means of balancing the harm and benefits in this instance, the 'very special circumstances' tests within paragraph 88 are appropriate instead. Essentially, if 'very special circumstances' cannot be demonstrated, then the application must be considered to be unacceptable, as it would be contrary to paragraph 87.
386. It is considered that the case made by the applicant is robust with respect to 'very special circumstances'. It can be identified that the harm to the Green Belt would be only limited, having regards to the purposes of Green Belt and the openness of the site and its surroundings.
387. In terms of 'other harm' it is noted impacts upon ecology, archaeology, residential amenity, highway safety and flood risk can all be adequately mitigated. The less than substantial harm to heritage assets, and also harm to the Area of High Landscape Value should be considered in the context of a wider scheme of measures which result in a net benefit with regards to these matters.
388. The suite of benefits that the application comprises is considered to be significant, and largely deliverable. These have been set out in detail within the report, but namely comprise a significant level of investment in the restoration and preservation of valuable historic assets, the provision of public access to the wider Lambton Estate with associated positive tourism impacts, and provision of affordable and executive housing to meet an identified need, all of which would have positive economic benefits. The provision of office development linked to the delivery of executive housing, can also carry some weight, albeit reduced, due to the uncertainty of delivery beyond 1,395 sq.m, however this is considered not be a significant issue in the overall acceptability of the scheme.
389. Overall, it is considered therefore that the benefits would outweigh the limited harm to the Green Belt that would exist, and further, having had regards to all other material considerations, that they would outweigh any other harm that has also been identified. It is therefore considered that 'very special circumstances' have been demonstrated to justify inappropriate development as required by the NPPF.
390. It should also be noted that the application has received support from Kevan Jones MP, North Lodge Parish Council, Historic England, Business Durham, Visit County Durham, North East Chamber of Commerce, as well as a single resident, and no objections have been received from statutory consultees.

391. The objections raised by both Durham Local Access Forum and Tyne and Wear Access Local Access Forum, and the two local residents, as well as the concerns raised by CPRE and Sunderland City Council have been fully considered, but are not considered to outweigh the significant and demonstrable benefits that the proposed development entails.
392. Should Members be minded to grant planning permission, it would be necessary for the application to be referred to the Secretary of State in accordance with the requirements of the Town and County Planning (Consultation) (England) Direction 2009 as the proposed development amounts to inappropriate development in the Green Belt. Furthermore, the proposed development proposes a level of out of centre commercial floorspace, such that it would require referral also.

RECOMMENDATION

That the application be **APPROVED** subject to;

- the referral of the application to the Secretary of State via the National Planning Casework Unit; and in the event of the application not being called in, the Head of Planning be authorised to determine the application.
- the completion of a Section 106 Legal Agreement to secure;
 - A programme of conservation works, as contained within the Conservation Management Plan
 - Public access to the Lambton Estate in accordance with the Access Management Plan,
 - 15% affordable housing
 - A commuted sum of £250,000 towards the provision of public art,
 - A sum of £550,135 towards the provision of additional school places
 - The provision of 4.032ha on-site public open space with a pro-rata commuted sum payable in lieu if this proves not to be possible;

and subject to the following conditions:

Planning

1. Approval of details of appearance, landscaping, layout and scale (hereinafter called “the reserved matters”) for each Development Cell, or part thereof, (identified on Land Use Parameter Plan - Ref: PL02 Rev A) shall be obtained from the local planning authority before development of that Development Cell is commenced.

Reason: Required to be imposed pursuant to Section 92 of the Town and County Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2. Applications for the approval of reserved matters for a Development Cell, or part thereof, (identified on Land Use Parameter Plan - Ref: PL02 Rev A) must be made no later than the expiration of three years beginning with the date of this permission, and the development must be begun not later than the expiration of five years from the date of this permission. The applications for the approval of the reserved matters for the other Development Cells, or part thereof, shall be made to the Local Planning Authority before the expiration of 12 years from the date of this permission and each Development Cell must be begun not later than the expiration of two years from the approval of the last reserved matters for that Development Cell.

Reason: Required to be imposed pursuant to Section 92 of the Town and County Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

3. The development hereby approved shall be carried out in accordance with the approved plans and specifications contained within:
 - Site Boundary Plan - Ref: PL01
 - Land Use Parameter Plan - Ref:PL02 Rev A
 - Building Storey Heights Parameter Plan - Ref:PL03
 - Movement and Access Parameter Plan - Ref:PL04
 - Landscape Parameter Plan - Ref:PL05
 - Proposed A183/Site Access Roundabout – Ref:2019SK001/003B
 - Proposed A183A/A1052/Site Access Roundabout – Ref:2019/SK001/002A
 - Framework Travel Plan (August 2015) Version 2.0

Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with Part 7 of the NPPF

Highways

4. Prior to the commencement of the access works full technical details of the proposed A183 / A1052 site access roundabout (as shown on drawing reference 2019/SK001/002 Rev A in accordance with Design Manual for Roads and Bridges (DMRB) shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the roundabout works shall be carried out in accordance with the approved details and be constructed and operational on first occupation of any dwelling within Development Cell R3 (identified on Land Use Parameter Plan - Ref: PL02 Rev A).

Reason: In the interests of highway safety having regards to saved Policy T15 of the Chester-Le-Street District Local Plan and Part 4 of the NPPF. Required to be pre-commencement to ensure a safe access into the site.

5. Prior to the commencement of the access works full technical construction details of the proposed A183 site access roundabout (as shown on drawing reference 2019/SK001/003 Rev B) in accordance with Design Manual for Roads and Bridges (DMRB) shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the roundabout works shall be carried out in accordance with the approved details and be constructed and operational on first occupation of any dwelling within constructed within Development Cell R10 (identified on Land Use Parameter Plan - Ref: PL02 Rev A). After the roundabout is available for use, the existing access from the A183 (as shown on drawing reference 2019/SK001/003 Rev B) shall not be used for site access and shall be stopped up.

Reason: In the interests of highway safety having regards to saved Policy T15 of the Chester-Le-Street District Local Plan and Part 4 of the NPPF. Required to be pre-commencement to ensure a safe access into the site.

Design Code

6. The development shall be implemented in general conformity with the approved Design and Access Statement submitted with the applications.

Reason: To ensure that the Reserved Matters for the appearance, layout and scale of the buildings, and landscaping to be submitted are in general accordance with the approved Design and Access Statement and to enable the Local Planning Authority to satisfactorily control the development, having regards to Part 7 of the NPPF and Policy HP9 of the Chester-Le-Street District Local Plan

7. In conjunction with the first Reserved Matters application a Design Code shall be submitted to and approved in writing by the Local Planning Authority. The Design Code shall be prepared in accordance with the principles and parameters established by this outline approval. The Design Code shall address all pertinent matters associated with the following subject areas:

- i The approach to design quality and its consistent implementation;
- ii The creation of character areas and neighbourhoods;
- iii Maximum and minimum density parameters
- iv Materials Pallets;
- v Lighting Strategy and
- vi Landscaping Strategy.

All subsequent Reserved Matter applications shall accord with the details of the approved Design Code.

Reason: In the interests of high quality design and in accordance with Chester-le-Street District Local Plan Saved Policy HP9 and Part 7 of the NPPF. Required to be in conjunction with the submission of Reserved Matters to ensure co-ordinated design approach across the development

Archaeology

8. Prior to the submission of reserved matters for each Development Cell, or part thereof, (identified on Land Use Parameter Plan – Ref: PL02 Rev A) the applicant must secure the implementation of a programme of archaeological work in accordance with a mitigation strategy as detailed in the approved document 'Archaeological Evaluation and Mitigation Works, NAA, August 2015'. Thereafter implementation of the Development Cell shall take place only in full accordance with the approved details.

Reason: To comply with paragraphs 128 and 141 of the NPPF. Required to be prior to the submission of reserved matters for each Development Cell or part thereof to ensure appropriate archaeological works take place.

9. Prior to each Development Cell (identified on Land Use Parameter Plan – Ref: PL02) being beneficially occupied, a copy of any analysis, reporting, publication or archiving required as part of the mitigation strategy shall be deposited at the County Durham Historic Environment Record or receiving archive as detailed in the mitigation strategy.

Reason: To comply with paragraph 141 of the NPPF, which requires the developer to record and advance understanding of the significance of a heritage asset to be lost, and to make this information as widely accessible to the public as possible.

Contamination

10. Within each Development Cell, or part thereof, (identified on Land Use Parameter Plan –Ref: PL02 Rev A) development shall not commence until an Investigation and Risk Assessment to determine the nature and extent of any contamination on the site has been submitted to and approved in writing by the Local Planning Authority. The details of the Investigation and Risk Assessment shall include measures to provide for:
 - i. a survey of the extent, scale and nature of contamination based on the Desk Top Study and conceptual site model;
 - ii. an assessment of the potential risks;
 - iii. an appraisal of remedial options and definition of an appropriate remediation scheme including a timetable for works.

The Investigation and Risk Assessment shall be implemented as approved and must be conducted in accordance with DEFRA and the Environment Agency's Model Procedures for the Management of Land Contamination (CLR11).

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with Part 11 of the NPPF. Required to be pre-commencement to ensure the risk from land contamination are minimised before the start of construction.

11. The Approved Remediation Scheme, for each Development Cell or part thereof, shall be implemented in accordance with the approved timetable of works. Within twelve months of the completion of measures identified in the Approved Remediation Scheme, a validation report (that demonstrates the effectiveness of the remediation carried out) must be submitted to the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with Part 11 of the NPPF.

12. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. A Risk Assessment must be submitted to and approved by the Local Planning Authority in accordance with the requirements of condition 9, and where remediation is necessary the approved Remediation Scheme must be implemented in accordance with the requirements of condition 10.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with Part 11 of the NPPF.

Coal Mining

13. Prior to the submission of reserved matters for each Development Cell ,or part thereof, (identified on Land Use Parameter Plan - Ref: PL02 Rev A) a scheme of intrusive site investigation for mine entries and shallow coal workings within that Development Cell

shall be submitted and approved by the Local Planning Authority. The intrusive site investigation shall be carried out in accordance with the approved details. Any remedial works identified by the site investigation shall be carried out prior to any development taking place.

Reason: To ensure that the application site is safe and stable for the approved development, as required by paragraph 121 of the National Planning Policy Framework. Required to be pre-commencement to ensure the site is safe and stable for the approved development.

Flood risk and Foul Drainage

14. Development within each Development Cell or part thereof (identified on Land Use Parameter Plan Ref: PL02 Rev A) shall not commence until a detailed scheme for the disposal of foul and surface water from the development hereby approved has been submitted to the Local Planning Authority. The approved flood risk and foul drainage strategy shall be implemented prior to the first occupation of the relevant Development Cell.

Reason: To prevent the increased risk of flooding from any sources and to comply with the objectives of Part 10 of the NPPF. Required to be pre-commencement to ensure appropriate water management.

Ecology

15. No development shall take place unless in accordance with the mitigation detailed in Chapter J of the Environmental Statement (September 2015. E3 Ecology)

Reason: In the interests of protected species and to comply with the objectives of Part 11 of the NPPF.

Construction

16. No development shall commence within each Development Cell (identified on Land Use Parameter Plan - Ref: PL02 Rev A) until a Construction Environment Management Plan has been submitted to and approved in writing by the Local Planning Authority. The management plan shall include but not necessarily be restricted to the following:

- i A Dust Action Plan containing; the methods of suppressing dust; the methods to record wind direction and speed and the meteorological conditions at the site; methods of monitoring dust emanating at and blowing from the site
- ii Details of methods and means of noise reduction
- iii Confirmation that the burning of combustible material on site shall be prohibited unless it has been first demonstrated that the material cannot be disposed of in any other suitable manner
- iv Details of means of reducing the potential for mud on the roads in the vicinity of the site

The management plan shall have regard to BS5228 “Noise and Vibration Control on Construction and Open Sites” during the planning and implementation of site activities and operations.

The development shall be undertaken in accordance with the agreed Construction Environment Management Plan.

Reason: In the interests of residential amenity having regards to Part 11 of the NPPF. Required to be pre-commencement as construction activity mitigation must be agreed before works commence.

17. No construction/demolition activities, including the use of plant, equipment and deliveries relating to the construction of the development, will take place before 0800 hours or continue after 1800 hours Mondays to Fridays, or commence before 0800 hours and continue after 1300 hours on Saturdays. No works will be carried out on a Sunday or Bank Holiday.

Reason: In the interests of residential amenity, in accordance with the objectives of Part 11 of the NPPF.

Noise

18. Prior to commencement of development within each Development Cell R10 (identified on Land Use Parameter Plan - Ref: PL02 Rev A) a scheme of noise mitigation measures shall be submitted to the Local Planning Authority. Thereafter the approved scheme shall be implemented prior to the first occupation of that Development Cell and shall be retained thereafter.

Reason: In the interests of residential amenity and to meet the objectives Part 11 of the NPPF.

Odour

19. Prior to any A3 or A4 unit being occupied, full details of the proposed fume extraction system for that unit must be submitted and approved in writing by the local planning authority, this document should include a risk assessment, design schematic, details of any odour abatement measures, details of noise levels and any other documents considered necessary to demonstrate accordance with the current DEFRA guidance on the control of odour and noise from commercial kitchen exhaust systems

Reason: In the interests of residential amenity and to meet the objectives Part 11 of the NPPF.

Landscape

20. No development shall commence within a Development Cell, or part thereof, (identified on Land Use Parameter Plan - Ref: PL02 Rev A) until the relevant hard and soft landscape details have been submitted to and approved in writing the Local Planning Authority.

Reason: In the interests of the appearance of the area and to comply with Part 7 of the National Planning Policy Framework and Policy HP9 of the Chester-le-Street Local Plan. Required to be pre-commencement so that the landscaping works are agreed before development commences.

21. All approved planting, seeding or turfing and habitat creation shall be carried out in the first available planting season following the practical completion of each Development Cell. Any approved replacement tree or hedge planting shall be carried out within 12

months of felling and removals of existing trees and hedges. Any trees or plants which die, fail to flourish or are removed within a period of 5 years from the substantial completion of each Development Cell shall be replaced in the next planting season with others of similar size and species. Replacements will be subject to the same conditions.

Reason: In the interests of the visual amenity of the area and having regard to Part 11 of the NPPF.

22. No tree should be felled or hedge removed unless in accordance with the approved landscape details. No construction work shall take place within each Development Cell (identified on Land Use Parameter Plan - Ref: PL02 Rev A), nor any site cabins, materials or machinery be brought on site until all trees and hedges scheduled for retention as agreed under the landscape reserved matter, are protected.

Reason: In the interest of visual amenity and having regard to Part 11 of the NPPF

Sustainability

23. Prior to the commencement of development within each Development Cell, or part thereof, (identified on Land Use Parameter Plan - Ref: PL02 Rev A) a scheme to embed sustainability and minimise Carbon from construction and in-use emissions shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved scheme and retained while the building is in existence.

Reason: In the interests of sustainable construction and energy generation and the aims of Part 10 of the NPPF. Required to be a pre-commencement condition as sustainability measures must be agreed before works commence.

Retail

24. The new floorspace hereby permitted within Use Class A1, Class A2 and Class A3 shall be restricted to no more than 1,500 sq.m gross internal across the approved development as a whole.

Reason: To provide appropriate control over the ancillary land uses in accordance with Part 2 of the NPPF

25. No individual unit within Use Classes A1, A2 or A3 hereby permitted shall exceed 450 sq.m gross internal floorspace.

Reason: To provide appropriate control over the ancillary land uses in accordance with Part 2 of the NPPF

Business

26. Prior to the occupation of the 150th market dwelling hereby approved or five years from the date of commencement of development to which this permission relates whichever is the latter a minimum of 1,395 sq.m (15,000 sq.ft) of floorspace shall be implemented at the Lambton Estate and made available for uses within Use Class B1 of The Town and Country Planning (Use Classes) Order 1987 (as Amended).

Reason: To ensure the delivery of the employment uses on the site in accordance with Part 1 of the NPPF.

27. Prior to occupation of the 150th market dwelling hereby approved or five years from the date of commencement of development to which this permission relates whichever is the latter the applicant shall submit to and have approved by the Council a phasing statement for implementation of the remaining Use Class B1 office floorspace. Thereafter, the B1 office floorspace shall be implemented in accordance with the approved phasing statement.

Reason: To ensure the delivery of the employment uses on site in accordance with Part 1 of the NPPF.

28. Prior to the occupation of the 390th dwelling hereby approved or twenty years from the date of commencement of development to which this permission relates whichever is the latter a minimum of 8,000sq m (86,104 sq.ft) of floorspace shall be implemented at the Lambton Estate and made available for uses within Use Class B1 of The Town and Country Planning (Use Classes) Order 1987 (as Amended).

Reason: To ensure the delivery of the employment uses on the site in accordance with Part 1 of the NPPF.

Open Space

29. The development authorised by this permission shall not begin until arrangements, including a timetable for implementation, for the provision of open space has been submitted to and agreed in writing by the Local Planning Authority. The open space shall be provided in accordance with the approved arrangements.

Reason: In the interests of residential amenity and to comply with saved Policies HP9 and RL5 of the Chester-le-Street District Local Plan. Required to be prior to commencement to ensure sufficient provision of outdoor sports space is provided across the site

Training and Employment

30. Prior to commencement of development within each Development Cell (identified on Land Use Parameter Plan - Ref: PL02 Rev A) an Employment and Skills Plan should be submitted to and approved by the Local Planning Authority. Thereafter each Development Cell shall be implemented in accordance with the agreed Employment and Skills Plan.

Reason: In the interests of building a strong and competitive economy in accordance with Part 1 of the NPPF. Required to be pre-commencement condition as it concerns construction workforce employment and takes early advantage of any employment opportunities.

STATEMENT OF PROACTIVE ENGAGEMENT

The Local Planning Authority in arriving at its decision to support this application has, without prejudice to a fair and objective assessment of the proposals, issues raised, and representations received, sought to work with the applicant in a positive and proactive manner with the objective of delivering high quality sustainable development to improve the economic, social and environmental conditions of the area in accordance with the NPPF. (Statement in accordance with Regulation 35(2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015.)'

BACKGROUND PAPERS

Submitted application form, Environmental Statement, plans supporting documents and subsequent information provided by the applicant

The National Planning Policy Framework (2012)

National Planning Practice Guidance Notes

Chester le Street District Local Plan

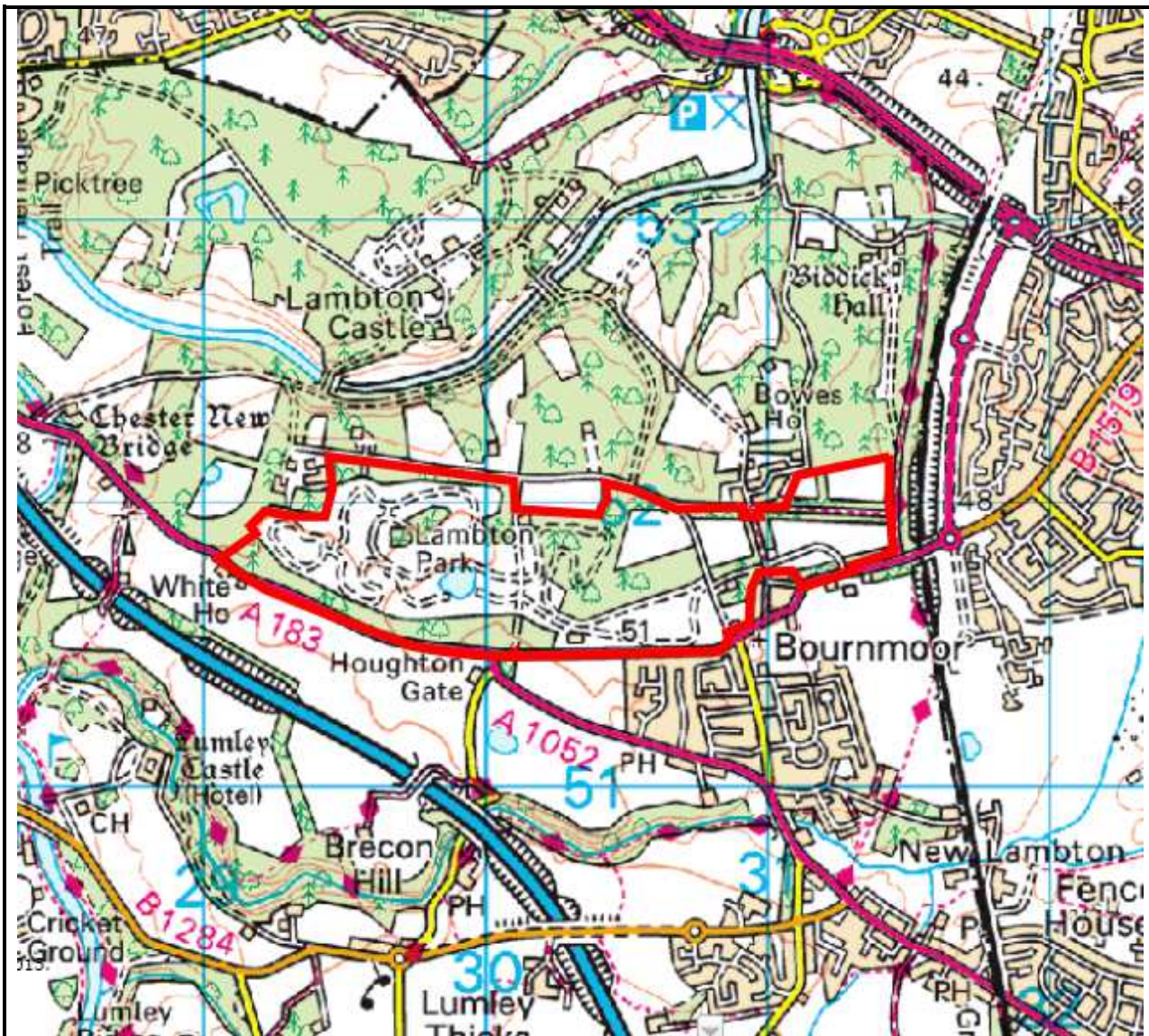
The County Durham Plan (Submission Draft)

The County Durham Strategic Housing Land Assessment

The County Durham Strategic Housing Market Assessment

Durham Tourism Management Plan

Statutory, internal and public consultation responses



Planning Services

Outline application for approximately 400 dwellings & office development (Use Class B1) together with ancillary uses (Use Classes A1 - A4 & D1 - D2), new accesses, associated infrastructure, open space & landscaping with all matters reserved except for access, Lambton Park, Chester Road, Bournmoor (DM/15/02714/OUT)

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Comments

Date December 2015

Scale NTS



Planning Services

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	DM/14/00519/MIN
FULL APPLICATION DESCRIPTION:	Reclamation of former colliery spoil mound to extract coal spoil, reprofiling of mound on completion of works and landscaping works.
NAME OF APPLICANT:	Hargreaves Surface Mining Ltd
ADDRESS:	Former Colliery Spoil Heap, Hesleden, Durham
ELECTORAL DIVISION:	Blackhalls
CASE OFFICER:	Chris Shields, Senior Planning Officer 03000 261394, chris.shields@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

The Site

1. The village of Hesleden is located south of the B1281 Road between the A19 to the west and the A1086 Road to the east. The former Castle Eden Colliery and associated spoil heap lie adjacent to the village, immediately south of the Haswell to Hart Railway Path, now part of the Sustrans National Cycle Network. This was once a mineral railway line serving various collieries in East Durham and finally closed in 1980. The site is on the northern edge of Hesleden Dene, which links with Nesbitt Dene to become Crimdon Dene, on the northern outskirts of Hartlepool.
2. The village of Castle Eden lies approximately 1 kilometre to the west; the A19 is approximately 1 kilometre further west again and the settlement of Blackhall Rocks lies three kilometres to the north east.
3. The application site is accessed via Gray Avenue, which in turn, leads to the B1281 Road. At the corner of Gray Avenue, where it becomes Front Street, an unmetalled track leads to the site. This track, which forms part of Footpath No.24 (Monk Hesleden Parish), also serves a number of smallholdings, allotments and associated buildings in different ownerships in close proximity to the site. The track turns south east near the site entrance and runs along the north eastern edge of the site where it then terminates. A number of business owners have access rights along this track, including the owners of the application site. Footpath No.16 (Sheraton with Hulam Parish) runs to the south of the site, approximately 100m from the application boundary and would not be affected by the proposed development.
4. The application site is approximately 5 hectares and comprises the colliery spoil heap resulting from mining activities conducted in the 19th Century. The site is

surrounded by woodland including the Hesleden Dene Ancient Woodland that lies immediately to the south and forms a dense barrier on three sides. The north east boundary, facing towards Hesleden, forms a less dense boundary comprising low quality scrub woodland. The land rises up to the centre of the mound and falls away sharply down to the Hesleden beck on the south and south western sides of the site.

5. There is a recent history on the site of the material combusting and requiring attendance by the fire service to extinguish the fire. Burning material was excavated from the site and deposited in stockpiles to be extinguished and cool. As a result of this and unauthorised offroad motorcycling the site has been significantly disturbed.
6. The site is within the designated Hesleden Dene Local Wildlife Site (LWS) designated mainly for its former importance to dingy skipper butterflies. Hulam Fen Site of Special Scientific Interest (SSSI) is located approximately 400m to the south of the site and Castle Eden Dene SSSI is located approximately 1km to the north.
7. The site lies in an area identified in the Easington Local Plan as an Area of High Landscape Value. Woodlands to the west, south and east are covered by a Tree Preservation Order.
8. At the southern edge of the site, at the foot of the spoil heap, is the Hesleden Beck. The steep slopes of the Hesleden Dene at this point in its course limit the spread of the flood plain, nevertheless, a very small area of the site is within Flood Zones 2 and 3.
9. There are no listed buildings, Scheduled Ancient Monuments or Conservation Areas designations within the site. There are twenty five designated heritage assets within 2km of the site comprising one Scheduled Monument, one Grade II* listed building and twenty two Grade II listed buildings. Castle Eden Conservation Area lies 1km to the west. The registered Grade II parklands of Castle Eden lie around 1km to the north.

The Proposal

10. The proposed development is for the removal of combustible and/or potentially combustible material comprising of low grade coal, shale and spoil from the Hesleden Colliery spoil heap. It is estimated that within the heap there is approximately 278,000 tonnes (173,000m³) of combustible material. It is proposed to remove this material over 20 months. Once the combustible material has been removed the site would be restored to nature conservation with the reinstatement of Footpath No.24 (Monk Hesleden Parish). Operations at the site would last for 24 months from commencement to completion and during this period there would be 20 months in which combustible material would be exported from the site by road. The material would be exported from site at a rate of approximately 14,000 tonnes per month. The remaining material would be left on site and will form part of the restoration.

Preparatory works

11. Prior to the commencement of extraction a site compound would be created. The site would have temporary offices, welfare block, security cabin and wheelwash to be located at the site entrance. Perimeter fencing, cut off drains and water treatment areas would be established. Details of the buildings and wheelwash would be secured through planning condition should planning permission be granted.

Working method

12. The combustible material to be removed from site would be selectively dug from the areas identified from the site investigation data and subsequently confirmed within the excavations and such material would be excavated and stockpiled locally for subsequent loading out to road vehicles. Stockpiles on site would contain up to a 1 week supply for export, or approximately 3,500 tonnes and would have a height of up to 5m. The stockpiles would be located on the northern side of the site, close to the site access. There would be no processing carried out on site. The remaining non-combustible material would be kept on site for use in the restoration. The plateau of the spoil heap at present has a level of approximately 114m Above Ordnance Datum (AOD) but has a very steep southern slope. The restoration of the site would not reduce the overall height of the spoil heap but the gradient of the southern slope would be significantly reduced to improve safety and stability.
13. Material would be excavated from the stockpile using a single 360 excavator and two dump trucks. A single dozer would be used for grading the site and a tractor and bowser would be available for dust suppression. HGV's would be loaded using a single loading shovel.
14. The sequence of extraction phases, 14 in total, would begin in the centre of the site and work outward toward the north-west corner and then progress in an anti-clockwise direction around the initial area of excavation before working back toward the site access. The scheme has been designed in this way to deliver a progressive reduction in tip height in order to maintain maximum stability, in particular to the southern facing slope and to minimise surface water runoff.

Working hours

15. The proposed working hours for site operations, including coal haulage, are 07:00 – 19:00 Monday to Friday, 07:00 – 12:00 Saturday with no working on Sundays or Public/Bank Holidays save in cases of emergency. Operations outside of these hours would be restricted to maintenance and pumping.
16. Some illumination of the site would be required, especially in the winter months, but this would primarily be in association with plant working in the void area which would be below ground level. Illumination within the stockpile areas and site office area would be lit during the hours of darkness for security purposes. All lighting would be directional. Details of lighting would be submitted through condition should planning permission be granted.

Traffic and access

17. An average of 44 (22 in and 22 out) HGV movements per working day are anticipated during the working period with a pro-rata amount on Saturdays. Based on a 5.5 day working week (and maximum vehicle movements) it is anticipated that an average of 2 laden HGV's would leave the site every hour (4 movements per hour). Vehicles would enter and leave the site via an existing track onto Gray Avenue, approximately 380m from the junction with the B1281. The applicant has proposed to improve the visibility splays of the junction of the B1281 with Gray Avenue through a Grampian condition. The site access road would link with the site office and car parking area. Wheelwash facilities would also be located in this area. Details of the site office, car park and wheelwash would be submitted through condition should planning permission be granted.

18. All HGV lorries leaving the site would turn left onto Gray Avenue then left onto the B1281 then onto the A19. Coal would be sent to power stations for electricity generation and potentially local markets within the region. On return to site HGVs would turn right from the B1281 to Gray Avenue then right turn into the site.
19. Additional site traffic would include vehicles moving excavation plant and other items for a short period during the commencement and final restoration phases.

Restoration

20. The purpose of the development is to remediate a colliery waste heap and therefore all works are essentially restorative in their nature. The proposal would involve removing only materials that are combustible as the remaining spoil and burnt shale can be left in place to form part of the restoration. The site would not be fully reinstated until 4 months following cessation of works. The land would be restored to woodland on the southern slope and northern boundary with a mix of predominantly gorse scrub and wildflower sward interspersed with large magnesian limestone blocks across the centre of the site. A new paddock area would be created at the site entrance and the footpath reinstated with a public bench to encourage access.
21. The site would be subject to the statutory 5 year aftercare requirement. The aftercare period would commence following the completion of remediation works.
22. 16 full time jobs would be created for the duration of the scheme plus 4 part time jobs. The applicant has proposed a community fund equivalent to 10p per tonne of combustible material (this could provide around £27,800 during the life of the site) to help fund local projects and activities. This would be administered through a site liaison committee that would also provide a forum for the operator and community representatives to engage with each other about site related issues, activities and concerns.
23. The application is accompanied by an Environmental Statement (ES). This report has taken into account the information contained in the ES and amended details and that arising from statutory consultations and other responses.
24. This planning application is being reported to the County Planning Committee because it involves major minerals development.

PLANNING HISTORY

25. The application site has no planning history but was used as the spoil heap for the adjacent colliery in the 19th Century. Some reclamation works have been previously carried out on land to the north of the site.

PLANNING POLICY

NATIONAL POLICY

26. The Government has consolidated all planning policy statements, guidance notes and many circulars into a single policy statement, the National Planning Policy Framework (NPPF), although the majority of supporting Annexes to the planning policy statements are retained. The overriding message is that new development that is sustainable should go ahead without delay. It defines the role of planning in

achieving sustainable development under three topic headings – economic, social, and environmental, each mutually dependent. The presumption in favour of sustainable development set out in the NPPF requires local planning authorities to approach development management decisions positively, utilising twelve ‘core planning principles’. The following elements of the NPPF are considered relevant to this proposal:

27. *NPPF Part 1 – Building a strong, competitive economy* – The NPPF outlines in paragraph 19 that significant weight should be placed on the need to support economic growth through the planning system. Paragraph 22 specifically states that; planning policies should avoid long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose. Land allocations should be regularly reviewed. Where there is no reasonable prospect of a site being used for the allocated employment use, applications for alternative uses of land or buildings should be treated on their merits having regard to market signals and the relative need for different land uses to support sustainable local communities.
28. *NPPF Part 3 – Supporting a prosperous rural economy* – States that planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development. This to include the support of sustainable growth and expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings and well designed new buildings; the promotion of the development and diversification of agricultural and other land-based rural businesses; and the promotion of the retention and development of local services and community services in villages.
29. *NPPF Part 4 – Promoting Sustainable Transport* – States that the transport system needs to be balanced in favour of sustainable transport modes, giving people a real choice about how they travel. It is recognised that different policies and measures will be required in different communities and opportunities to maximize sustainable transport solutions which will vary from urban to rural areas. Encouragement should be given to solutions which support reductions in greenhouse gas emissions and reduce congestion.
30. *NPPF Part 7 – Requiring Good Design* – The Government attaches great importance to the design of the built environment, with good design a key aspect of sustainable development, indivisible from good planning. Planning policies and decisions must aim to ensure developments; function well and add to the overall quality of an area over the lifetime of the development, establish a strong sense of place, create and sustain an appropriate mix of uses, respond to local character and history, create safe and accessible environments and be visually attractive.
31. *NPPF Part 8 – Promoting Healthy Communities* – The planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. Access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well-being of communities and planning policies and decisions should achieve places which promote safe and accessible environments.
32. *NPPF Part 10 – Meeting the Challenge of Climate Change, Flooding and Coastal Change* – Planning plays a key role in helping shape places to secure radical reductions in greenhouse gas emissions, minimising vulnerability and providing resilience to the impacts of climate change, and supporting the delivery of renewable and low carbon energy.

33. *NPPF Part 11 – Conserving and Enhancing the Natural Environment* – The planning system should contribute to, and enhance the natural environment by; protecting and enhancing valued landscapes, recognising the benefits of ecosystem services, minimising impacts on biodiversity and providing net gains in biodiversity where possible, preventing new and existing development being put at risk from unacceptable levels of soil, air, water or noise pollution or land instability, and remediating contaminated and unstable land.
34. *NPPF Part 12 – Conserving and Enhancing the Historic Environment* – Local Planning Authorities should have a positive strategy for the conservation and enjoyment of the historic environment, including heritage assets, recognising that these are an irreplaceable resource and conserving them in a manner appropriate to their significance.
35. *NPPF Part 13 – Facilitating the sustainable use of minerals* – Minerals are recognised as being essential to support sustainable economic growth and our quality of life noting that it is therefore important that there is a sufficient supply of material to provide the infrastructure, buildings, energy and goods that the country needs. However, since minerals are a finite natural resource, and can only be worked where they are found, it is important to make best use of them to secure their long-term conservation. In determining planning applications for minerals development there are a number of matters to take into account. These include giving great weight to the benefits of the mineral extraction, including to the economy ensuring that there are no unacceptable adverse impacts on the natural environment and human health, taking into account the cumulative effect of multiple impacts from individual sites and/or from a number of sites in a locality, and providing through condition for restoration and aftercare at the earliest opportunity to be carried out to high environmental standards. Bonds or other financial guarantees to underpin planning conditions should only be sought in exceptional circumstances.
36. Paragraph 149 states that permission should not be given for the extraction of coal unless the proposal is environmentally acceptable, or can be made so through conditions or obligations, or if not, it provided national, local or community benefits which clearly outweigh the likely impacts to justify the grant of planning permission.

<http://www.communities.gov.uk/documents/planningandbuilding/pdf/2116950.pdf> (*National Planning Policy Framework*)

37. The Government has recently cancelled a number of planning practice guidance notes, circulars and other guidance documents and replaced them with National Planning Practice Guidance (NPPG). The NPPG contains guidance on a number of issues including air quality, climate change, EIA, flood risk, health and wellbeing, light pollution, minerals, noise, transport assessments and statements, use of planning conditions and water quality. Of particular relevance to this development proposal is the practice guidance with regards to mineral development and their working and restoration and the principal environmental issues of minerals working that should be addressed by mineral planning authorities. Paragraph 147 states that the environmental impacts of coal extraction should be considered in the same way as for other minerals. However, both coal operators and mineral planning authorities must have regard to the environmental duty placed on them under Section 53 of the Coal Industry Act 1994 when preparing and determining planning applications.

<http://planningguidance.planningportal.gov.uk/>

LOCAL PLAN POLICY:

COUNTY DURHAM MINERALS LOCAL PLAN (DECEMBER 2000) [MLP] POLICY:

38. *Policy M4 – Waste and recycled materials* – permits the extraction of material from a mineral waste deposit where this can be achieved consistent with environmental protection objectives.
39. *Policy M23 – Areas of High Landscape Value* – States that proposals for mineral working in Areas of High Landscape Value will be given the most careful consideration. Proposals will only be allowed where the environmental impact on the special character and quality of the landscape is acceptable, or can be made so by planning conditions or obligations and, in the case of dimension stone, that there is a need for the mineral which cannot be met from alternative sources elsewhere.
40. *Policy M24 – Local landscapes* – requires that the scale of any adverse effects on local landscape character from minerals development is kept to an acceptable minimum and conserves as far as possible important features of the local landscape. It also requires that restoration schemes have regard to the quality of the local landscape and provide landscape improvements where appropriate.
41. *Policy M27 - Locally important nature conservation sites* – states that minerals development affecting regional or locally identified sites of nature conservation interest, including LNRs, RIGs, SNCIs and Ancient Semi Natural Woodlands, which may have an adverse effect will not be permitted unless the Mineral Planning Authority is satisfied that the developer has demonstrated there are reasons for the proposal which clearly outweigh the need to safeguard the intrinsic qualities of the site.
42. *Policy M28 – Wildlife Corridors* – states that minerals development should seek to preserve the nature conservation value of defined wildlife corridors. Policy M28 also advises that minerals development should contribute to their nature conservation interest through appropriate restoration and management.
43. *Policy M29 – Conservation of nature conservation value* – requires all proposals for minerals development to incorporate appropriate measures to ensure any adverse impact on the nature conservation interest of the area is minimised.
44. *Policy M35 – Recreational Areas and Public Rights of Way* – Mineral development that would have an unacceptable impact upon the recreational value of the countryside, and in particular facilities such as paths and other public rights of way will not be permitted unless there is a need for the mineral which cannot be met from suitable alternative sites or sources.
45. *Policy M36 – Protecting local amenity* – requires the incorporation of suitable mitigation measures to ensure potentially harmful impacts from pollution by noise, vibration, dust and mud, visual intrusion, traffic and transport, subsidence, landslip and gaseous emissions are reduced to an acceptable level.
46. *Policy M37 – Stand off distances* - states that unless it can be demonstrated that the amenity of local communities can otherwise be protected from the adverse impacts of mineral working, mineral development will not be permitted where the extraction or associated activities are within 250 metres of a group of 10 or more dwellings.

47. *Policy M38 – Water Resources* - states that if a proposal for mineral development would affect the supply of, or cause Yes contamination to, underground, or surface waters, it should not be permitted unless measures are carried out as part of the development to mitigate those impacts throughout the working life of the site and following final restoration.
48. *Policy M42 – Road traffic* – states that mineral development will only be permitted where the traffic generated can be accommodated safely and conveniently on the highway network and the impact of traffic generated by the development on local and recreational amenity is otherwise acceptable.
49. *Policy M43 – Minimising traffic impacts* – requires that planning conditions should be imposed, and planning obligations or other legal agreements sought, to cover a range of matters such as routeing of traffic to and from the site, highway improvements or maintenance, prevention of the transfer of mud and dirt onto the public highway and operating hours of lorry traffic to and from the site.
50. *Policy M45 – Cumulative impact* – requires that when considering proposals for mineral development the cumulative impact of past, present and future workings must be considered and states that planning permission will not be granted where the cumulative impact exceeds that which would be acceptable if produced from a single site under the relevant policies of the Plan.
51. *Policy M46 – Restoration conditions* – indicates that conditions will be imposed, planning obligations or other legal agreements sought as necessary to cover a range of issues relating to the satisfactory restoration of minerals sites.
52. *Policy M47 – After uses* – provides advice in relation to proposals for the after use of mineral sites.
53. *Policy M52 – Site management* – states the ability and commitment of the intended operator to operate and reclaim the site in accordance with the agreed scheme will be taken into account.

District of Easington Local Plan (2001) (DELP)

54. *Policy 7 – Protection of Areas of High Landscape Value* – States that the special character, quality and appearance of such areas will be maintained and enhanced. Any development likely to have an adverse impact shall only be permitted if it fulfills a need that outweighs the value of the landscape.
55. *Policy 15 – Protection of Sites of Special Scientific Interest, and National Nature Reserves* – States that development that is likely to adversely impact on a site of special scientific interest will only be approved where there is no alternative solution or the development is in the national interest.
56. *Policy 38 – Designing Out Crime – Requires* due regard to be given to personal safety and the security of the property, particularly during the hours of darkness.

RELEVANT EMERGING POLICY:

57. Paragraph 216 of the NPPF says that decision-takers may give weight to relevant policies in emerging plans according to: the stage of the emerging plan; the extent to which there are unresolved objections to relevant policies; and, the degree of consistency of the policies in the emerging plan to the policies in the NPPF. The County Durham Plan was submitted for Examination in Public and a stage 1

Examination concluded. An Interim Report was issued by an Inspector dated 18 February 2015, however that report was quashed by the High Court following a successful Judicial Review challenge by the Council. As part of the High Court Order, the Council has withdrawn the CDP from examination. In the light of this, policies of the CDP can no longer carry any weight at the present time.

*The above represents a summary of those policies considered relevant. The full text, criteria, and justifications can be accessed at: <http://www.durham.gov.uk/article/3274/Minerals-Local-Plan>
<http://content.durham.gov.uk/PDFRepository/EasingtonLocalPlan.pdf>
<http://www.durham.gov.uk/article/2486/County-Durham-Plan> (County Durham Plan)*

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

58. *Castle Eden Parish Council* – has objected to the proposal due to the loss of residential amenity, traffic generation and road safety, noise, nuisance and no clear benefits to the community.
59. *Monk Hesleden Parish Council* – has objected to the proposal due to the impact upon residential amenity of those living in Hesleden and surrounding villages, traffic movements and highway safety, concerns that the operator has a poor track record of restoration and that the only beneficiary of the scheme is the applicant.
60. *Highway Authority* – initially objected to the proposal due inadequate visibility being available at the junction of Gray Avenue and the B1281, however, it is considered that this issue can be overcome with a Grampian condition requiring the submission of a scheme of works to improve visibility with the works to be carried out prior to the commencement of development. In order to mitigate impacts upon local residents it is recommended that a further condition be imposed requiring the submission of a Traffic Management Plan that should incorporate an advisory speed limit of 20mph on Gray Avenue, temporary signs advising warning road users of HGV's turning at the junction from Gray Avenue to the B1281 and measures to ensure that vehicles exiting the site are cleaned to prevent any detritus being deposited on Gray Avenue and beyond.
61. *Environment Agency* – has raised no objections to the proposal subject to conditions being imposed in respect of surface water discharge and ground contamination in order to meet the requirements of the NPPF. Advice is also provided in respect of contaminated land.
62. *Natural England* – has raised no objections to the proposal and has not requested any conditions be imposed. It is noted that the Hulam Fen SSSI is located in close proximity to the site. However, it is considered that provided the development is carried out in accordance with the details as submitted it will not damage or destroy the interest features of the SSSI. Further advice is also provided in relation to protected species, soils and reclamation, biodiversity enhancements and green infrastructure potential.
63. *Coal Authority* – has raised no objections to the proposal subject to the imposition of a condition requiring investigations to be undertaken to establish the precise location of a historic mine entry and install appropriate fencing around it.
64. *Drainage and Coastal Protection* – Officers have raised no objections to the proposals but have stated that the proposed works should not allow surface water to discharge onto adjacent land, a suitable land drainage / infiltration system should be

installed. Any surface water discharge from the drainage system to an outfall should be restricted to greenfield run-off in accordance with the ICP QBAR rural calculation. It is requested that a condition be imposed requiring details of all surface water drainage proposals to be submitted for approval.

INTERNAL CONSULTEE RESPONSES:

65. *Spatial Policy* – The proposed development needs to be determined in accordance with the saved policies of the statutory development plan, principally the relevant saved policies of the County Durham Minerals Local Plan. The principle MLP policy which is relevant is policy M4 ‘Waste and recycled materials’ which permits the extraction of material from a mineral waste deposit where this can be achieved consistent with environmental protection objectives. The NPPF is also relevant as a material consideration. In particular great weight should be given to the proposed benefits of the mineral extraction including to the economy. As the proposed development involves the recovery of combustible and potentially combustible material including coal the national policy test relating to coal extraction needs also to be considered. It is also important to ensure that the site is fully restored and in aftercare at the earliest opportunity and that this should be carried out to high environmental standards.
66. *Design and Conservation* – Officers have raised concerns in respect of the vehicle movements through Castle Eden and consider that the ambience and sense of place of the conservation area would be affected. Officers have also noted that the Landscape and Visual Impact Assessment (LVIA) has not included photomontages from the main part of Castle Eden village or Hardwick Hall and therefore is not sufficient to make an informed assessment of the impact.
67. *Landscape* – Officers have stated that the proposals would have some adverse effects on the character of the local landscape that would be significant locally but would be of a temporary nature and would not have a substantial effect on the wider landscape. The restoration proposals are considered to be appropriate. The proposals would have some adverse effects on the visual amenity of nearby residents, however, none of the impacts are predicted to be high or long term and the working method has been designed to minimise them as far as possible. The proposals would have some adverse effects on the visual amenity of footpath users, which would be high on some short sections of nearby paths but there would not be a significant effect on the wider network.
68. *Ecology* – Officers have raised no objections to the proposals on the understanding the restoration scheme is carried out in accordance with the submitted plans and that the site will be subject to an aftercare period.
69. *Environmental Health and Consumer Protection* – Officers have raised no objections to the proposals in respect of noise and dust subject to conditions being imposed to ensure noise mitigation measures are carried out, the submission of a noise monitoring scheme for the period of the works and a dust suppression/mitigation scheme that would be implemented for the period of the works.
70. *Air Quality* - Officers have commented that although the proposal represents a considerable increase in the number of HGV movements on Grey Avenue in comparison to the existing situation the increase will not exceed the threshold detailed in the IAQM/EP(UK) Guidance (>100 HDV on the existing AADT) and therefore this indicates the proposals will not have a significant impact on air quality pollutants. The background levels of pollutants (Particulates and Nitrogen Dioxide) are well below the national air quality objectives at this location for both of these

pollutants. The assessment showed that the change in concentrations of both particulates (PM₁₀ and NO₂) will not be significant and negligible if considered in relation to the air quality objectives.

71. *Contaminated Land* – Officers have raised no objections to the proposals and commented that the risk identified in the conceptual site model is that surface water management. It is advised that appropriate Discharge Consents should be obtained from the Drainage and Coastal Protection Team to discharge all polluted water into the Hesleden Dene. Officers note the proposal to catch surface water runoff within a 1.5m perimeter bund in order for it to be transported to the proposed water treatment area in the south eastern part of the site. It is recommended that a condition be imposed to require details and appropriate mitigation of any contamination or water treatment issues that arise during the operations at the site that have not been anticipated as part of the assessment work.
72. *Access & Rights of Way* – Officers have raised no objections to the proposal but have noted that Footpath No.24 (Hesleden Parish) would be directly affected by the proposal. The section of the footpath within the proposed site will be required to be temporarily stopped up for the duration of the works under Section 261 of the Town and Country Planning Act 1990. Officers are satisfied that the temporary closure and the proposed diversion are acceptable.
73. *Countryside* – has raised no objections to the proposal. Officers have requested that various works be carried out to protect and improve the Haswell to Hart Railway Path, improve access to the path and improve local biodiversity.

PUBLIC RESPONSES:

74. The application has been advertised in the press and by site notices, and all residents of Castle Eden and Hesleden have been individually consulted. 359 representations have been received from individuals in response to the application from the local area. A further letter providing comments that neither support nor object to the scheme has also been submitted.

Objection

75. 23 individual letters, 42 standard letters (2 types) and 2 petitions containing a total of 212 signatures (192 and 20) have been submitted in objection to the proposal from local residents.
76. The main point of objection shared by all objectors is the increase in vehicle movements and reduction in road safety. References are specifically made to the impact upon the residential amenity of roadside communities, particularly Gray Avenue in Hesleden, the limited eastbound visibility at the junction of Gray Avenue and the B1281 and the narrowness of the roads from Hesleden to the A19. Concerns have also been raised in relation to mud being deposited on the highway from vehicles exiting the site that may cause accidents.
77. The impacts from the development upon the flora and fauna present on the site, particularly the loss of mature trees and the resultant change to the landscape has been raised as an issue.
78. The impact of HGV's accessing and exiting the site across the Haswell to Hart Railway Path has been raised by many objectors as it is considered that the path would be damaged by this activity. There is also concern that vehicles crossing the path would cause disruption to users including walkers, cyclists and horse riders.

79. It has been suggested that the evidence of danger from the spoil heap combusting have not been substantiated and that the reported incidents of fires are not conclusive that there is an ongoing risk. It is also suggested that an alternative restoration scheme not involving removal of any material from the site could be achieved.
80. Air quality and noise from the development have been raised as issues, particular in relation to health risks from PM2.5 particles released from vehicle emissions and noise from vehicles disturbing residents, as mentioned above. Concern has also been raised that noise assessment is not an accurate representation of what site noise levels will actually be like.
81. Other issues that have been raised include impact upon Human Rights, devaluation of residential properties and an objection to the proposal if the Council is not able to secure financial compensation from the developer that can be put towards supporting community activities in Hesleden. Finally, it is stated that the site has been subject to fly tipping and reassurances are sought that this will not continue to occur.
82. *Local Members* – Councillors Rob Crute and Lynn Pounder have jointly objected to the proposal due mainly to the impact upon residential amenity to the residents of Hesleden and Castle Eden but also to traffic generation, road safety and have suggested that there are alternative ways to mitigate the anti-social behaviour that has been associated with the site.
83. *Grahame Morris MP* – has objected to the proposal due to impacts upon highway safety, residential amenity including noise, dust and air quality, particularly for the residents of Gray Avenue but also the wider community. Concerns are also raised in relation to the natural environment by damaging trees and disturbing wildlife in the area.

Support

84. 34 individual letters and a petition containing 48 signatures have been submitted in support of the scheme. The individual letters received in support of the proposal were all from pupils of Hesleden Primary School (Durham County Council). Pupils support the removal of the spoil heap in order to make the site safer and so that it can be put into community use following the completion of the works. Requests have been made by the school pupils for the site to incorporate a 'dirt bike track' and for a community building and graffiti wall to be erected at the school.
85. The petition submitted in support of the proposal to restore the site states that signatories would like to see the spoil heap removed and restored to alleviate the danger and visual impact that it currently poses.

Comments

86. *Hesleden Primary School (Durham County Council)* has written in relation to the scheme with a view to making beneficial community use of any financial gains should the development and also to use the development as a source educational material.

APPLICANT'S STATEMENT:

87. Hargreaves Surface Mining Limited (HSML) is seeking to remediate a former Colliery Spoil Heap at Hesleden, County Durham and to restore the site as an area of ecological interest.
88. Remediation is required as the site has a history of spontaneous burning of the highly combustible material which is present. The site is also experiencing ongoing slope stability problems with a potential for further large scale slope failure that could affect the integrity of Hesleden Burn.
89. The site is renowned for episodes of trespass and anti-social behaviour relating to the abuse of drink and drugs and represents great concern to local residents and surrounding landowners.
90. During January 2014 further trespass occurred and an unofficial motor cross track was constructed. The landowner has undertaken all reasonable measures to make the site safe. However the site has once again been vandalised and instances of unsociable behaviour continue.
91. The remediation scheme provides for the recovery of an estimated 278,000 tonnes of highly combustible material, located on site, together with ancillary site operations. The site will be progressively restored to include ecological enhancements over a two year period which will be followed by appropriate aftercare.
92. The scheme has been subject to a full and rigorous independent Environmental Impact Assessment (EIA) which has resulted in the production of a comprehensive Environmental Statement (ES).
93. The results of the EIA together with the views of statutory consultees, many of whom support this application, demonstrate that the scheme is acceptable in environmental terms.
94. The principle (*sic*) objectives and benefits of the site remediation are as follows:
 - Remove the current health, safety and environmental risk posed by the spontaneous burning of the combustible material within the site and the risk posed by slope instability, which threatens Hesleden burn.
 - Recovery of an estimated 278,000 tonnes of combustible material, for use in the energy sector, assisting with both balance of payments and with the security of energy supply.
 - Remediation and improvement of the local environment
 - Provision of an area of conservation and ecological interest with the creation of habitat suited to the Dingy Skipper butterfly.
 - Provision of local jobs directly, and also indirectly through the provision of goods and services.
 - Provision of a community trust fund.
 - Improved visibility at the junction of Gray Avenue and the B1281.
95. HSML note that there has been a level of objection from certain local residents (which is normal with such schemes). However it is pleasing to note that the proposals have also generated significant levels of support given that the proposal will provide a once and for all solution to the environmental and safety issues associated with the Colliery Spoil Heap. No statutory consultee has objected to the scheme.

96. Taking all the above matters into account, it is concluded that the scheme with the proposed mitigation accords with planning policies, offers benefits to the local community and the environment and is acceptable in environmental terms. HSML respectfully request that the application is approved.

The above represents a summary of the comments received on this application. The full written text is available for inspection on the application file which can be viewed at: <https://publicaccess.durham.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=N2D7KSGDFWS00&documentOrdering.orderBy=date&documentOrdering.orderDirection=descending>

PLANNING CONSIDERATIONS AND ASSESSMENT

97. Having regard to the requirements of section 38(6) of the Planning and Compulsory Purchase act 2004, the relevant Development Plan policies, relevant guidance and all other material considerations, including representations received, it is considered that the main planning issues in this instance relate to: the principle of the development, residential amenity (including noise, air quality and dust), access and traffic, landscape and visual impact, cultural heritage and design and conservation, ecology and nature conservation, flood risk and drainage, public rights of way, soils and agriculture, cumulative impact and other matters.

Principle of the development

Land Remediation

98. The proposed development would the removal of combustible material from a historic colliery spoil heap with subsequent restoration to nature conservation and amenity use. The combustible material, or coal, has been previously mined and discarded as it was presumably deemed unsuitable for purpose at the time of extraction. However, it is now possible to use this material for energy production in coal fired power stations. As the coal has already been extracted and is effectively stored in a waste heap the proposed development is not considered to be surface coal mining and therefore should not be assessed as such. MLP Policy M7 is therefore not applicable as this is specific to the opencast mining of coal within the exposed coalfield.
99. It is considered that the key policy for determining the principle of this application is MLP Policy M4. This Policy encourages and supports the use of recycled and waste materials in place of newly won minerals through the extraction of material from mineral waste deposits subject to environmental acceptability. Policy M4 is considered to be fully consistent with the NPPF which makes it clear that Mineral Planning Authorities (MPAs) should facilitate the sustainable use of minerals and making use of recycled and waste materials is consistent with achieving this objective. Notwithstanding this, paragraph 149 of the NPPF states that permission should not be granted for the extraction of coal unless the proposal is environmentally acceptable, or can be made so through conditions or obligations, or if not, it provided national, local or community benefits which clearly outweigh the likely impacts to justify the grant of planning permission. This paragraph is considered to be a relevant consideration for this proposal.
100. The proposal would involve the recovery of up to 278,000 tonnes of combustible material from a mineral waste deposit, thereby reducing the need to mine newly won mineral. It is considered that proposal fully accords with objectives of MLP Policy M4 subject to environmental acceptability, which is discussed later in this report.

101. In the July 2011 Energy White Paper 'Planning our Electric commitment Future: a White Paper for Secure, Affordable and Low Carbon Electricity', the Government sets out its intention to transform the UK's electricity system to ensure that our future electricity supply is secure, low-carbon and affordable. The White Paper notes, that traditional fossil fuels leave the Country open to volatile prices, deepens our dependence on imported energy and lead to the emission of too much carbon. Also in July 2011, six energy National Policy Statements for Energy were approved. The Overarching National Policy Statement for Energy (EN-1) re-affirms the Government's commitment to meet EU and prevailing national targets. EN-1 states the UK economy is reliant on fossil fuels, and they are likely to play a significant role for some time to come. However, the UK needs to wean itself off such a high carbon energy mix: to reduce greenhouse gas emissions, and to improve the security, availability and affordability of energy through diversification.
102. The Government has announced an intention to close the UK's remaining 15 coal fired power stations by 2025 with significant restrictions placed upon existing power stations on the approach to this deadline. In Quarter 2 of 2015 coal fired power stations provided 20.5% of electricity generation for the UK, a drop of almost 8% for the same period in 2015. This drop in dependence upon coal coincides with a reduction in indigenous production from both deep mined and surface mined coal. UK coal production dropped to approximately 12 million tonnes in 2014, down from approximately 16 million tonnes in 2013. UK imports of coal dropped to 42 million tonnes in 2014 from 49 million tonnes in 2013.
103. There are constraints which are coming into force which will affect the use of coal. These being the EU Large Combustion Plant Directive which imposes an emission limit for sulphur dioxide. There is also the domestic Carbon Price Floor that acts as a tax on carbon and alters the price of coal compared to gas, as coal has higher carbon emissions than gas for each unit of electricity generated.
104. In January 2016 the Industrial Emissions Directive (IED) will come into effect which tightens emissions limits on fossil fuel power stations. The Directive sets a number of options for coal fired power stations. They can opt-out of the Directive and instead run for up to 17,500 hours between January 2016 and the end of 2023 and then close, or enter the Transitional National Plant (TNP), which gives time, between 2016 and 2020, to fit equipment needed to meet the IED limits. If operators do not do so they must either close or operate for a maximum of 1,500-hours per year. As a result it is expected that there will be very few coal power stations to be operational beyond the early 2020s. This coincides with the Government's intention to close all coal fired power stations by 2025.
105. Coal from the site would be sent to power stations for electricity generation. In this respect, it is envisaged that the principal market for the coal from the site would involve the energy supply industry market based in Yorkshire and the Midlands.
106. It is clear that coal is being phased out for energy generation within the next 10 years, however, there is a still a short term requirement for coal. The proposed development would provide an immediate source of coal for a short term period that would assist in meeting current demand from an indigenous source thereby reducing the reliance on imports.

Consideration of the environmental acceptability of the proposals

107. In order to pass the first test of paragraph 149 of the NPPF, proposals for the extraction of coal are required to be environmentally acceptable or can be made so by planning conditions or obligations. This report will assess each identified likely environmental impact against the relevant Development Plan policy and NPPF.

Residential amenity

108. The spoil heap lies immediately to the south west of the village of Hesleden. The closest properties along High Road are approximately 220m from the excavation area. MLP Policy M37 seeks to protect groups of 10 or more residential properties from the effects of mineral development by setting a stand-off distance of 250 metres. There are 12 properties in Hesleden that are within 250 metres of the nearest area of working within the site. It must therefore be demonstrated that residential amenity can be protected from the adverse impacts of mineral working. In the case of this site the main impacts to consider in relation to residential amenity are noise and dust. Notwithstanding this, MLP Policy M37 is only partially compliant with the NPPF as the NPPF does not identify thresholds for stand-off distances.

Noise

109. Government guidance (as contained in the PPG, which reaffirms advice contained in the now withdrawn Technical Guidance to the NPPF) advises that during normal working hours (0700 – 1900) and subject to a maximum of 55dB(A) $L_{Aeq}1h$ (free field), mineral planning authorities should aim to establish a noise limit, through a planning condition, at noise sensitive properties that does not exceed the background level by more than 10dB(A). It is recognised, however, that where this will be difficult to achieve without imposing unreasonable burdens on the mineral operator, the limit set should be as near to that level as practicable. During the evening (1900 – 2200) limits should not exceed background level by 10dB(A). During the night limits should be set to reduce to a minimum any adverse impacts, without imposing any unreasonable burdens on the mineral operator, but should not exceed 42dB(A) $L_{Aeq}1h$ (free field) at noise sensitive properties.

110. A noise assessment has been carried out as part of the proposals the results of which are contained in the ES. The assessment has identified the types of plant to be used on site, the operations that would be carried out and the predicted noise levels associated. The assessment has also identified that the nearest sensitive properties are at Hillcrest Place to the north-east, Southfield Farm to the north-west and The Bleachery to the west.

111. The recorded background noise level for Hillcrest Place was 48dB, 46dB for Southfield Farm and 49dB at The Bleachery. Noise generated from the development would vary as operations progress across the site. Predictions have therefore been made at the three proposed working phases. Predicted noise levels (based on a 'worst case scenario') indicate that normal site operations would not exceed the nominal limits of 55dB(A) $L_{Aeq}1h$ and would not be 10dB(A) above measured background levels.

112. The predicted maximum level for normal operations at Hillcrest Place is 50dB (potential increase in noise levels of 2dB), 48dB for Southfield Farm (potential increase in noise levels of 2dB) and 40dB at The Bleachery (0dB potential increase).

113. The Environmental Health and Consumer Protection Team has viewed the submitted noise assessment and consider the predicted levels, monitoring points and mitigation measures to be acceptable. It is recommended that a condition be imposed requiring that noise emitted from on-site operations shall not result in ambient noise levels greater than 55dB LAeq 1hour as measured at the noise monitoring locations identified. Additionally, restrictions would continue to be imposed on working hours to ensure that operations are only carried out during daytime hours of 7am to 7pm Monday to Friday and 7am to 12pm on Saturdays.
114. The NPPG does not provide guidance on appropriate noise levels for recreation areas. Previous Government Guidance (MPG11) recommended a noise level of 65dB Leq,1hr during the working day. The submitted noise assessment has not compared noise levels on the footpaths and bridleway around the site to this limit. However, given there is no limit specified in the NPPG and measures would be put in place to mitigate noise levels from the site, it has not therefore considered necessary for such an assessment to be undertaken. It is therefore considered that the impact of noise from the proposed development would not have an unacceptable impact upon the recreational value of the countryside, and the proposal would not conflict with MLP Policy M35. This Policy is considered to be consistent with the NPPF.
115. It is considered that the proposed noise predictions are reasonable and the recommended conditions afford a good level of protection to neighbouring residents in relation to both the extension and the existing site in accordance with the requirements of MLP Policy M36. This Policy is considered to be consistent with the NPPF.

Dust

116. Mineral sites give rise to dust issues and it is accepted that the generation of dust can only be minimised and controlled rather than eradicated. The impact would depend on wind speed, the degree of rainfall and surface topography. The National Planning Practice Guidance sets out 5 stages for carrying out a dust assessment that would provide useful ways of mitigating dust from mineral development. These are to establish baseline conditions, identify activities that could lead to dust emissions, identify site parameters that may increase potential impacts.
117. A dust assessment has been carried out as part of the proposals the results of which are contained in the ES. The assessment has identified baseline conditions including potentially sensitive receptors, existing dust sources, typical dust levels, topography of the site and meteorological conditions; the potential impacts including mineral extraction and haulage, erosion from bare ground and stockpiles and loading and off site haulage; evaluation of the impacts on upon the nearest receptors, and; mitigation proposals.
118. Those objecting to the proposal have raised health concerns. Environment, Health & Consumer Protection officers recognise the health impacts associated with emissions of PM10 and PM2.5 and that there is potential for emissions of both of these air quality pollutants from mineral extraction activities. The submitted air quality assessment shows that the background levels of pollutants (Particulates and Nitrogen Dioxide) are well below the national air quality objectives at this location for both of these pollutants. The assessment shows that the change in concentrations of both particulates (PM₁₀ and NO₂) will not be significant and negligible if considered in relation to the air quality objectives.

119. Mitigation measures that include the use of water sprays/bowsers and dampening down of the haul road, use of wheelwash facilities and sheeting of laden HGVs, and the temporary suspension of operations giving rise to fugitive dust in dry windy weather until additional equipment is provided or conditions improve. Monitoring of dust deposition levels around the site would also take place and results would be made available to the Authority upon request.
120. It is noted that objectors to the submission have referred to concerns relating to dust. However, having considered the impact of the proposed site on residential amenity in terms of dust it is considered that the impacts could be controlled through requirements to mitigate any adverse effects on the nearest properties as the proposed conditions do thus according with MLP Policy M36.

Summary

121. There would be some disturbance to residential properties for the duration of the proposed development and there would be operational development within 250m of a group of 10 dwellings. However, having considered the impact of the proposed development on residential amenity in terms of noise it is considered that the impacts could be controlled through condition setting limits and requirements to mitigate any adverse effects on the nearest properties thus according with MLP Policy M36 and with paragraph 123 of the NPPF and advice contained within the Planning Practice Guidance. In terms of air quality and dust, given the mitigation measures proposed it is also considered that the proposal would accord with MLP Policies M36 and M37, NPPF paragraph 123 and advice contained within the PPG.

Access and traffic

122. Access to the site would be via the existing private track from the spoil heap to Gray Avenue in Hesleden. From Gray Avenue vehicles would head north to the B1281. HGV traffic would be routed to and from the A19 using the Wellfield Junction via a 3km stretch of the B1281 to Gray Avenue in Hesleden.
123. The development is expected to create 22 light vehicle (cars and vans) movements (11 in and 11 out) per day and 44 HGV movements (22 in and 22 out) per day. The majority of light vehicle movements would be concentrated in the morning and evening reflecting the arrival and departure of site operatives. HGV movements would be dispersed across the day to avoid congestion and minimise the impact to roadside communities. Based on the working day there would be an HGV arriving or leaving the site approximately every 15 minutes.
124. A Transport Statement has been submitted and is included within the ES. The statement identifies baseline conditions and existing traffic flows and assesses this against the proposed extension. The statement also considers highway safety in relation to the existing quarry and proposed extension. The statement concludes that the surrounding highway infrastructure can accommodate the predicted development traffic with no material impact on highway safety or the operational capacity of the road network.
125. The main issue in terms of access and traffic that has been raised by the Highways Authority and the public is the limited visibility afforded to drivers exiting Gray Avenue on to the B1281. The existing site visibility splay to the east at this junction is limited to 2.4 x 75m, well below the 2.4 x 215m splay required for a 60mph road. In order to overcome this issue the applicant has proposed a Grampian condition (that is a condition requiring the completion of offsite works before the development can commence) requiring visibility improvements at the junction. The improvements

would involve the realignment of the hedgerow in order to increase the visibility splay. The Highways Authority is satisfied that this condition would be acceptable.

126. The Highways Authority has highlighted the need for pre and post development surveys along part of Gray Avenue and for repair on completion of the proposed development. In order to protect the amenity and safety of local residents the Highways Authority has also requested the imposition of a condition requiring the submission of a traffic management plan that should include an advisory 20mph speed limit for the applicants HGVs on Gray Avenue, warning signs on the B1281 approaches to Gray Avenue advising of HGV's turning and wheel wash facilities.
127. Concerns have also been raised in relation to HGV's travelling from Gray Avenue to the A19 through Castle Eden. Objectors have suggested that vehicles represent a safety risk to other road users due the carriageway being narrow in places and the speed of the vehicles relatively slow speed. The Highways Authority has considered the full length of the haulage route to the A19 and reviewed the objections from local residents. Officers consider that the proposed haulage route is capable of carrying the proposed type and number of HGV's without impacting upon highway safety.
128. Paragraph 32 of the NPPF states that development should only be refused on transport grounds where the residual cumulative impacts of development are severe. Traffic generated by the proposal could be accommodated safely and conveniently on the highway network with the impact of traffic generated by the development on local and recreational amenity would be acceptable. Provision and maintenance of a wheel wash facility, measures to ensure that the highway is kept clear of mud or debris and the sheeting of vehicles, recording vehicle movements, would also be a highways requirement but these and related matters can be covered by planning condition. The Highways Authority has raised no objections to the proposal subject to conditions. The proposed development would accord with MLP Policies M36, M42 and M43 and Part 4 of the NPPF.

Landscape and visual impact

129. The site lies in the East Durham Limestone Plateau County Character Area which forms part of the wider Durham Magnesian Limestone Plateau National Character Area (NCA 59). It lies in the Coastal East Durham Plateau character area which belongs to the Coastal Limestone Plateau landscape type.
130. The site lies within Hesleden Dene, a narrow incised wooded valley. The woodland is made up largely of ancient semi-natural woodland together with some areas of planted or secondary woodlands. To the north and south lie areas of gently rolling open farmland. The former Ferryhill and East Hartlepool Railway runs parallel with the dene to the north. The village of Hesleden lies around 200m to the north-east.
131. The site is a former colliery tip which locally modifies the natural topography of the dene standing up around 6m above surrounding levels in the north and falling steeply to the Hesleden Burn in the south. The outer flanks of the heap are clothed in young mature plantation and naturally regenerated woodland and scrub of mixed species (spruce, pine, sycamore, ash, elder and hawthorn). The central part of the site is disturbed bare shale.
132. The site is visible in views from greater distances to the south; as a small part of visually complex panoramas from properties on higher ground on the northern edge of Hutton Henry and in shallow views from properties in Hulam and footpath 14 in that area.

133. There would be some significant effects in views from properties and public vantage points in the south-west of Hesleden and in views from some sections of footpaths in the immediate locality. The effects in other views would not be significant.
134. In open views from properties on the south-western edge of Hesleden and public open space in that area the loss of vegetation on the southern horizon would be notable. Vehicle movements, plant operations and stockpiles would be prominent during the working of phases in the north of the site. The impact of this would reduce substantially as operations moved onto lower ground although the visual impacts of haulage vehicle movements would remain relatively constant. The site facilities area would be filtered by vegetation. The impact is assessed as being of a moderate magnitude. The effect on properties further to the west would be progressively lower due to the screening effects of vegetation.
135. There would be some substantial adverse effects in views from sections of footpaths in the immediate locality during the operational period – including the immediately adjacent section of Footpath No. 24, a short adjacent section of the Haswell to Hart, and sections of Footpath No. 16 to the south. There would not be a significant effect on the visual amenity of the wider network.
136. The proposals would have some adverse impacts on the special character and quality of the AHLV but this would be temporary and localised. Upon completion of the development there would be a net improvement to the landscape and it is therefore considered that the proposal would not conflict with MLP Policy M23 and ELP Policy 7 in respect of AHLV. These Policies are considered to be only partially consistent with the NPPF as local landscape designations are not recommended, however, the importance of protecting valued landscapes is acknowledged.
137. The proposals would entail the loss of woodland which forms part of an important landscape feature but would provide for its restoration and the remediation of disturbed / derelict land. The impact would be kept to a minimum consistent with the remediation objectives and provides for some improvements upon restoration in accordance with MLP Policy M24. This Policy is considered to be consistent with the NPPF.
138. It is considered that none of the visual impacts on residential amenity are predicted to be high or long term and that the working method has been designed to minimise them as far as possible. Impacts on the wider visual environment of the local community include impacts on the footpath network and railway path south of the village where the main focus of countryside access lies. Considerable parts of the railway path in particular would remain unaffected and the village would still have good access to attractive countryside during the operational period. It is therefore considered that the proposal would not conflict with MLP Policy M36 in respect of visual amenity. This policy is considered to be consistent with the NPPF.

Cultural Heritage

139. There are no listed buildings, Scheduled Ancient Monuments or Conservation Areas designations within the site. There are twenty five designated heritage assets within 2km of the site comprising one Scheduled Monument, one Grade II* listed building and twenty two Grade II listed buildings. Castle Eden Conservation Area lies 1km to the west.
140. A heritage assessment has been submitted with the application as part of the Environmental Statement. The assessment considers the impact on the designated and non-designated heritage assets located within 2km of the application site

including visual impact, noise, dust and vibration. The assessment concludes that no significant environmental effects in relation to archaeology and cultural heritage associated with the proposed works have been identified and the effects of the proposed works are deemed to be negligible.

141. Design and Historic Environment officers have not objected to the proposals but consider that further information is required in order to demonstrate the validity of conclusions made in the submitted heritage assessment. Officers have raised concerns in respect of the vehicle movements through Castle Eden and consider that the ambience and sense of place of the conservation area would be affected. Officers have also noted that the Landscape and Visual Impact Assessment (LVIA) has not included photomontages from the main part of Castle Eden village or Hardwick Hall. Notwithstanding the views of the Design and Historic Environment officers, whilst the information contained in the Heritage Assessment may be considered to be lacking in certain areas the actual physical development in terms of heritage impact would not be significant; Castle Eden is a roadside community on a B classified road and it would not be incongruent for HGV's to be present in this setting.
142. Overall it is considered that there would be no harm to designated heritage assets given the proposed development is not within the setting of a designated heritage asset and it does not affect the significance of a heritage asset given the given the distance from the application site and intervening topography, planting and built development. Although the haulage route would pass through the Castle Eden Conservation Area it is considered that the ambience of this settlement would not be detrimentally affected by this activity and the impact would also amount to no harm being caused. It is considered that the proposal would accord with MLP Policy M30 and advice contained in Part 12 of the NPPF. Policy M30 is considered to be consistent with the NPPF.

Ecology and nature conservation

143. The proposed site is not affected by statutory nature conservation designations. However, the Hulam Fen SSSI is approximately 400m to the south. Castle Eden Dene SSSI is located approximately 1.1km to the north. The Durham Coast Special Area of Conservation (SAC) is located approximately 1.1km to the north of the site. The application site is located entirely within the Hesleden Dene Local Wildlife Site.
144. A Phase 1 habitat survey including surveys for protected / notable species has been submitted with the application and is contained within the ES. The surveys and submitted assessment conclude that no significant residual effects on the ecological receptors were identified. It is proposed to development habitat enhancement through the proposed restoration of the site.
145. Whilst there would be some localised nature conservation effects from the loss of open land and hedgerows, the proposal would provide, in the longer term, a more varied and sustainable habitat for wildlife and one that is appropriate to the ecology of the area.
146. The Council's Ecologist is satisfied with the level of survey work submitted with the application and the restoration proposals for the site. Mitigation works would be secured through condition. Officers have raised no objections in relation to the Local Wildlife Site or the Special Area of Conservation. Natural England is satisfied that there is not likely to be an adverse effect on the SSSIs and that they do not represent a constraint in determining the application.

147. Ancient and Semi-natural woodlands located within 2km of the site are also not considered to be sensitive to potential dust impacts. No concerns have been raised by Ecology Officers or Natural England in this respect.
148. On the balance of biodiversity issues, it is considered that there would be no overall adverse impacts. The proposed benefits within a comprehensive programme of restoration and management would be beneficial in the long term. Natural England and the Council's Ecologist have no objection to the proposed development. The proposal would be in accordance with ELP Policy 15, MLP Policies M27, M29, M46 and M47 and paragraphs 109 and 118 of the NPPF. ELP Policy 15 and MLP Policies M27, M29, M46 and M47 are all considered to be consistent with the NPPF.

Flood risk and drainage

149. A water resources assessment has been carried out as part of the proposals the results of which are contained in the ES. The assessment has identified baseline conditions for the site in relation to hydrogeology, hydrology, flood risk, groundwater levels and flow and groundwater quality. The assessment concludes that the working and restoration of the site would, through appropriate management and mitigation, present a negligible or minor impact upon the surface and groundwater environment.
150. In order to ensure that the risks to groundwater resources remain low the Environment Agency has recommended conditions in respect of surface water runoff and contamination, which are supported by the Contaminated Land Team. Due to changes in responsibility for surface water drainage it is now the case that the Councils Drainage and Coastal Protection Team would consider submission of details required by the surface water discharge condition.
151. Provided that the above conditions are complied with it is considered that the proposed development would not cause or contribute to any pollution of groundwater resources in accordance with MLP Policy M38 and Paragraph 109 of the NPPF. Policy M38 is considered to be consistent with the NPPF.

Public Rights of Way

152. Footpath No.24 (Monk Hesleden Parish) shares the access track to the spoil heap and also the allotments to the north of the site. The section of this footpath south of the Haswell to Hart Walkway extends into the site. In order to maintain safe operation of the site it is proposed to temporarily divert Footpath No.24 to a route through Hesleden that would lead users to the Haswell to Hart Walkway at a more easterly point. Footpath No.16 (Sheraton with Hulam Parish) runs to the south of the site and would not be affected by the proposed development. It is proposed to reinstate Footpath No.24 as part of the restoration of the site.
153. The Haswell to Hart Walkway does not have status as a Public Right of Way but is a popular walking, cycling and horse riding route. The proposed site access would cross over the Haswell to Hart Walkway at a point where there is already a gated intersection. It is not proposed to close the Walkway but to implement measures to ensure that vehicles may cross without impacting upon users. Mitigation measures include signage for both users of the Walkway and drivers accessing the site of the crossing point and including physical measures to prevent drivers from crossing the Walkway without stopping.

154. The Access and Rights of Way Team have considered the proposals and have raised no objections. Although Footpath No.24 would need to be temporarily diverted, users would still be able to access the Haswell to Hart Walkway. Any adverse impact on users of the routes would be for the duration which they use the route and measures would be put in place to ensure that any potential impacts would be minimised. Impacts such as noise, dust and visual impact are addressed elsewhere in the report. It is therefore considered that the development would not have an unacceptable impact upon the recreational value of the countryside. The proposals would therefore accord with MLP Policy M35. This policy is considered to be compliant with the NPPF.

Soils and agriculture

155. The application site was the subject of a very low level reclamation project in the late 1960's or early 1970's but this focused mainly on land to north of and including the Haswell to Hart Railway Path. The site has therefore seen very limited improvement since the placement of the colliery waste. Only a small portion of the site was overlain with any soils at all and in these areas the soils have already been stripped and stored in stockpiles.
156. The proposed restoration of the site is for non-agricultural nature conservation use where minimal soil is of benefit to encourage a more diverse range of species, particularly those that have historically inhabited the site. Due to this Natural England has not commented in relation to soils and reclamation.
157. As the site is less than 20 hectares and would not lead to the loss of any best and most versatile agricultural land it is considered that there would not be a conflict with any relevant policies of the MLP or the NPPF.

Cumulative Impact

158. Paragraphs 143 and 144 of the NPPF and Paragraph 17 of the National Planning Practice Guidance recognises that some areas may have been subject to successive mineral development over a number of years. It is recommended that when producing development plans and when determining planning applications local planning authorities should take into account the cumulative effects of multiple impacts from individual sites and/or a number of sites in a locality. It is stated that the cumulative impact of mineral development is capable of being a material consideration when determining individual planning applications.
159. The applicant has submitted an assessment of cumulative impact as part of the Environmental Statement. The assessment sets out the methodology and scope for considering cumulative impact and concludes that the effect would be negligible.
160. Although the assessment submitted by the applicant has considered the potential cumulative impacts from other sources in relation to the proposed development it does not consider the individual effects of the proposal. The primary impacts of the proposal being traffic and highway safety, noise, dust and air quality. These impacts have been assessed individually earlier in this report and considered to be acceptable. The operational area of the site is sufficiently distant from sensitive receptors that the impacts of noise and dust from extraction would not be perceived in conjunction with the traffic and highway safety impacts.
161. It is therefore considered that although the cumulative impacts of landscape, noise, dust and traffic are of some significance they do not constitute a degree of harm that would substantiate a refusal under the criteria set out in any of the relevant policies

from the MLP. It is therefore considered that the proposal would accord with MLP Policy M45 and Paragraph 144 of the NPPF. This Policy is considered to be consistent with the NPPF.

Legal Agreement

162. The provision of a community fund would be covered in a proposed legal agreement under the provisions of Section 106 of the Town and Country Planning Act 1990. This would be provided at a rate of 10p for each tonne of combustible material extracted and is therefore estimated to be £27,800. The applicant would also make provision of a financial guarantee for the restoration of the site. The legal agreement would also make provision for the formation of liaison committee. However, the proposed Community Fund, financial guarantee and liaison committee are not necessary to make the development acceptable in planning terms and therefore it cannot be considered to be compliant with regulation 122 of the Community Infrastructure Levy Regulations 2010. Consequently, no weight can be afforded to this issue in the determination of the application
163. The National Planning Practice Guidance (NPPG) provides guidance on financial guarantees and considers that a financial guarantee to cover restoration and aftercare costs will normally only be justified in exceptional cases. These being very long-term new projects where progressive reclamation is not practicable, such as an extremely large limestone quarry; where a novel approach or technique is to be used, but the minerals planning authority considers it is justifiable to give permission for the development; and where there is reliable evidence of the likelihood of either financial or technical failure, but these concerns are not such as to justify refusal of permission. The NPPG advises that Mineral planning authorities should address any concerns about the funding of site restoration principally through appropriately worded planning conditions.
164. The applicant has been asked to provide a financial guarantee because there is no track record of sites being worked and restored within the County, although it is acknowledged that the applicant has experience of mining elsewhere in the country. Also issues have arisen in Scotland regarding the restoration of sites and it is understandable that concerns have been raised by those objecting to the proposal. In addition recent announcements regarding other surface mine companies have further caused concern. The applicant has highlighted experience and track record and although considering that such an undertaking is not necessary has proposed to provide a guarantee for the restoration of the site. It is proposed that that this covered through legal agreement.
165. In accordance with MLP Policy M52 the ability and commitment of the intended operator to operate and reclaim the site in accordance with the agreed scheme have been taken into account. Given advice in the NPPF and recognising the likely concerns of members of the public and the Committee it is considered that the proposal for a parent company guarantee is reasonable on this occasion. MLP Policy M52 is considered to be only partially consistent with the NPPF as it is emphasised within the NPPF that financial guarantees should only be sought in exceptional circumstances.

Summary

166. The environmental impacts of the proposed development in terms of residential amenity (including noise, air quality and dust), access and traffic, landscape and visual impact, cultural heritage and design and conservation, ecology and nature conservation, flood risk and drainage, public rights of way, soils and agriculture,

cumulative impact have been considered. It is concluded that as a whole the proposal would be environmentally acceptable with the application of appropriate planning conditions and obligations and would accord with MLP Policy M4 and the first part of paragraph 149 of the NPPF.

Provision of national, local and community benefits

167. Officers consider the proposed development meets the requirements of MLP Policy M4 and the first part of paragraph 149 of the NPPF. The national, local and community benefits are assessed in this section of the report for completeness and in the event that the Committee takes a different view from officers on the environmental acceptability of the proposed development.
168. In terms of national, local and community benefits the site would contribute to economic growth through the supply of domestically produced coal, provide direct and indirect employment for the life of the site, generate direct and indirect expenditure.
169. Community benefits proposed are long term environmental enhancements to the site by restoring it to a habitat that would be supportive of the locally significant species, including Dinghy Skipper butterflies, and reinstating Footpath No. 24 with a seating area to encourage access. The restoration would remove the risk of spontaneous combustion from the site and limit the potential for anti-social behaviour through unauthorised use. There would also be a community fund provided at a rate of 10p per tonne of combustible material transported off site. This would provide around £27,800 during the life of the site to help fund local projects and activities. The fund would be administered by the site liaison committee made up of local residents, Parish Councils and County Councillors. It is evident from the representations received that there would be considerable scope for such funds to be deployed amongst groups within the local community. Although the community benefit fund has been offered as a unilateral contribution it is considered that this represents a community benefit. The Inspector for the 'Bradley' surface mine appeal (APP/X1355/A/11/2150277) assessed this type of contribution in the same way.
170. A socio-economic assessment accompanies the application that considers the impact of the proposal. It concludes that for the life of the site there would be a positive impact upon the national local economy and help to meet the Government's national planning policy objectives for economic growth. It is not considered that that the proposal would present a threat to local third party businesses, environmental improvement or inward investment.
171. One objective of the MLP in relation to the provision of minerals is to assist in employment retention where this is consistent with resource conservation and environmental protection. It is predicted that 16 full time jobs for the duration of the scheme would be created plus 4 part time jobs.
172. The coal from the site would contribute to the provision of domestically produced coal for power generation reducing the demand for imports. The NPPF recognises the economic benefits of such a contribution and give great weight to the benefits of mineral extraction. The need for the coal is not required to be demonstrated nor is there a threshold on the amount of coal to be produced to be considered to be a national benefit.
173. There is still a requirement for coal use in the energy mix as alternative technologies to seek to ensure a secure, low carbon energy supply and to maintain high and stable levels of growth have yet to be developed. This is likely to be the case for

some time to come and there would still be a requirement for the coal from application site, and other sites in the Country, for the foreseeable future. Other countries have developed alternative technologies and as a result are able to export coal at competitive prices but this in itself raises concerns over security of supply. In addition there would be a greater generation of CO² emissions to transport the coal over great distances.

174. Recently published DECC figures illustrate the continuing demand for coal and demand for imports due to a short fall in domestic provision, although this demand is diminishing. In Quarter 2 of 2015 coal fired power stations provided 20.5% of electricity generation for the UK, a drop of almost 8% for the same period in 2015. This drop in dependence upon coal coincides with a reduction in indigenous production from both deep mined and surface mined coal. UK coal production dropped to approximately 12 million tonnes in 2014, down from approximately 16 million tonnes in 2013. UK imports of coal dropped to 42 million tonnes in 2014 from 49 million tonnes in 2013. Although the need for coal in the UK is diminishing there is still, at least, a short term need.
175. The proposal would also have indirect effects on the local economy arising from the purchase of goods and services by the workforce and the Company. Although the proposal would not provide long term job opportunities it would make a contribution to the local economy for the life of the proposed development in a period of economic uncertainty and difficulty.
176. The payment of mineral rates, taxes, coal royalties and the contribution of the development to the balance of payments would also be economic benefits of the proposed development. These are matters that are common to all mineral developments, but are national benefits.

Conclusion of the provision of national, local and community benefits

177. Should the Committee consider that the proposals are not environmentally acceptable, or cannot be made so by planning conditions or obligations then, officers consider that there are national, local and community benefits associated with the proposal which would outweigh the likely impacts (as set out above) to justify the grant of planning permission.

Other Matters

178. Objectors to the proposal have raised concern that the value of their property would be reduced as a direct result of the development. Impact of development on property values is not considered to be a material consideration in the determination of planning application. However, the effects of the proposal have been thoroughly assessed in relation to residential amenity and considered to be acceptable.
179. Objectors have also suggested that their human rights to the quiet enjoyment of their possessions (Article 1 of the First Protocol) would be breached by the proposed development. A detailed noise assessment has been submitted with the application and assessed earlier in this report. Noise levels from the proposed development would not exceed the limits set out in the PPG and it is therefore considered that the proposal would not lead to a breach of human rights.
180. The issue of anti-social behaviour has been raised in relation to the use of the site for offroad motorcycling. The proposed development would remove the unauthorised track that has been created and the proposed restoration would create a landform

that would be less inviting to this activity. It is therefore considered that the proposal would accord with ELP Policy 38 in respect of designing out crime.

181. It has been stated that the risk of the spoil heap spontaneously combusting has not been substantiated within the application and that it is not necessary to remove the combustible material. However, it is documented that spoil heap has caught fire within the past 5 years and it is possible that this could reoccur. Notwithstanding this, it is considered that the benefits of the scheme in terms of restoration of the site and production of coal for power station fuel are sufficient justification for the proposed development.
182. It has been noted that there has been a degree of fly tipping at the entrance to the site. It is unlikely that this would occur during the life of the development as there would be permanent security. Whilst it cannot be guaranteed that fly tipping would not occur following the completion of the development, the improvements to the site and footpath would hopefully encourage greater use and make the site a less secluded target.
183. The Coal Authority has raised no objections to the proposal subject to the imposition of a condition requiring investigations to be undertaken to establish the precise location of a historic mine entry and install appropriate fencing around it. The mine entry point is located to the east of the spoil heap, near to where Footpath No. 24 terminates. The imposition of this condition is considered reasonable as part of the proposed development and would contribute towards making the site safe for users.

CONCLUSION

184. Paragraph 149 of the NPPF provides the national planning framework for opencast coal. This states that permission should not be given for the extraction of coal unless the proposal is environmentally acceptable, or can be made so through conditions or obligations, or if not, it provided national, local or community benefits which clearly outweigh the likely impacts to justify the grant of planning permission. This guidance is similar to MLP Policy M4. To meet the first test of paragraph 149 of the NPPF and comply with MLP Policy M4(b) proposals are required to be either environmentally acceptable or in a position to be made so by planning conditions or obligations.
185. Having assessed the likely impacts of the proposed development it is not considered that the scheme would have significant environmental effects of an adverse nature sufficient to justify a recommendation of refusal having regard to the proposed planning conditions and legal agreement.
186. Although concerns have been raised relating to access and traffic, the Highways Authority has raised no objections subject to certain matters being secured through condition. Consideration has been given to the impacts of the development upon residential amenity, hydrology and contamination and cumulative impact and the impacts are considered to be acceptable with the imposition of conditions where appropriate.
187. Assessments have been made of the impact upon designated and non-designated heritage assets and it has been concluded that there would be no adverse impact including upon the ambience of the Castle Eden Conservation Area, with suitable mitigation. Although there are concerns from the Council's Design and Historic Environment officer as to the adequacy of the submitted heritage assessment the

actual physical development in terms of heritage impact would be limited and therefore considered to be acceptable.

188. On the balance of planning considerations it is considered that the proposed development meets the tests for acceptability of mineral recovery as set out in MLP Policy M4 and the NPPF and the proposed benefits of the scheme would outweigh the limited short term environmental damage and loss of amenity that would be caused.
189. The proposal has generated much public interest with representations reflecting the issues and concerns of local residents affected by the proposed development. Whilst there would be some impacts upon local amenity associated with noise, dust, visual impact and traffic at certain stages of the development these would be at acceptable levels and can be controlled through the implementation of appropriate mitigation measures and planning conditions. These representations have been weighed along with other responses including those of statutory consultees that have raised no overriding objections to the scheme based on the submitted details and assessments. Whilst mindful of the nature and weight of public concerns it is not considered that these are sufficient to outweigh the planning judgement in favour of the proposed scheme.
190. The proposed development is considered accord with the relevant policies of the County Durham Minerals Local Plan, the Easington Local Plan, and relevant sections of the NPPF.

RECOMMENDATION

That the application be **APPROVED** subject to the following conditions:

APPROVED DOCUMENTS

1. The development hereby approved shall only be carried out in accordance with the following documents and any detailed matters subsequently approved under Condition 3:
 - a. Description of the working method as contained within Appendix 1 of the Environmental Statement for the Remediation of former Colliery Spoil Heap at Hesleden dated March 2014.
 - b. Drawings:
 - Drawing No. HT WP1A3 rev.A 'Working Proposals Drawing'
 - Drawing No. 2290.R1 rev.B 'Restoration Proposals'
 - Drawing No. HT3 rev.A 'Restoration Contours and Section Locations'
 - Drawing No. HT3 rev.A 'Sections 1-3'
 - Drawing No. HT3 rev.A 'Sections 4-6'
 - Drawing No. HT3 rev.A 'Sections 7-10'
 - Drawing No. HT3 rev.A 'Sections 11-13'
 - Drawing No. JN0684-Dwg-0004 'PROW Network (Proposed Temporary Diversion)'

Reason: *To ensure the development is carried out in accordance with the approved documents.*

2. From the commencement of development to the completion of restoration in accordance with Drawing No. 2290.R1 rev.B 'Restoration Proposals' a copy of this

permission, including all documents hereby approved and any other documents subsequently approved in accordance with this permission and legal agreements, shall always be on display in the site offices and subsequently, shall be made available to all persons with responsibility for the site's aftercare and management.

Reason: *To ensure the development is carried out in accordance with the approved documents.*

MATTERS REQUIRING SUBSEQUENT APPROVAL

3. The development hereby permitted shall also only be carried out in accordance with a scheme or schemes to be approved, in writing, by the Mineral Planning Authority, which shall, amongst other matters, include provision for the matters listed below. Those details required by Condition 3(a) through to Condition 3(k) shall be submitted to and approved, in writing, by the Mineral Planning Authority prior to the commencement of the development and before any of the operations specified in those conditions commence.
 - (a) A Noise Action Plan including the exact locations of noise monitoring points and proposed monitoring frequency. The locations of noise monitoring points shall be approved by the Mineral Planning Authority and should be chosen so as to ensure that the possibility of off-site noise affecting measurements is reduced to a minimum.
 - (b) A Dust Action Plan shall be approved by the Mineral Planning Authority and include:
 - i. Exact locations of monitoring points.
 - ii. Proposed monitoring frequency and methodology to be used for assessing monitoring results.
 - iii. Utilise the baseline Real Time and Passive Dust Monitoring information.
 - iv. Arrangements for the monitoring of wind direction and speed.
 - v. A strategy identifying normal, extreme and critical conditions.
 - vi. The measures to be triggered during periods of extreme and critical conditions.
 - vii. Arrangements for reporting to the Mineral Planning Authority and for recording and review.
 - viii. Details of all measures to minimise and control dust, including dust control equipment. Dust suppression measures to be employed at the site that may include:
 - provision of mobile water bowsers;
 - use of dust filters on all fixed plant and machinery;
 - a speed limit of 15 mph on all internal haul roads, with no plant having exhausts pointing downwards;
 - all haul roads and areas used for the storage of soils and overburden, in the absence of grassland sward, shall be watered during dry, windy weather conditions;
 - areas which will be untouched for more than three months shall be seeded with a quick growing cover crop.
 - (c) Details of a surface water drainage scheme for the Site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development. The drainage strategy shall demonstrate the surface water run-off generated up to and including the critical storm shall not exceed the run-off from the undeveloped Site following a corresponding rainfall event.

- (d) Details of drainage arrangements during site preparation and working life of the site.
- (e) Details of the water treatment systems to be installed in the 'Water Treatment Areas' shown on Drawing No. FH02 'Site Layout' including the positioning within the area and construction of them, their dimensions and of the pipes connecting and discharging from them, and facilities for the removal of suspended solids from surface water run-off.
- (f) Details of the off-site highway surveys and works involving:
- i. The improvement to the visibility splays at the junction of Gray Avenue and the B1281
 - ii. provision for the completion of pre-commencement and post-completion of development condition surveys of that part of the highway between the site access and the southbound ;
 - iii. provision for monitoring the condition of this length of the highway during the development; ,
 - iv. details of warning signs and their location along the B1281
- (g) Details of wheel cleaning equipment to be installed at the access.
Details of the design and location of the site compound including buildings, fixed plant and machinery to be used on the site and of the proposed coal processing and fireclay stocking area and plant yard as shown on Drawing No. HT WP1A3 rev.A 'Working Proposals Drawing'
- (h) Layout and details of the illumination to be used on site.
- (i) Details of the notice boards required by Condition 9.
- (j) Details of the restoration of the site, which shall include:
- i) the final contours for the site (at 2 metre intervals), indicating how such contours tie in with the existing contours on adjacent land;
 - ii) the drainage of the restored site;
 - iii) the erection of fences;
 - iv) the planting of trees and hedges;
 - a. the species to be planted, and the percentage of the total to be accounted for by each species;
 - b. the size of each plant and the spacing between them;
 - c. the preparations to be made to the ground before planting;
 - d. a subsequent maintenance and management programme during the aftercare period once the hedgerow, tree, shrub planting and seeding has been carried out, which shall include the weeding of the planted area, repairing of any damaged fencing, and the replacement of any plants which die or are seriously affected by disease and a detailed schedule as to when the aftercare period commences for each area.
- (k) The aftercare of the land for five years, from the date of final topsoil replacement for the whole site as confirmed in writing with the Mineral Planning Authority in

accordance with Condition 41. The scheme shall also include provision for aftercare meetings.

Reason: To ensure that the land is satisfactorily treated for an appropriate period after the initial restoration to bring it to a satisfactory standard as required by Schedule 5 of the Town and Country Planning Act 1990.

COMMENCEMENT

4. The development hereby permitted shall begin not later than three years from the date of this decision.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 which places a time limit on when any permitted development may start by as amended by Section 51 of the Planning and Compulsory Purchase Act 2004 to ensure that the development is carried out within a reasonable period of time.

5. The Minerals Planning Authority shall be notified, in writing, of the date of the commencement of the development and of the following at least seven days prior to their commencement:
 - (a) The commencement of site preparation works;
 - (b) The commencement of combustible material being exported from the site

Reason: To ensure the development is carried out in accordance with the approved documents.

COMPLETION

6. All mineral extraction shall cease by no later than 24 months from the date of commencement of the winning and working of minerals, as notified to the Mineral Planning Authority under Condition 5.

Reason: To avoid unnecessary delay in the restoration of the site. (*Adopted County Durham Minerals Local Plan (December 2000) Policy M46 Restoration Conditions*).

7. In the event of extraction ceasing the Mineral Planning Authority shall be notified in writing within one month of the date of such cessation. Within one month of that date, a revised scheme for the restoration of the site, including timescales for completion, shall be submitted to the Mineral Planning Authority for its written approval. The revised scheme shall be implemented as approved.

Reason: To ensure the site is satisfactorily restored. (*Adopted County Durham Minerals Local Plan (December 2000) Policy M46 Restoration Conditions*).

WORKS REQUIRED FOR SITE PREPARATION

8. Before extraction commences, the following works shall be carried out, where relevant in accordance with the relevant schemes approved under Condition 3. The Mineral Planning Authority shall be notified, in writing, within two working days of each of the specified works being carried out.
 - a. the construction of the approved site drainage cut-off ditches, water treatment areas, and other drainage facilities shall be completed; (8)

- b. the formation of the site offices and compound with surface formed with tar-macadam, concrete, or consolidated clean stone, levelled to preclude ponding of water; (1, 2, 9)
- c. the formation of the site access, with surface formed with tar-macadam or concrete levelled to preclude ponding of water; (1, 9)
- d. perimeter fencing and fencing alongside definitive rights of way (1, 17)
- e. the installation of wheel cleaning equipment to prevent the transfer of mud to the public highway; (5, 9)
- f. the provision of notice boards of durable material and finish: (5)
 - i. to be placed at the site entrance, indicating the name, address, and telephone number of the company responsible for the operation of the site, and details of where any complaint can be made;
 - ii. to be placed so as to be clearly visible to all drivers of heavy goods vehicles exiting the site access, instructing them to use the approved traffic route;
- g. the provision within the site of a water supply as appropriate for the approved dust suppression measures and sufficient number of water bowsers and/or dust suppression equipment. (5)

Reason: In the interests of residential amenity. (*Adopted County Durham Minerals Local Plan (December 2000) Policies M36 Protecting Local Amenity, M43 Minimising Traffic Impacts*).

WORKING PERIOD

9. All site operations including extraction and haulage authorised by this planning permission shall be restricted to the following periods:

07.00 hours to 19.00 hours Monday to Friday
 07.00 hours to 12.00 hours Saturday

With the exception of pumping, no operations including the maintenance of vehicles and plant or working shall take place outside these hours or at any time on Bank, or other public holidays, save in cases of emergency. The Mineral Planning Authority shall be notified as soon as is practicable after the occurrence of any such operations or working.

Reason: In the interests of residential amenity. (*Adopted County Durham Minerals Local Plan (December 2000) Policies M36 Protecting Local Amenity, M43 Minimising Traffic Impacts*).

ACCESS AND PROTECTION OF THE PUBLIC HIGHWAY

10. Vehicular access for all vehicles to and from the site shall only be via the access as shown on Drawing No. HT WP1A3 rev.A 'Working Proposals Drawing'.

Reason: In the interests of highway safety. (*Adopted County Durham Minerals Local Plan (December 2000) Policies M35 Recreational areas and PROW, M43 Minimising Traffic Impacts*).

11. No development shall take place at the site until the following highway works have been undertaken in accordance with the details approved by the Minerals Planning Authority under Condition 3f:
 - a. The improvement to the visibility splays at the junction of Gray Avenue and the B1281
 - b. provision for the completion of pre-commencement and post-completion of development condition surveys of that part of the highway between the site access and the southbound ;
 - c. provision for monitoring the condition of this length of the highway during the development; ,
 - d. details of warning signs and their location along the B1281

Reason: In the interests of highway safety. (*Adopted County Durham Minerals Local Plan (December 2000) Policies M35 Recreational areas and PROW, M43 Minimising Traffic Impacts*).

12. The wheel cleaning equipment installed in accordance with the details approved under Condition 3 shall be used to ensure all vehicles leaving the site access as indicated on Drawing No. HT WP1A3 rev.A 'Working Proposals Drawing' are cleaned of mud before entering the public highway.

Reason: In the interests of highway safety. (*Adopted County Durham Minerals Local Plan (December 2000) Policies M35 Recreational areas and PROW, M43 Minimising Traffic Impacts*).

13. The total number of heavy goods vehicles entering and leaving the site shall not exceed 44 (22 in and 22 out) per operational day Monday to Friday and 22 (11 in and 11 out) on Saturdays. A record of all heavy goods vehicles leaving the site shall be maintained by the operator and a certified copy of this record shall be afforded to the Mineral Planning Authority within 2 working days of such a request.

Reason: In the interests of residential amenity and highway safety. (*Adopted County Durham Minerals Local Plan (December 2000) Policies M36 Protecting Local Amenity, M43 Minimising Traffic Impacts*).

14. The loads of all laden heavy goods vehicles leaving the site access as indicated on Drawing No. HT WP1A3 rev.A 'Working Proposals Drawing' shall be fully covered by sheeting to prevent any mineral from leaving the loads of that vehicle.

Reason: In the interests of residential amenity and highway safety. (*Adopted County Durham Minerals Local Plan (December 2000) Policies M36 Protecting Local Amenity, M43 Minimising Traffic Impacts*).

SOIL HANDLING

15. No topsoil, subsoil or soil making materials shall be removed from the site or imported to the site.

Reason: To ensure the site is satisfactorily restored. (*Adopted County Durham Minerals Local Plan (December 2000) Policy M46 Restoration Conditions*).

SITE WORKING

16. No site clearance works or development affecting trees, scrub, ground vegetation or other semi-natural vegetation shall take place between March and August inclusive unless survey work immediately prior to the start of works confirms that breeding birds are absent. This is particularly relevant to the works to remove areas used by birds such as trees and scrub. If nesting birds are found then work in that area must be avoided until the birds have fledged. (15)

Reason: To avoid any impacts on nesting birds. *(Requested by Natural England.) (Adopted County Durham Minerals Local Plan (December 2000) Policy M29 Conservation of Nature Conservation Value).*

SITE MAINTENANCE

17. From the commencement of the development, until restoration of the site, the following site maintenance operations shall be carried out:
- a. the maintenance of fences in a stockproof and secure condition, between any areas used for development, and adjoining agricultural land;
 - b. the care, maintenance and fencing of trees and hedgerows to be retained within the site boundary and treatment of those affected by disease, in accordance with accepted principles of good woodland management and good arboricultural practice (including the provision of protective fencing);
 - c. the maintenance of all the hard surfaced access roads within the site, over which licensed road vehicles operate, clean from mud;
 - d. the maintenance of drainage ditches, water treatment areas, and the clearance of mud and silt from water treatment areas to avoid reducing their capacity for intercepting sediment;
 - e. all areas of the site, including undisturbed areas and all topsoil, subsoil and overburden mounds, shall be managed to minimise erosion and shall be kept free from injurious weeds (as defined by The Weeds Act 1959). Cutting, grazing or spraying shall be undertaken, as necessary and appropriate to the approved after-use of the land where the materials in mound are to be replaced, to control plant growth and prevent the build-up of a seed bank of such weeds, or their dispersal onto adjoining land.

Reason: To ensure the site is satisfactorily restored and in the interests of visual amenity. *(Adopted County Durham Minerals Local Plan (December 2000) Policy M46 Restoration Conditions).*

BUILDINGS, PLANT AND MACHINERY

18. Notwithstanding the provisions of Part 17 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015, no buildings, plant, or machinery, other than approved under Condition 3 above, shall be erected or placed on the site other than with the prior written approval of the Minerals Planning Authority.

Reason: To ensure the development is carried out in an orderly manner and in the interests of residential amenity. *(Adopted County Durham Minerals Local Plan (December 2000) Policy M36 Protecting Local Amenity).*

19. Plant and machinery on the site shall not be used to process, treat, or otherwise refine materials other than those extracted from the site. (5)

Reason: In the interests of residential amenity. (Adopted County Durham Minerals Local Plan (December 2000) Policies M36 Protecting Local Amenity, M43 Minimising Traffic Impacts).

20. No mineral processing shall take place at the site.

Reason: In the interests of residential amenity. (Adopted County Durham Minerals Local Plan (December 2000) Policies M36 Protecting Local Amenity, M43 Minimising Traffic Impacts).

ENVIRONMENTAL PROTECTION

NOISE

21. The noise emitted from operations on the site shall not result in noise levels greater than those listed below at the properties/locations listed below and identified in the Noise Action Plan approved in writing with the Mineral Planning Authority under Condition 3, between the hours set out in Condition 9.

Hillcrest Place	55dB LAeq, 1Hr (free field)
Southfield Farm	55dB LAeq, 1Hr (free field)
The Bleachery	55dB LAeq, 1Hr (free field)

Reason: In the interests of residential amenity. (Adopted County Durham Minerals Local Plan (December 2000) Policies M36 Protecting Local Amenity, M43 Minimising Traffic Impacts).

22. Noise monitoring shall be carried out in accordance with the scheme approved under Condition 3. On request, the operator shall, within 2 working days furnish the Mineral Planning Authority with the particulars of the measurements recorded and the plant and equipment operating on the site at the time.

Reason: To ensure the development is carried out in an orderly manner and in the interests of residential amenity. (Adopted County Durham Minerals Local Plan (December 2000) Policy M36 Protecting Local Amenity).

23. All plant and machinery used on site shall be fitted with an effective silencer and operate with the doors or cowls of its engine(s) in the closed position.

Reason: In the interests of residential amenity. (Adopted County Durham Minerals Local Plan (December 2000) Policies M36 Protecting Local Amenity, M43 Minimising Traffic Impacts).

24. The details of reversing warning devices to be fitted to plant and machinery shall be approved in writing in advance with the Mineral Planning Authority and only the approved devices shall be used.

Reason: In the interests of residential amenity. (Adopted County Durham Minerals Local Plan (December 2000) Policies M36 Protecting Local Amenity, M43 Minimising Traffic Impacts).

BLASTING

25. No blasting shall take place at the site.

Reason: In the interests of residential amenity. (*Adopted County Durham Minerals Local Plan (December 2000) Policies M36 Protecting Local Amenity, M43 Minimising Traffic Impacts*).

DUST

26. The Dust Action Plan approved in accordance with Condition 3 shall be implemented for the duration of the development and is intended to minimise and control dust arising from and leaving the site during the hours set out in Condition 9 from all operations, including vehicular movements, excavation operations, mineral, soils and overburden stockpiling arrangements and soil spreading operations. The Dust Action Plan shall be reviewed at six-monthly intervals and the latest version adhered to at all times.

Reason: To ensure the development is carried out in an orderly manner and in the interests of residential amenity. (*Adopted County Durham Minerals Local Plan (December 2000) Policy M36 Protecting Local Amenity*).

27. At such times when the equipment provided and the provisions in the Dust Action Plan approved under Condition 3 are not sufficient to minimise and control dust arising from and leaving the site, operations shall temporarily cease until additional dust suppression equipment is provided in order to minimise and control dust from leaving the site.

Reason: To ensure the development is carried out in an orderly manner and in the interests of residential amenity. (*Adopted County Durham Minerals Local Plan (December 2000) Policy M36 Protecting Local Amenity*).

28. Monitoring of dust levels shall be carried out by the operator in accordance with the Dust Action Plan approved in accordance with Condition 3. On written request the operator shall, within two working days, furnish the Mineral Planning Authority with the particulars of the measurements recorded.

Reason: To ensure the development is carried out in an orderly manner and in the interests of residential amenity. (*Adopted County Durham Minerals Local Plan (December 2000) Policy M36 Protecting Local Amenity*).

SURFACE WATER DRAINAGE AND POLLUTION CONTROL

29. The surface water drainage scheme shall be implemented in accordance with the approved details under Condition 3 during the development and all water from the operational part of the site shall be discharged into the approved water treatment area prior to discharge into any ditch, stream, watercourse, or culvert outside the site.

Reason: To prevent adversely affecting watercourses passing through or outside the site. (*Adopted County Durham Minerals Local Plan (December 2000) Policy M38 Water Resources*).

30. Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume of the bunded compound should be at least equivalent to the capacity of the tank it contains plus 10%. If there is multiple tankage, the compound shall be at least equivalent to the capacity of the largest tank, or the combined capacity of interconnected tanks, plus

10%. All filling points, vents, gauges and sight glasses must be located within the bund. Associated pipework shall be located above ground and protected from accidental damage. All filling points and tank overflow pipe outlets shall be detailed to discharge downwards into the bund. The bund shall be sealed with no drain for removal of contained liquids. Any bund contents shall be bailed or pumped out under manual control and disposed of safely.

Reason: To prevent adversely affecting watercourses passing through or outside the site. (*Adopted County Durham Minerals Local Plan (December 2000) Policy M38 Water Resources*).

31. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.

Reason: To prevent adversely affecting watercourses passing through or outside the site. (*Adopted County Durham Minerals Local Plan (December 2000) Policy M38 Water Resources*).

RESTORATION

32. Restoration of the site shall be in complete accordance with the approved documents in Condition 1 and schemes subsequently approved in accordance with Condition 3.

Reason: To ensure the development is carried out in accordance with the approved documents.

33. In accordance with the restoration requirements, all areas of hardstanding, including site compounds, access road other than that part to be retained as shown on the approved Drawing No. 2290.R1 rev.B 'Restoration Proposals' and restoration details approved under Condition 3, and haul roads, shall be broken up and removed from the site or buried at sufficient depth not to affect the final restoration of the site.

Reason: To ensure the site is satisfactorily restored. (*Adopted County Durham Minerals Local Plan (December 2000) Policy M46 Restoration Conditions*).

34. In accordance with the restoration requirements, all water treatment areas shall, unless to be retained in accordance with the approved plans, be emptied of slurry, filled with dry inert material, and restored to levels shown on the approved restoration plan.

Reason: To ensure the site is satisfactorily restored. (*Adopted County Durham Minerals Local Plan (December 2000) Policy M46 Restoration Conditions*).

35. In accordance with the restoration requirements, all fixed equipment, machinery, and buildings shall be removed from the site.

Reason: To ensure the site is satisfactorily restored. (*Adopted County Durham Minerals Local Plan (December 2000) Policy M46 Restoration Conditions*).

AFTERCARE

36. The Aftercare Period shall extend for a period of 5 years effective management from the date of final restoration of the site in accordance with Drawing No. 2290.R1 rev.B 'Restoration Proposals' as confirmed in writing with the Mineral Planning Authority.

Reason: To ensure that the land is satisfactorily treated for an appropriate period after the initial restoration to bring it to a satisfactory standard as required by Schedule 5 of the Town and Country Planning Act 1990.

37. Effective aftercare management, following on from the final restoration of the site shall take place in accordance with the following Aftercare Conditions, the approved documents in Condition 1, and schemes subsequently approved in accordance with Condition 3.

Reason: To ensure that the land is satisfactorily treated for an appropriate period after the initial restoration to bring it to a satisfactory standard as required by Schedule 5 of the Town and Country Planning Act 1990.

ANNUAL REVIEW

38. Before 30 September of every year, or such other date approved in writing with the Mineral Planning Authority, during the aftercare period not less than 4 weeks prior to the annual review meeting held in accordance with Condition 37, a report conforming to the requirements of the Planning Practice Guidance for Minerals (refer to paragraphs 050 – 058) shall be submitted by the developer to the Mineral Planning Authority and Natural England or successor), recording the operations carried out on the land since the date of soil replacement operations were completed, or previous aftercare meeting, and setting out the intended operations for the next 12 months (including works to rectify failures, and identified as necessary by the Mineral Planning Authority as a consequence of preceding site meeting, held in accordance with Condition 37.

Reason: To ensure that the land is satisfactorily treated for an appropriate period after the initial restoration to bring it to a satisfactory standard as required by Schedule 5 of the Town and Country Planning Act 1990.

39. Every year during the aftercare period the developer shall arrange to attend a site meeting to be held before 30th November, to discuss the report prepared in accordance with Condition 38, to which the following parties shall be invited:

- a. the Mineral Planning Authority;
- b. Natural England (or successor);
- c. all owners of land within the site;
- d. all occupiers of land within the site;
- e. representatives of other statutory and non-statutory bodies as appropriate.

Reason: To ensure that the land is satisfactorily treated for an appropriate period after the initial restoration to bring it to a satisfactory standard as required by Schedule 5 of the Town and Country Planning Act 1990.

MAINTENANCE OF HEDGES AND TREES

40. Hedges and trees planted in accordance with Condition 33 shall be maintained during the aftercare period in accordance with the schemes approved under

Condition 3, in accordance with good woodland and/or agricultural practice, such maintenance to include the following:

- a. the early replacement of all dead, damaged or diseased plants;
- b. weeding early in each growing season, and as necessary thereafter to prevent the growth of plants being retarded;
- c. maintaining any fences around planted areas in a stock proof condition;
- d. appropriate measures to combat all pests and/or diseases which significantly reduce the viability of the planting scheme.

Reason: To ensure that the land is satisfactorily treated for an appropriate period after the initial restoration to bring it to a satisfactory standard as required by Schedule 5 of the Town and Country Planning Act 1990.

COMPLETION AND AFTERCARE

41. No later than 6 months prior to the target date for the completion of aftercare on any part of the site, the developer shall prepare a report on the physical characteristics of the restored land, and in respect of the agricultural land shown on Drawing No. 2290.R1 rev.B 'Restoration Proposals' and on restoration details approved under Condition 3 for such after use, incorporating proposals to demonstrate to the Mineral Planning Authority, that by the end of the aftercare period, this will be restored, so far as it is practicable to do so.

Reason: To ensure that the land is satisfactorily treated for an appropriate period after the initial restoration to bring it to a satisfactory standard as required by Schedule 5 of the Town and Country Planning Act 1990.

42. The period of aftercare shall be deemed to have been successfully completed following a period of 5 years effective management of those parts of the site to be restored to agriculture as identified on Drawing No. 2290.R1 rev.B 'Restoration Proposals' and on restoration details approved under Condition 3 for such after use as confirmed in writing by the Mineral Planning Authority.

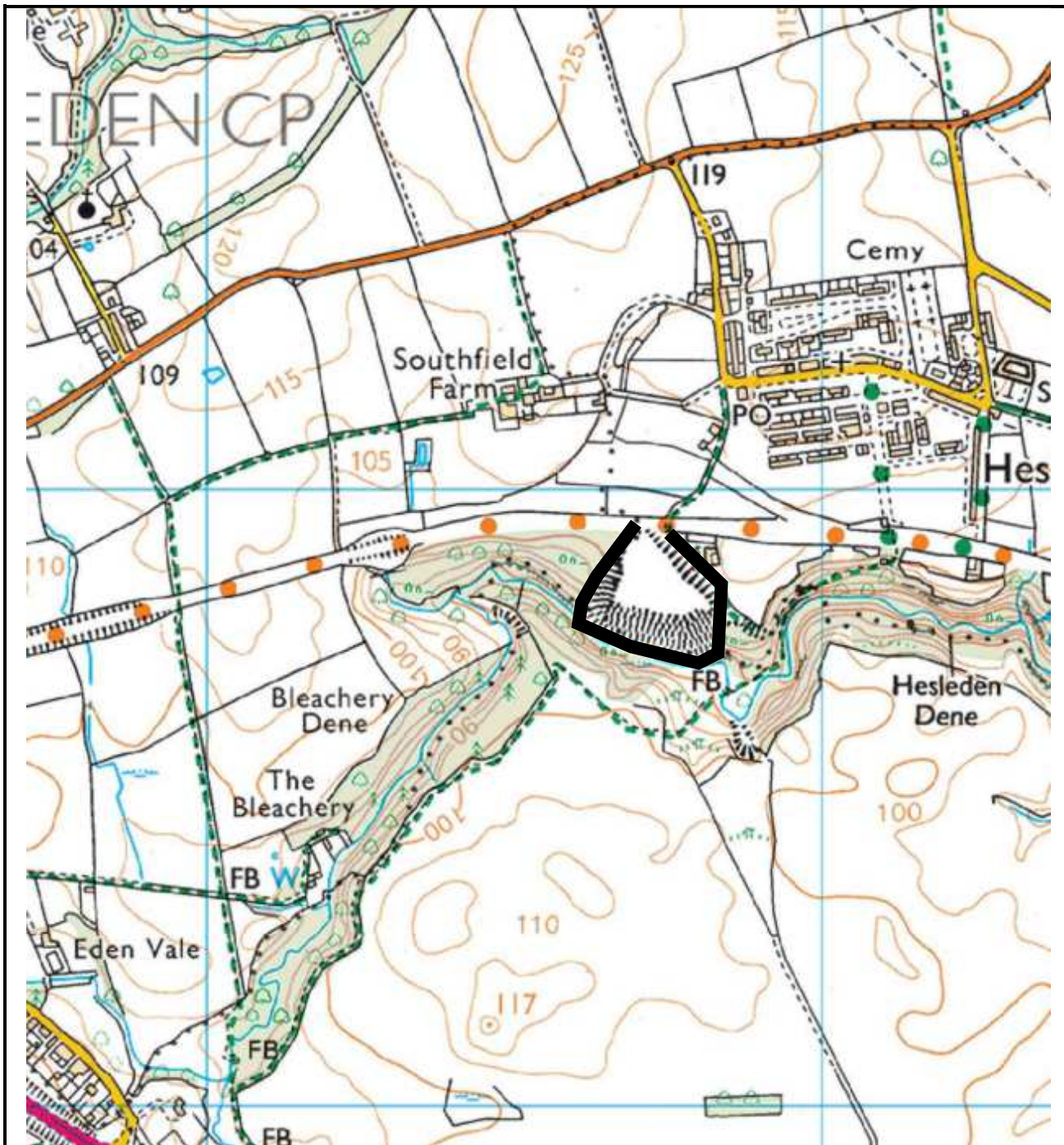
Reason: To ensure that the land is satisfactorily treated for an appropriate period after the initial restoration to bring it to a satisfactory standard as required by Schedule 5 of the Town and Country Planning Act 1990.

STATEMENT OF PROACTIVE ENGAGEMENT

The Local Planning Authority in arriving at its decision to approve the application has, without prejudice to a fair and objective assessment of the proposals, issues raised and representations received, sought to work with the applicant in a positive and proactive manner with the objective of delivering high quality sustainable development to improve the economic, social and environmental conditions of the area in accordance with the NPPF. *(Statement in accordance with Article 35(2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015.)*

BACKGROUND PAPERS

- Submitted application form, plans supporting documents and subsequent information provided by the applicant.
- The National Planning Policy Framework (2012)
- National Planning Practice Guidance notes.
- County Durham Minerals Local Plan (2000)
- District of Easington Local Plan 2001.
- Statutory, internal and public consultation responses.



Planning Services

Reclamation of former colliery spoil mound to extract coal spoil, reprofiling of mound on completion of works and landscaping works, Former Colliery Spoil Heap, Hesleden, Durham (DM/14/00519/MIN)

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Comments

Date December 2015

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COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	DM/15/02290/FPA
FULL APPLICATION DESCRIPTION:	Development of a 5 MW solar farm
NAME OF APPLICANT:	Mr D Lord
ADDRESS:	Land North Of Mill Hill, North West Industrial Estate, Peterlee
ELECTORAL DIVISION:	Easington
CASE OFFICER:	Peter Herbert, Senior Planning Officer 03000 261391, peter.herbert@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

Site

1. The application site comprises 10.12ha of arable and grazing land of Grade 3 agricultural classification immediately to the north of the North West Industrial Estate, Peterlee. To the north of the site lies further agricultural land and an underground Water Authority reservoir, with the north east-west running B1283 Durham Lane beyond. To the south lies the industrial estate with a public footpath (Footpath No. 10 Easington Village Parish) running in an east-west direction between the application site and the industrial estate's northern boundary. To the east lies a second underground reservoir with the north-south running A19 beyond. To the west lies agricultural land.
2. The site is well contained within local views and only visible at distance from the north, and then obliquely. The boundaries are defined by a combination of post and wire fencing and broken mature hedgerows. The two underground reservoirs to the north and east are topped by artificial land formations that are noticeable within the landscape.
3. The site lies outside any nationally or locally designated landscape, heritage or ecologically designated area. Within 2km there are a scheduled ancient monument (Yoden Medieval Settlement 1.95m to the south – east), several listed buildings (Grade 1 Seaton Holme and the Church of St Mary, Grade II* Seaton Holme farmhouse and barn, and Grade II Jacksons Mill), and the Easington Village Conservation Area.
4. The closest residential properties are Holmlea - 500m, Calf Close Farm - 540m (both to the north), Moor House Farm to the north - west (585 m) and Westmoor Farm (880 m) to the west.

The Proposal

5. The installation of up to 20,000 solar panels is proposed within a site of approximately 10.12ha. The panels would be mounted on fixed frames at 25 degrees to the horizontal with a maximum height of 2.5m. They would have a maximum installed capacity of 5.0 megawatts, generating approximately 5000 megawatt hours per year, sufficient to meet the energy requirements of 1,390 UK households. Based on a simple comparison with coal alone, the minimum potential CO² saving approximates to 59,540 tonnes over the 30 year life of the project. At the end of this period the solar panels and ancillary infrastructure would be dismantled and removed from site.
6. The site would be enclosed by a 2 m high metal security fence. The fence would be positioned behind existing hedge lines, maintaining a gap of at least 5 m, which would be reinforced by native species hedge planting. The hedgerows would be allowed to grow to a height of 2.5 m to provide effective screening. They would also support local wildlife, enhancing biodiversity. A number of infra-red sensitive security cameras, focused on the site interior, discretely located at approximately 50 m intervals on 3 m high poles.
7. Three inverter substations measuring 2.5m in height, 5.8m in width and 2.5m in depth, would be positioned strategically within solar panel rows. These convert direct current (DC) into alternation current (AC). A single Distributor Network Outlet (DNO) substation measuring up to 3m in height, and 3-5m square in width and depth would be positioned towards the north east corner of the site. This steps up the voltage for onward transmission while minimising losses in the cables, all of which would be underground. Power generated would be connected to a local business within the neighbouring industrial estate (Caterpillar), with surplus electricity going into the National Grid.
8. Vehicular access to the site would be taken via an existing reservoir access track running from the B1283 to the north. All equipment necessary for the installation of the solar farm would be transported on HGVs with no special requirements for abnormal loads. In total, up to 165 deliveries (330 vehicular movements) are anticipated to be required, at the rate of 8 to 10 deliveries per day (16 to 20 vehicle movements per day). The construction phase is expected to take up to three months.
9. The application is reported to the County Planning Committee as it involves renewable energy development of 1,000sqm or more.

PLANNING HISTORY

10. There is no planning history specific to this site.

PLANNING POLICY

NATIONAL POLICY

11. The Government has consolidated all planning policy statements, guidance notes and many circulars into a single policy statement, the National Planning Policy Framework (NPPF), although the majority of supporting Annexes to the planning policy statements are retained. The overriding message is that new development that is sustainable should go ahead without delay. It defines the role of planning in

achieving sustainable development under three topic headings – economic, social and environmental, each mutually dependant.

12. The presumption in favour of sustainable development set out in the NPPF requires local planning authorities to approach development management decisions positively, utilising twelve 'core planning principles'. The following elements of the NPPF are considered relevant to this proposal.
13. *NPPF Part 1 – Building a Strong, Competitive Economy.* The Government is committed to securing economic growth in order to create jobs and prosperity and to ensuring that the planning system does everything it can to support sustainable economic growth. Planning should operate to encourage and not act as an impediment to sustainable growth. Therefore significant weight should be placed on the need to support economic growth through the planning system. Decisions should support existing business sectors, taking account of whether they are expanding or contracting.
14. *NPPF Part 4 – Promoting Sustainable Transport.* The transport system needs to be balanced in favour of sustainable transport modes, giving people a real choice about how they travel. It is recognised that different policies and measures will be required in different communities and opportunities to maximize sustainable transport solutions which will vary from urban to rural areas. Encouragement should be given to solutions which support reductions in greenhouse gas emissions and reduce congestion.
15. *NPPF Part 7 – Requiring Good Design.* The Government attaches great importance to the design of the built environment, with good design a key aspect of sustainable development, indivisible from good planning. Planning policies and decisions must aim to ensure developments; function well and add to the overall quality of an area over the lifetime of the development, establish a strong sense of place, create and sustain an appropriate mix of uses, respond to local character and history, create safe and accessible environments and be visually attractive.
16. *NPPF Part 10 - Meeting the Challenge of Climate Change, Flooding and Coastal Change.* Planning plays a key role in helping shape places to secure radical reductions in greenhouse gas emissions, minimising vulnerability and providing resilience to the impacts of climate change, and supporting the delivery of renewable and low carbon energy.
17. *NPPF Part 11 – Conserving and Enhancing the Natural Environment.* The planning system should contribute to, and enhance the natural environment by; protecting and enhancing valued landscapes, recognizing the benefits of ecosystem services, minimising impacts on biodiversity and providing net gains in biodiversity where possible, preventing new and existing development being put at risk from unacceptable levels of soil, air, water or noise pollution or land instability, and remediating contaminated and unstable land.
18. *NPPF Part 12 – Conserving and Enhancing the Historic Environment.* Working from Local Plans that set out a positive strategy for the conservation and enjoyment of the historic environment, Local Planning Authorities should require applicants to describe the significance of the heritage asset affected to allow an understanding of the impact of a proposal on its significance. In determining applications LPAs should take account of; the desirability of sustaining and enhancing the significance of the asset and putting them to viable uses consistent with their conservation, the positive contribution conservation of heritage assets can make to sustainable communities and economic viability, and the desirability of new development making a positive

contribution to local character. Opportunities for new development within Conservation Areas that enhance or better reveal their significance should be treated favourably, acknowledging that not all elements of a Conservation Area contribute to its significance.

19. In accordance with paragraph 215 of the National Planning Policy Framework, the weight to be attached to relevant saved local plan policy will depend upon the degree of consistency with the NPPF. The greater the consistency, the greater the weight. The relevance of this issue is discussed, where appropriate, in the assessment section of the report below.

<http://www.communities.gov.uk/documents/planningandbuilding/pdf/2116950.pdf> (NPPF)

20. Accompanying the NPPF the Government has consolidated a number of planning practice guidance notes, circulars and other guidance documents into a single Planning Practice Guidance Suite. This provides planning guidance on a wide range of matters. Of particular relevance to this development proposal is the practice guidance with regards to visual impact, glint and glare, loss of agricultural land, impact upon heritage assets and the use of planning conditions with respect to renewable energy projects, and specifically solar farms.

<http://planningguidance.planningportal.gov.uk/> (National Planning Practice Guidance)

LOCAL PLAN POLICY:

District of Easington Local Plan (DELP) adopted 2001

21. *Policy 1 – General Principles of Development* – permits development that accords with the principles of sustainable development together with any benefits to the community and local economy.
22. *Policy 3 – Protection of the Countryside* – defines development outside settlement boundaries as in the countryside. This is not permitted unless allowed for by other policies.
23. *Policy 18 – Species and Habitat Protection – Species And habitat Protection* – precludes development that would have a significant adverse effect on protective species or their habitat without special justification and mitigation.
24. *Policy 35 – Design and Layout of Development* – requires the design and layout of development to embody the objective of energy conservation, reflect the scale and character of the area, be screened appropriately where required, and have no serious amenity impact.
25. *Policy 36 – Design for Access and the Means of Travel* – requires the design and layout of development to provide (inter alia) safe and adequate access capable of serving the amount and nature of traffic to be generated.
26. *Policy 74 – Footpaths and other Public Rights of Way* – requires public rights of way to be (inter alia) protected from development.

RELEVANT EMERGING POLICY:

The County Durham Plan

27. Paragraph 216 of the NPPF says that decision-takers may give weight to relevant policies in emerging plans according to: the stage of the emerging plan; the extent to

which there are unresolved objections to relevant policies; and, the degree of consistency of the policies in the emerging plan to the policies in the NPPF. The County Durham Plan was submitted for Examination in Public and a stage 1 Examination concluded. An Interim Report was issued by an Inspector dated 18 February 2015, however that report was Quashed by the High Court following a successful Judicial Review challenge by the Council. As part of the High Court Order, the Council has withdrawn the CDP from examination. In the light of this, policies of the CDP can no longer carry any weight at the present time.

The above represents a summary of those policies considered relevant. The full text, criteria, and justifications can be accessed at:

<http://www.durham.gov.uk/article/3271/Teesdale-Local-Plan>
(Teesdale District Local Plan)

<http://durhamcc-consult.limehouse.co.uk/portal/planning/> (County Durham Plan)

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

28. *Easington Village Parish Council* - No objection is raised. However, a planning condition is requested to secure screening by native hedging.
29. *Highways England* – No objection is raised. It is considered that there would be no adverse impact on the A19 Truck road. They advise that the proposal adequately deals with site access during construction by accessing the development site via the local road network, and the proposed level of traffic using a suitable access for routine monthly visits during operation is not such that it would cause a safety issue.
30. *Highway Authority* – No objection is raised. Subject to an appropriate planning condition securing the upgrading of the proposed access point on the B1283, the proposal is considered to be acceptable. Officers also advise that an informative be attached to advise that the upgrading of the existing vehicular access must be carried out in accordance with the requirements of the Highways Act 1980.
31. *Ministry of Defence* – No airspace safeguarding objections are raised.
32. *Durham Tees Valley Airport* – No objection is raised. Given the location of the proposed solar farm no distraction to pilots would result.
33. *Newcastle Airport* – No objection raised. Given the location of the proposed solar farm in excess of 30 km from NIA, the scheme would not result in any distraction to pilots of trafficking aircraft, nor would it present itself as an obstruction to NIA's navigational aids.
34. *Northumbrian Water* – No objection is raised. However it is highlighted that that a water main crosses the site and may be affected by the proposed development. It would be necessary to protect a water main relating to the adjacent reservoir during the solar farm's construction, but this would be agreed between NWA and the applicant under Water Industry Act powers.
35. *The Coal Authority* – Raises no objection noting that the application falls within the defined Development Low Risk Area. The Coal Authority advises that if the proposal is granted planning permission then it would be necessary to include The Coal Authority's Standing Advice within the Decision Notice as an informative note to the applicant in the interests of public health and safety

INTERNAL CONSULTEE RESPONSES:

36. *Landscape* – No objection is raised. The site lies outside any locally or nationally designated landscape. Officers consider that there would be some limited visibility from the B1283 to the north, but the biggest visual impact will be from the footpath that passes immediately to the south of the site. The applicants photomontages show the oblique nature of the views from the north and the limited visual effect in these views. The proposed hedge planting will in time screen the view from the footpath completely and I would expect this to be achieved in about five to ten years. The photomontage shows trees growing behind the hedge, but these are not part of the proposed planting scheme. The details of the hedge planting and maintenance are considered satisfactory. Officers consider that there would not be any conflict with landscape related policies.
37. *Tree Officer* – No objections are raised.
38. *Archaeology* – No objection is raised. Officers note that a geophysical survey has been carried out which suggests features likely to be an enclosure settlement of prehistoric date are present within the area of the proposed solar farm. Mitigation measures have been discussed and should take the form of avoidance through non-invasive techniques over the area where the potential enclosure has been identified, with testing of the blank areas through % sample trenching and monitoring of groundworks for the inverter building and substation. Conditions to secure this requirement are recommended along with a condition requiring reporting and archiving.
39. *Design and Conservation* – No objection is raised. It is noted that the site is not within a conservation area and contains no listed buildings, but within a 2km radius are several listed buildings and the Easington Village Conservation Area to the east. The applicant has submitted a heritage statement analysing the potential impact on the nearby listed buildings and conservation area. Officers concur with the conclusions of this assessment that the proposed development would have no definable adverse impact upon their setting.
40. *Drainage and Coastal Protection* – No objection raised. It is not anticipated that any significant impermeable area would result from this proposal.
41. *Ecology* – No objection is raised. The findings of a submitted Ecological Appraisal are accepted, and it should be a condition of any planning permission that the Method Statement and habitat enhancements contained within the report are implemented.
42. *Environmental Health and Consumer Protection (Contaminated Land)* – Officers cannot foresee any contaminated land implications as there is no risk to human health.
43. *Access and Rights of Way* – No objection raised. Officers consider the proposal to be acceptable so long as hedge maintenance alongside the public footpath (responsibility of the landowner) is possible with the fence on its proposed line.
44. *Sustainability Strategy* – Officers advise that they have no specific concerns in terms of the site location. Officers do though query how the energy produced by the proposed plant would be distributed.

PUBLIC RESPONSES:

45. The application was advertised in the press, by site notices and letters to neighbouring residents. No representations have been received from the general public.
46. *The Campaign to Protect Rural England (CPRE)* objects to the proposal. They query the agricultural grade of the land, in that if the site is Grade 3a, then they consider this this would be a substantial ground for objection, having regard to the Planning Practice Guidance.
47. *Ramblers Association* – No objection is raised. Care must be taken not to either block the neighbouring public footpath or restrict its use. In this regard it is considered essential that pedestrian safety be maintained at all times, particularly during the development's construction phase, by the avoidance of materials being stored on the public right of way.

APPLICANTS STATEMENT:

48. Extensive assessment work has been carried out to confirm the suitability of the Site, to minimise its impact and to add enhancement where possible. The layout of the scheme has evolved significantly during the design process in response to the various assessments.
49. Several environmental assessments have been carried out to assess the impacts of the Development. The Development will not have adverse impacts on landscape, ecology, flooding, access, glint and glare, or heritage assets.
50. The Proposal is a temporary development with relatively low impact and potential for some lower intensity agricultural activity. The solar arrays are no more than 2.9m high from the ground, with the inverter-transformers up to 2.5m. The Site will be restored at the end of its operation life. The site would continue to be available for agricultural use through grazing through the life span of the project. It would create enough power for 1,930 UK households and offset 2,220 tonnes of carbon dioxide equivalent, per year.
51. Given the Proposal's acceptability in planning policy and other terms, we trust that the planning application will receive the Council's full support.

The above represents a summary of the comments received on this application. The full written text is available for inspection on the application file which can be viewed at <https://publicaccess.durham.gov.uk/online-applications/search.do?action=simple&searchType=Application>

PLANNING CONSIDERATIONS AND ASSESSMENT

52. Having regard to the requirements of Section 38(6) of the Planning and Compulsory Purchase Act 2004 the relevant Development Plan policies, relevant guidance and all other material planning considerations, including representations received, it is considered that the main planning issues in this instance relate to the principle of development, use of agricultural land, landscape and visual impact, impact on the historic environment, impact on public rights of way, highways, ecology and other matters.

Principle of development

53. The UK Government is committed to increasing domestic renewable energy provision to address the projected growth in global energy demand and concern over long term fossil fuels supplies (NPPF Part 10). Together, these issues place long term energy supply at risk. In addition to these trends, global warming and climate change necessitates ensuring that renewable resources are brought forward to provide a secure basis for the UK's future energy needs. These aims were reflected in the 2009 UK Government Energy Strategy White Paper which states within its Executive Summary that: "We need to radically increase our use of renewable electricity, heat and transport. (The Strategy) sets out the path for us to meet our legally-binding target to ensure 15% of our energy comes from renewable sources by 2020: almost a seven-fold increase in the share of renewables in scarcely more than a decade.
54. Solar photovoltaic (PV) energy generation is a renewable power technology that uses solar panels to convert light from the sun directly into electricity. The electrical output of PV solar panels is dependent upon the intensity of the light to which it is exposed and this part of the country experiences good light levels that make solar panels an efficient form of renewable energy production. Photovoltaic cells do not need to be in direct sunlight to work, so even on overcast days PV solar panels will still generate a limited level of energy output.
55. It is now widely accepted that climate change is actively progressing and that carbon emissions from the use of fossil fuels are a key contributory factor. The increased production of energy from renewable sources, such as solar PV, has very real benefits in off-setting carbon dioxide (CO₂) emissions and reducing the potential impact of greenhouse gases on climate change. It will also ensure a constant and affordable source of energy, contribute to economic stability and provide a further form of farm diversification to support rural economies.
56. Producing electricity with PV emits no pollution, produces no greenhouse gases and uses no finite fossil-fuel resources. Where, as has been generally recognised, the current consumption of and reliance on fossil fuels is considered to be unsustainable, there is a very real need to find a viable long term alternative solution.
57. Solar power is considered to be such a solution. Despite the coverage of ground based sites they are, as a whole, one of the most low-key types of renewable energy generators available. The low height of the arrays, the lack of noise and the minimal maintenance required all ensure that, once installed, the system causes no disturbance to the occupants of properties in the surrounding area.
58. Ideally, large scale solar PV arrays should be directed towards previously developed land. However, with there being relatively few sites of appropriate size in the County, it is considered that, subject to other considerations set out below, the principle of the proposed photovoltaic development on this undeveloped site in the countryside is endorsed by planning policy as a suitable source of obtaining renewable energy to meet the energy demands of County Durham.
59. The National Planning Policy Framework (NPPF) states at paragraph 98 that applications for renewable energy developments should not be required to demonstrate the need for renewable or low-carbon energy and that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions. Applications should be approved if the project's impacts are, or can be made, acceptable.

60. The Planning Practice Guidance (PPG) includes dedicated guidance with regards to renewable energy and in principle also supports renewable energy development considering that planning has an important role in the delivery of new renewable and low carbon energy infrastructure in locations where the local environmental impact is acceptable
61. The scheme is designed to produce renewable energy sufficient to meet the needs of Thorpe Farm, with any surplus exported to the local electricity grid. This would result in economic benefits through lower operating costs for the farm and its associated businesses, and make a contribution, albeit modest, to mitigating the effects of climate change. This would materially add to the County's renewable energy provision and national targets for the achievement of a diverse energy supply, as well as tackling the effects of climate change, and these are benefits that attract very considerable weight.
62. Consequently, it is considered that the proposal is sustainable in principle, and in accordance with relevant national policy contained within the NPPF in this respect.

Use of Agricultural Land

63. The loss of productive agricultural land must be weighed against the merits of the proposal. Paragraph 111 of the NPPF encourages the use of previously used sites where possible, while paragraph 112 requires account to be taken of the economic and other value of the 'best and most versatile' land. Where significant development is proposed, poorer quality agricultural land should be used rather than higher quality. This does not preclude the development of such land, but is a material consideration to be weighed in the balance.
64. An Agricultural Land Classification has been carried out in support of this application (Soil Environment Services Ltd September 2015). It concludes that overall the site is Grade 3, of which 6 ha is 3a (good quality) and 4.9 ha 3b (moderate quality).
65. Whilst slightly more than half of the site is categorised as Grade 3a best and most versatile agricultural land, it should be recognised that less than 10 % of the ground within the overall site would be disturbed as the solar panels sit on legs, raising them approximately a metre above the ground at their lowest point. This would result in more than 90% of the ground area remaining available for grazing.. The development would be for a temporary period, after which the site would be restored to full agricultural use.
66. Accordingly, the proposed development would not result in the permanent or irreversible loss of high quality agricultural land, or indeed preclude agricultural activity alongside, including sheep grazing within the space beneath the solar array, with any temporary impact decisively off-set by significant renewable energy electricity generation.
67. The CPRE opposes the use of any Grade 3a best and most versatile land, and has stated that consideration should first be given to roof mounted solar panels in line with the Written Ministerial Statement of 25 March 2015 concerning renewable energy proposals. The issue of the use of 3a land has been addressed in paragraphs 56 – 60, while the industrial buildings closest to the site do not have rooflines compatible with the type and size of solar power generation proposed.
68. Therefore, and on balance, the development of a comparatively modest area of agricultural is not considered to undermine the site's primary agricultural function. Accordingly, on the basis of national planning policy advice contained within paragraph 112 of the NPPF it can be reasonably concluded that the temporary

removal of land from agricultural production in this particular case is not a reason for planning permission to be withheld as there would be no conflict with Local Plan Policy.

Landscape and Visual Impact

69. In its broadest sense it could be argued that any development of this scale and nature represents the introduction of alien structures that are at odds with the intrinsic natural characteristics of the open countryside. However, in balancing policy objectives (not least that of supporting the provision of renewable energy), there will inevitably be some locations and sites within the countryside where the local landscape has a greater capacity to accommodate such forms of development than others. The application site is not within a designated landscape, therefore it falls within an area of lower sensitivity.
70. A Landscape and Visual Appraisal has been submitted in support of this application (White Young Green September 2015). This concludes that impact on the landscape of the completed scheme would be limited, and is supported by photomontages.
71. Whilst a new element is being introduced into landscape, existing elements such as trees and hedgerows would be retained and reinforced, providing substantial screening. This is agreed by the Council's Landscape Architect. Submitted photomontages demonstrate the oblique nature of views of the site from the north, and the limited visual effect of these views. Proposed hedge planting will in time screen the development completely from the public footpath to the south. So overall landscape impact would be no more than slight.

Historic Environment Impact

72. A Heritage Statement has been submitted in support of this application. That Statement concludes that although several listed buildings and the Easington Village Conservation Area lie within 2 km of the application site, no definable adverse impact upon their setting would result from this proposal, this being a result of intervening topography, and the low level nature of the proposal. The Council's senior Design and Conservation Officer concurs with this conclusion. Accordingly no harm would result and there would be no conflict with the objectives of Part 12 of the NPPF or the Planning (Listed Buildings and Conservation Areas) Act 1990. This imposes a statutory duty that, when considering whether to grant planning permission for a development which affects a listed building or its setting, the decision maker shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. The Act also requires that special attention is paid to the desirability of preserving or enhancing the character and appearance of a conservation area.
73. A geophysical survey has been carried out which suggests the presence of an enclosure settlement dating from prehistoric times within the area covered by the application site. In accordance with Paragraph 135 of the NPPF consideration has been given to the effect of the application on the significance of the non-designated heritage asset. Proposed mitigation measures would take the form of ground impact avoidance through non-invasive development implementation techniques, and sample trenching prior to substation groundworks. This can be controlled by planning condition. On this basis the Council's Senior Archaeologist is content with this proposal. Accordingly no conflict arises with Part 12 of the NPPF.

Public rights of way

74. Footpath No. 10 (Easington Village) runs just outside the application site's southern boundary. The footpath is in poor condition and not well used, possibly as a result of the eastern extremity of this particular section terminating at the edge of the A19, continuation eastwards necessitating the crossing of a Trunk Road. An existing hedge line along the footpath's northern edge would remain and be reinforced, with a 5m gap between hedge and application site perimeter fence to the north. It is therefore concluded that free passage along the footpath would not be prejudiced, and no objection to the scheme has been raised by the Council's Footpaths and Rights of Way Officer. Similarly the Ramblers Association does not object to the application provided the footpath's use is not impeded. Public footpaths are protected by the Highways Act, therefore any obstruction resulting from this development would be addressed under the powers conveyed by the Highways Act. Accordingly no conflict arises with Policy 74 of the DELP and Part 4 of the NPPF.

Highways Impact

75. No highway issues are raised by this proposal subject to access road entrance improvements, and these can be secured by planning condition. Highways England has also confirmed that there would be no adverse impact on the adjacent A19 Trunk Road. Glint and glare complies with BRE guidelines in respect of Glare and Dazzle for glass and mirrored buildings as the most of the incident light would be absorbed rather than reflected. This is accepted by Highways England relative to traffic traversing the nearby A19 Trunk Road. Accordingly no conflict arises with DELP Policies 1, 3 and 36 and Part 4 of the NPPF. Policy 3 is partially compliant with the NPPF by being too restrictive, the other above policies are fully compliant with the Framework.

Ecology

76. Measures have been incorporated in the design of the solar farm to minimise the impact on the identified ecological receptors and the finding of these baseline surveys have been used to inform the final design and layout of the solar farm. Measures have been incorporated in the design of the solar farm to minimise the impact on the identified ecological receptors and the finding of these baseline surveys have been used to inform the final design and layout of the solar farm.

An ecological appraisal submitted with the application concludes that the solar array would be within improved grassland, which is of negligible conservation value. Furthermore there would be no other habitats are likely to be directly affected by the proposal. There would be no significant adverse effects on habitats or protected species from the proposed development. Through a Biodiversity Management Plan habitat enhancement measures for the site are provided which seek to enhance the vegetation diversity across the site, and also improve the habitats for a number of protected or notable species. Ecology officers raise no concerns regarding the proposal subject to the implementation of the habitat enhancements. The proposal would not conflict with DELP Policies 1 and 18 or Part 11 of the NPPF.

Other Matters

77. The closest residential property, Holmlea, is over 500m from the application site with other properties more distant. Inverters associated with the proposal would be housed within buildings thus minimising the potential for any noise nuisance. The proposal would not conflict with DELP Policies 1 and 35 and paragraph 123 of the NPPF.

78. The Development is located in Flood Zone 1. A Flood Risk Assessment (FRA) has been submitted with the application which has reviewed all potential flood hazards to the site and confirmed that the area is not at risk from tidal flooding and at low risk of fluvial, pluvial and groundwater flooding. The FRA notes that the storage reservoirs that border the north-eastern corner of the application site should be subject to regular maintenance and safety inspections. As such it is considered unlikely that a breach event would occur from either reservoir and consequently the site is at low risk of a potential flood event from artificial sources. It is recommended that runoff from the site should be regularly monitored to ensure infiltration is not decreasing as a result of concentrated runoff from the solar panels, to an extent that could exacerbate off-site drainage. No objections are raised by the Council's Drainage and Coastal Protection Team. The proposal would not conflict with DELP Policy 1 or Part 10 of the NPPF
79. No issues concerning land contamination are raised by this proposal, as confirmed by Environmental Health and Consumer Protection officers. The application site falls within the defined Development Low Risk Area as defined by the Coal Authority. No objections are raised by the Coal Authority and standing advice would be added to any grant of planning permission in the interests of public health and safety. No conflict arises with DELP Policy 1 and Part 11 of the NPPF in terms of these matters.

CONCLUSION

80. National planning policy is supportive of energy generation by renewable means, and this includes solar energy development. Therefore there is a presumption in favour of such planning applications. Part 10 of the NPPF states that such proposals should be approved if impact is, or can be made, acceptable.
81. The site lies within undesignated landscape. There would be limited negative landscape impacts, but these are judged to be slight, localised, and capable of mitigation through hedge planting which can be conditioned.
82. Although there are heritage assets within the vicinity of the site, these have been identified, impact upon them assessed, and no harm found to result from this proposal. To minimise archaeological impact non-invasive techniques and ground investigation can be secured by planning condition. The reporting and archiving of findings will also be secured by condition.
83. The site can be safely accessed for construction traffic, and thereafter the solar farm would require little maintenance. In addition it is considered that there would be no adverse ecological, flood risk or residential impact.
84. No impact on the residential amenity is likely to take place due to intervening distances and topography, and no objections to the application have been received. Best and most versatile land would not be lost as a result of the PV panels, and the site's current use for grazing could continue during the life of the development.
85. Planning considerations raised by the CPRE have been fully appraised, and any perceived harm resulting from this proposal is judged to be slight and decisively outweighed by both the implicit benefits of renewable energy and the economic benefits in terms of sustainable energy creation for a local industry.
86. Therefore, overall, this proposal is considered to represent sustainable development fully in line with national and local planning policy.

RECOMMENDATION

That the application be **APPROVED** subject to the following conditions

1. The development hereby approved must be begun no later than the expiration of three years from the date of this permission.

Reason: Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2. The development hereby approved shall be carried out in accordance with the following approved plans and documents:

SITE LOCATION
SITE LAYOUT ZV/PL/1
PANEL ELEVATIONS ZV/PL/2
FENCE DETAIL ZV/PL/3
STANDARD DNP SUBSTATION ZV/PL/5
INVERTER SUBSTATION ZV/PL/6
LANDSCAPING MASTERPLAN A093729-4 LA08A
BIODIVERSITY MANAGEMENT PLAN
(MACARTHUR GREEN 10 SEPTEMBER 2015)

Reason: To ensure a satisfactory form of development in accordance with the objectives of Policies 1, 18, 35 & 36 of the District of Easington Local Plan and Parts 1, 4, 7, 10, 11 & 12 of the NPPF.

3. No development shall take place until a scheme for the improvement of the site entrance from the B1283 has been submitted to, and agreed in writing by, the Local Planning Authority. Thereafter, implemented shall take place in accordance with the approved scheme prior to any use in connection with the hereby approved development.

Reason: In the interests of highway safety in accordance with the objectives of Policy 36 of the District of Easington Local Plan and Part 4 of the NPPF. This Condition is required to be pre-commencement of development due to the necessity for a safe access to be provided in advance of any operations on site

4. No development shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation that has been approved in writing by the Local Planning Authority. The Scheme shall provide for:

i; Measures to ensure the preservation in situ, or the preservation by record, of archaeological features of identified importance.

ii; Methodologies for the recording and recovery of archaeological remains including artefacts and ecofacts.

iii; Post-fieldwork methodologies for assessment and analyses.

iv; Report content and arrangements for dissemination, and publication proposals.

v; Archive preparation and deposition with recognised repositories.

vi; A timetable of works in relation to the proposed development, including sufficient notification and allowance of time to ensure that the site work is undertaken and completed in accordance with the strategy.

vii; Monitoring arrangements, including the notification in writing to the County Durham Principal Archaeologist of the commencement of archaeological works and the opportunity to monitor such works.

viii; A list of all staff involved in the implementation of the strategy, including sub-contractors and specialists, their responsibilities and qualifications.

Reason: To comply with para 135 & 141 of the NPPF because the site is of archaeological interest. This Condition is required to be pre-commencement of development due to the necessity for a safe access to be provided in advance of any operations on site.

5. The archaeological mitigation shall be carried out in accordance with the approved details and timings.

Reason: To comply with para 135 & 141 of the NPPF because the site is of archaeological interest. This condition is required to be pre-commencement of development due to the necessity for a safe access to be provided in advance of any operations on site.

6. Prior to the development becoming operational , a copy of any analysis, reporting, publication or archiving required as part of the mitigation strategy shall be deposited at the County Durham Historic Environment Record and the receiving archive.

Reason: to comply with para. 141 of the NPPF which ensures information gathered becomes publicly accessible.

7. The planning permission hereby granted is for a 30 year period commencing from the approval date. Within 6 months of the cessation of energy generation from the site, all infrastructure associated with the solar farm will be removed from the site and the land restored to its present condition.

Reason: In the interests of defining the planning permission period and the visual amenity in accordance with paragraph 112 of the National Planning Policy Framework.

8. During the first planting season following the hereby approved development's installation, a scheme of native species hedge screen planting, the details of which to be submitted to and agreed in writing by the Local Planning Authority, shall be implemented and maintained during the operational life of the installation.

Reason: In the interests of visual amenity and in accordance with the objectives of Policies 1, 3 and 35 of the District of Easington Local Plan and part 11 of the NPPF.

9. Not later than 6 months prior to the expiry of the 30 year period of planning permission, or 6 months prior to the cessation of electricity generation from the site, whichever is sooner, a scheme for the restoration of the site, including the dismantling and removal of all elements above ground level and the removal of the concrete piling, shall be submitted to and be approved in writing by the Local Planning Authority. The approved scheme shall be carried out and completed within 6 months from the date that the planning permission hereby granted expires.

Reason: In the interests of visual amenity in accordance with paragraph 112 of the National Planning Policy Framework.

10. All electrical cabling between the solar farm and the on-site connection building shall be located underground. Thereafter the excavated ground shall be reinstated within 3 months of the commissioning of the solar farm to the satisfaction of the Local planning authority.

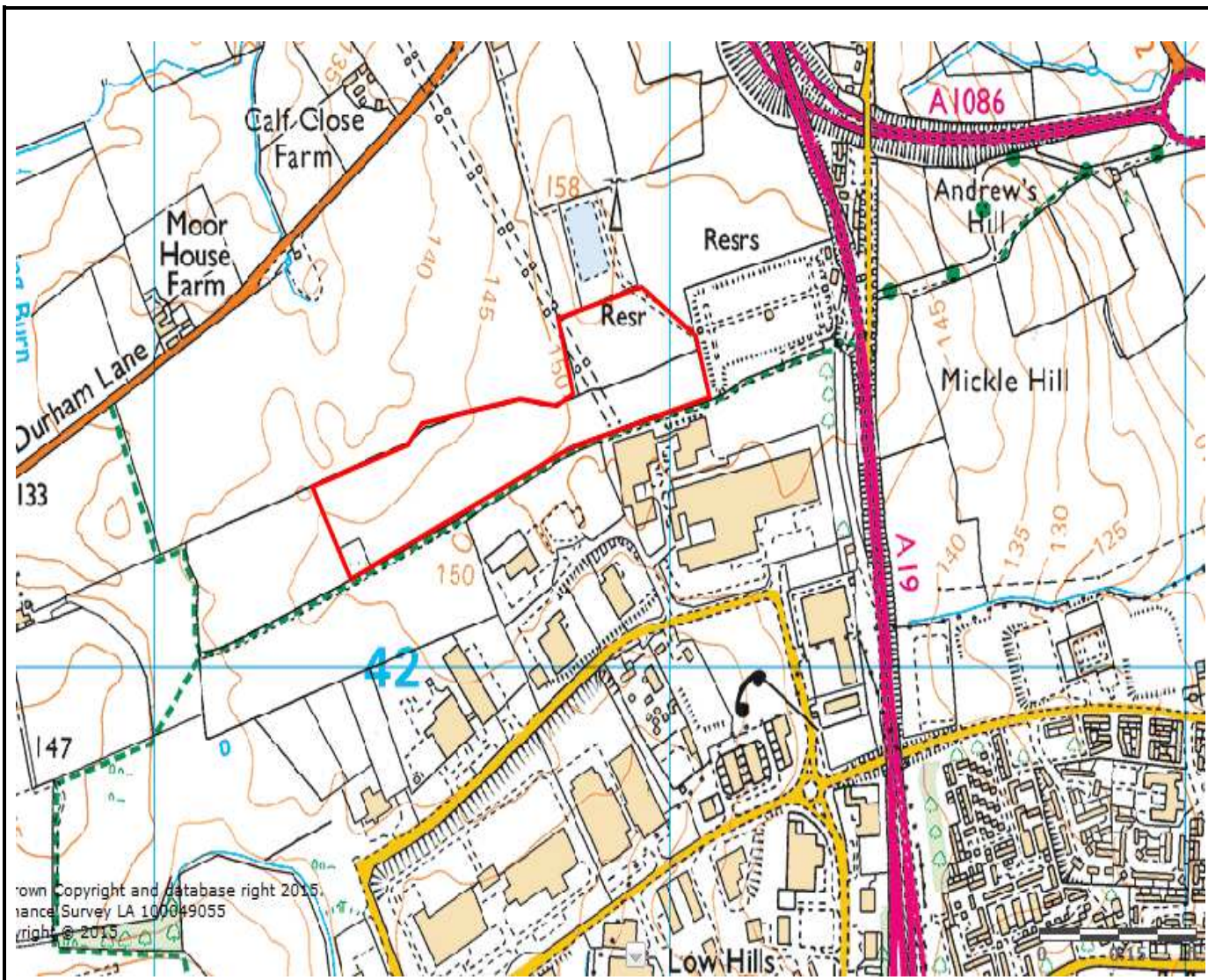
Reason: In the interests of local amenity in accordance with Policies 1 and 35 of the District of Easington Local Plan and paragraph 112 of the National Planning Policy Framework.

STATEMENT OF PROACTIVE ENGAGEMENT

The Local Planning Authority in arriving at its decision to approve the application has, without prejudice to a fair and objective assessment of the proposals, issues raised and representations received, sought to work with the applicant in a positive and proactive manner with the objective of delivering high quality sustainable development to improve the economic, social and environmental conditions of the area in accordance with the NPPF. *(Statement in accordance with Article 35(2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015.)*

BACKGROUND PAPERS

- Submitted application form, plans supporting documents and subsequent information provided by the applicant.
- The National Planning Policy Framework (2012)
- National Planning Practice Guidance Notes
- District of Easington Local Plan
- Statutory, internal and public consultation responses.



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Planning Services

Development of a 5 MW solar farm, Land to the of North West Industrial Estate, Peterlee (DM/15/02290/FPA)

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Comments

Date December 2015

Scale Not to scale

By virtue of paragraph(s) 5 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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