



County Planning Committee

Date Tuesday 7 December 2021
Time 9.30 am
Venue Council Chamber, County Hall, Durham

Business

Part A

1. Apologies for Absence
2. Substitute Members
3. Declarations of Interest
4. Minutes of the meetings held on 7 September and 19 October 2021 (Pages 3 - 36)
5. Applications to be determined
 - a) DM/21/01500/WAS - Land north of Hitachi Rail Europe Ltd, Millennium Way, Aycliffe Business Park, DL5 6UG (Pages 37 - 130)

Construction and operation of a high temperature thermal treatment facility for clinical and hazardous wastes.

 - b) DM/20/03722/FPA - Sheraton Hall Farm, Sheraton, Hartlepool, TS27 4RD and DM/21/02333/FPA - Sheraton Hall Farm, Sheraton, Hartlepool, TS27 4RD (Pages 131 - 170)

DM/20/03722/FPA - Installation and operation of a Solar Farm together with all associated works, equipment and necessary infrastructure.

DM/21/02333/FPA - Construction of underground electricity cables, and associated infrastructure to connect to the proposed Sheraton Hall Solar Farm.

 - c) DM/21/02816/FPA - Land west, north And east of Whinfield Farm, Brafferton, DL1 3LE (Pages 171 - 222)

Installation of a solar photovoltaic array/solar farm with associated infrastructure (cross boundary site with Darlington Borough Council).

6. Such other business as, in the opinion of the Chairman of the meeting, is of sufficient urgency to warrant consideration

Helen Lynch
Head of Legal and Democratic Services

County Hall
Durham
29 November 2021

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

Councillor G Richardson (Chair)
Councillor A Bell (Vice-Chair)

Councillors D Boyes, J Higgins, C Hunt, P Jopling, C Marshall,
C Martin, M McKeon, B Moist, P Molloy, I Roberts, K Shaw,
A Simpson, S Wilson and S Zair

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DURHAM COUNTY COUNCIL

At a Meeting of **County Planning Committee** held in Council Chamber, County Hall, Durham on **Tuesday 7 September 2021 at 9.30 am**

Present:

Councillor G Richardson (Chair)

Members of the Committee:

Councillors A Bell (Vice-Chair), C Hunt, P Jopling, C Marshall, C Martin, I Roberts, K Shaw, A Simpson and S Zair

1 Apologies for Absence

An apology for absence was received from Councillor Simon Wilson.

2 Substitute Members

There were no substitute Members.

3 Declarations of Interest

Councillor Craig Martin declared that during the last local election he was an agent for a candidate who was against this application. His role as Agent did not involve him making any pre-determination of the matter that would prevent him from taking part in the consideration of the application.

Councillor Angela Sterling stated that she was a resident as well as a local Member and lived in the proximity of the site.

Councillor Carl Marshall declared that he had made a number of comments on this application as a local member of Stanley and as a Labour Group member. He had an open mind and would consider all of the facts put forward by all parties before reaching a conclusion on the application.

Councillor Kevin Shaw stated that he had previously commented on the application but that he had an open mind and would reach a decision on what he heard today.

4 Minutes

The Minutes of the meeting held on 5 July 2021 were agreed as a correct record and were signed by the Chair.

5 Applications to be determined

a DM/20/03267/WAS - Energy from Waste Facility - Hownsgill Industrial Park, Templetown, Consett (Consett South)

The Senior Planning Officer, Chris Shields, gave a detailed presentation on the report relating to the abovementioned planning application, a copy of which had been circulated (for copy see file of Minutes). Members noted that the written report was supplemented by a visual presentation which included photographs of the site and details of the layout and access. Members had visited the site the previous day.

In presenting the report the Senior Planning Officer explained that as of the previous evening, representations against the application had reached 3585 and this number continued to rise. He also informed the Committee of the receipt of a 4,080 name petition which was available to view on-line.

All issues raised within the representations, including within the nine letters of support had been addressed in the report.

Councillor Dominic Haney addressed the Committee and stated that as the local member for Consett, Moorside and The Grove, he knew how devastating this proposed facility would be. Hundreds of people in his division had raised objections.

Notwithstanding the obvious concerns for health from burning 60,000 tonnes of waste in Consett, he advised that he would focus his representations on two areas: low carbon benefits and loss of visual amenity.

The Applicant had admitted in their environmental statement that their facility would have only a “minor beneficial effect over the baseline scenario”.

Councillor Haney was not surprised that the Council's Low Carbon Economy team had in their assessment of the application been unable to support the proposed development and had noted that the Applicant had been unable to guarantee what amount of plastic would be in the waste they would incinerate. It was accepted by the Government that burning plastic would be a net negative on carbon emissions. Given that the Applicant could not be sure of the amount of plastic, he considered that the figures provided in their statement as to the carbon benefits of their facility were spurious at best and misleading at worst.

The Applicant had also stated that this facility would provide electricity and heat to the new hospital and new housing development. The hospital and housing did not exist, and may never exist. Moreover, Councillor Haney advised that the NHS had stated that if they did intend to build a new hospital near the site, they did not require an incinerator or other energy facility in order to proceed.

It was heavily disputed whether incineration was a green technology. Zero Waste Scotland had already concluded that incineration could not be classified as green,

and much of the continent had moved away from, and actively discouraged the technology.

Even if it was carbon neutral, it was definitely not renewable. Once burnt the rubbish could only be replenished by creating more and more, which was the wrong approach to dealing with the waste problem.

The other reason the Committee should refuse the proposed development was the devastating impact it would have on Consett's beautiful, rural skyline.

He could not thank Planning Officers enough for coming to the same conclusion as himself and thousands of other residents of Consett; that the 150 foot high chimney with a flashing beacon on top would cause unacceptable harm to the landscape.

In addition to the listed buildings mentioned in the report, it was worth noting that views of the Grade 2 Listed Hownsgill Viaduct would be damaged by having the stack and its beacon in its backdrop.

Committee members who visited the site would have seen the North Pennines AONB just a stone's throw away. The loss of visual amenity caused by the proposed development could not be mitigated against. This scenic backdrop would be seriously damaged, all in exchange for nine jobs and vague and uncertain notions about green energy and heat.

In conclusion he paid tribute to the people of Consett for getting behind the campaign to stop the incinerator. It showed that a community could stand together, to make it clear that Consett would not be a dumping ground for other people's waste. Thousands of residents and their children had supported the campaign and would be delighted if it succeeded.

At this point a video created by the Say No to Consett Incinerator campaign group was played at the request of the Councillor, which heard from local residents about why they were saying no to the development.

Councillor Katherine Rooney stated that having lived in Consett all her life and knowing the town and its people as she did, she was not at all surprised at how much the community had rallied together to defeat this application. It had been a privilege to take a leading role in the effort to stop the incinerator.

She had spoken with hundreds of residents, asking them to lodge their objection with the Council, and could count on one hand the number that were in favour of the incinerator.

Those against the proposals knew that this would destroy the local environment, that there would be increased traffic, noise and pollution, and they knew that the glorious vistas from around the town and beyond would be dominated by the 50 metre high chimney.

She hoped that the Committee would take the same view and would refuse the application.

At the request of the Councillor a music video was played by local band Con Dawn and the Crew which demonstrated the strength of feeling of the campaign against the proposed facility.

Councillor Angela Sterling stated that she was speaking on behalf of herself and Councillor Michelle Walton, representing the views of the residents in their ward. Whilst the proposed site was not in their electoral division a huge number of their residents would be affected, with the closest living 300m away from the site. Everywhere across the ward Say No campaign posters were displayed. Together with Councillor Walton she had received countless phone calls and e-mails on the issue and she had not spoken with one person who was in favour of the proposals.

Residents across Delves Land and Templetown were against the development and their reasons were varied. Some were seriously concerned about emissions and the effect of the health of the community, citing birth defects and cancer among a long list of other health concerns.

Whilst the site was on an industrial park there were a large number of family homes on the doorstep and concerns about increased traffic, road safety, odour and noise had all been regularly raised.

One of the biggest issues was that of location. It was not a case of not on my doorstep; Consett had a proud industrial heritage which had left industry in the past and the town had undergone decades of regeneration. Consett was a desirable place to live with lots of new shops and new family homes being constructed.

An incinerator would not only hamper the town's regeneration but put it squarely back into the past. Many were also concerned about the impact on property prices.

Incinerators tended to be built in areas of deprivation and Consett had poor wellbeing scores. Residents had asked if such a facility would be built in Durham City Centre.

Residents had also criticised the small number of jobs created and were concerned about the potential ecological damage.

She was personally concerned with the scale of the development. The 50m high stack would be two and a half times the height of the Angel of the North. She asked if the emissions were harmless why the stack needed to be as high. It would dominate the skyline and be a blot on the landscape.

Residents had saved to buy their family homes in an up and coming town with outstanding views and local wildlife, and with safe places for children to play, only for them to then have a facility with a stack as high as the leaning tower of Pisa.

Councillor Sterling addressed the reasons for refusal listed in the report and thanked Planning Officers for their hard work. She acknowledged that many of the

concerns were not based on material planning considerations but she felt that they needed to be conveyed. Therefore despite the residents having legitimate concerns the application must be rejected for material planning reasons. The scale and form of the incinerator would cause harm on the quality and character of the landscape which would not be outweighed by the benefits of the development.

Project Genesis had undertaken a lot of good work in the local community. Their passion for the regeneration of Consett was clear, however the disconnect with the community was troubling. She and Councillor Walton had asked Project Genesis to withdraw the application on two occasions, and she asked that if the application was rejected that they did not appeal the decision.

Councillor Alex Watson stated that he wished to make it clear that despite this public campaign which in his view had declared false information regarding toxic emissions, smell and noise, the appropriate agencies' reviews, including the Environment Agency, had provided facts, and he considered that the recommendation for refusal was based only on the fact that the development was visible.

The development would bring:

- £35m plus construction project creating jobs.
- An operating business creating sustainable jobs.
- Huge savings to the taxpayer which would allow for budget funds to be used on valuable services to the taxpayer.
- Saving on electricity bills both domestic and business.
- The delivery of a significant renewable energy opportunity to the Area.
- The attraction of further Industry to the area.

The County was in such a critical period where the economy needed this type of development to create jobs, attract industry and to deliver the Renewable Agenda.

The only point driving this recommendation for refusal was visibility. He pointed out that there would be mitigation by woodland, as was the norm in such developments. There were other industrial units on this site which could be seen. Wind turbines were higher, more visible, also part of the Renewable Agenda but would not give such significant benefits as job creation, industry attraction, a construction project, supply chain and local economy benefits. He questioned that if this development was refused on the grounds of visibility it should follow that all wind turbines should be pulled down.

A key statement in the report was around a Cost Benefit Analysis, and he asked how visibility would offset job creation, cost savings, and the attraction of renewable energy projects.

At this point the objectors were invited to make representation.

Christine Thomas stated that in 1991 she had been told that to succeed in her career she had to leave Consett. She decided to return in 2002 to a community that was thriving and was on the up for the first time in many years. She joined the campaign because she worked with young people and had always taught them to

fight for what they believed in. She decided that she needed to set an example and join the community to fight to make sure that this incinerator did not go ahead.

The Applicant had stated that to be truly sustainable communities should be able to provide the necessary infrastructure to thrive which included energy and heat, and the management of waste. The Government's Waste Management Plan highlighted that the principles of self-sufficiency and proximity were often over-interpreted to mean that all waste had to be managed close to its source as possible to the exclusion of other considerations. Local Authorities needed the required infrastructure to be able to do so.

Consett had been a phoenix out of the ashes following the steelworks; it was a lovely place to live and although it was still in the top 30% of the indices of deprivation, it scored highly in environment. The incinerator could rob the community of one of its greatest assets.

The scale, form and massing of the facility would cause harm to the quality of the landscape which would not be outweighed by the benefits of the development. The available land was from an era when the steelworks were the heart of the town, and when people lived near to where they worked. It was now known that living next to such high levels of pollution had a detrimental impact on health. Many have witnessed the early deaths of family members as a result of the pollution they had to endure.

The report noted that although the development was outside North Pennines AONB the proposal would cause unacceptable harm to its special qualities due to scale, form and massing. The community also agreed with the statement that the appearance of the proposed development did not conserve or enhance the special qualities of the landscape within the adjacent area of high landscape value.

There was a wealth of talent in Consett; artists, filmmakers and photographers; young people who had chosen to stay. This talent should be harnessed for the County Durham City of Culture bid. In addition COP 26 was coming up. Because of this campaign the people of Consett could show how hard the people of Consett had worked to protect their climate. The community now recognised that incineration should be a last resort and had no place in the local economy.

The next step was to ask the Committee to refuse this application and for the community to work together to put Consett the very top of the waste hierarchy and make it the greenest town in England.

Kirsty McKeown addressed the Committee stating that she was a resident of Shotley Bridge and her family had first come to the area in 1969 when her father had been given the honour of opening Consett's first supermarket which eventually moved out of the town centre. Back then it was a huge investment by the company and testament to their commitment to the town as it included a hairdresser's, non-food department and café. This added to an already thriving town centre, and whilst the steelworks was industrial in nature it did bring significant employment, a vibrant market and many local businesses.

She was shocked that the proposed development would only bring ongoing employment for nine employees. The employment density guide advised that a typical B1 class use of a site this size could provide up to 1600 jobs. At the other end of the scale a distribution centre could provide 170 jobs. At 1.6 hectares the site should be used more productively. It would not take many businesses to decide to leave the area as a result of the development putting Consett in negative territory from an employment perspective.

She was also concerned that there was no Neighbourhood Plan, particularly given the number of new houses being built around Consett. The town was on the coast to coast route and rather than investment to encourage tourism, the proposed development would have the opposite effect. She had close links to a town in the North West of England which was similar in nature to Consett, having had a partly industrial history and the town centre had become rundown over the decades. Investors in that town believed that community engagement was key to their regeneration strategy and their aim for residents and businesses to take ownership and pride in their area. This was now a vibrant town with tourism on the increase. Such a forward looking investment would be welcomed by the residents and business owners. She feared that an incinerator would discourage business investment in Consett and also encourage those already there to leave.

In conclusion, Kirsty McKeown thanked Planning Officers for recommending rejection of the application. She urged the Committee to refuse the application. The vast majority of the community did not want to go backwards to an industrial town, they wanted to look forward, enjoy the beauty of the area in which they lived, whilst also finding ways of attracting local businesses and for the town centre to once again thrive.

Niamh McDonald stated that she had lived in Consett for 20 years, her whole life. Despite being born after the closure of the steelworks it was impossible to be unaware of the legacy the steel industry had left on their town. It was important that Consett's history and heritage was celebrated but there was a right way and a wrong way to honour Consett's past. A return to the pollution and terrible effect an incinerator would have was not the future residents deserved. Her generation had the right to create their own legacy, a legacy based on true sustainability. Climate change was a reality and the easy way out should not be taken. Incineration was the easy way out of waste disposal. Energy from waste facilities was not a sustainable way to rid the planet of the waste produced.

Consett should be prioritising prevention, re-use and recycling for the reduction of waste. The Government's 2021 National Waste Management Plan for England set out an ambition to work towards a zero waste economy by sustainably and efficiently managing waste.

Project Genesis argued that energy from waste was sustainable because it was giving waste an extra purpose, and because waste had to go somewhere. This was not a method of generating sustainable energy because it required people to over-consume. Reducing consumption created more energy than burning waste created. If the long-term aim was achieved, the incinerator would not be operational because there would not be enough waste to burn.

Project Genesis had not specified a user for the heat generated by the incineration process and she therefore questioned whether there was a demand for this energy and heat. Furthermore the Applicant had not shown that the application met the NPPF's definition of low carbon. Energy would be distributed through the National Grid which was contradicting the claims that there would be a reduction in costs for the people of Consett.

These were only some of the many reasons why an energy from waste facility was not the right decision for Consett. Consett's fabulous location at the edge of the Pennines made it a haven for the community to enjoy the outdoors. If Project Genesis had truly consulted the community residents would have contributed much better ideas for land usage which would benefit the whole town.

She stated that her generation was the final generation which would possibly see the beginning and the end of the environmental impact climate change had on the world but it was her generation's responsibility to fight for the environment and challenge backward steps like incineration being forced upon communities. It was her generation's responsibility to say no to Consett's incinerator and urged the Committee to do the same.

Lucy Reed stated that she was a resident of Consett and a member of the Say No campaign group. Project Genesis had a plan and ambition to make Consett a green and pleasant land. More recently they had a destination plan to make people want to visit Consett. Instead of this the community was faced with a waste burning incinerator and 50m high stack protruding into the skyline. The visual dominance and incongruent nature would impact widely, whether on the nearby AONB and views, or the visual landscape and amenity of the locality and heritage, including the listed viaduct and farm buildings.

Many residents of the nearby Chequers Estate were sold their homes by Project Genesis on the basis of locality, countryside outlook and assurances that they lived next to a prestige industrial estate where no undesirable or polluting industry would occur. They could now potentially be only 400m away from an incinerator with a 50m high stack and its plume, a facility that would run 24 hours a day 7 days a week, imposing a significant impact on the residential amenity.

The Applicant had stated that the emissions would be insignificant, however they would be emissions and pollutants which were not currently there. Increased emissions and pollutants from the incinerator itself and the traffic increase would be detrimental to the town and the amenity of the area. 5000 23 tonne lorry journeys per year would travel into Consett. Further development proposed nearby included hundreds of homes and a hospital development who had also raised their own concerns.

As acknowledged in the Committee report it was not possible to rule out potential adverse physical health impacts of the facility. This was a risk that residents should not be subjected to, no matter how insignificant it was deemed to be and which may not become apparent for many years.

Local Plan Policy 31 concerning amenity and pollution stated that there should be no unacceptable impact on an area, and the Applicant had not demonstrated this to be the case. This development would also impact upon mental health and wellbeing which had been consistently highlighted by many who had objected. The County Durham Joint Health and Wellbeing Strategy recognised the links between improved environment and wellbeing.

The development did not accord with National Planning Policy Framework, the County Durham Plan or provide social, economic or environmental benefits to justify it. The industrial past bore no resemblance to the Consett of today and there were many people who had left and returned to a better town or who had chosen to come to Consett for the environment. Very few wanted to see this regress. She asked the Committee to agree the recommendation and refuse the application.

Roger Jeffries was invited to address the Committee and stated that he had moved to the North of England in 1989 for work and his first impressions had not been very favourable, remembering the Derwenthaugh coke plant. He had lived in three different areas of the County before moving to a new build in Consett in 2004.

Talking about his former properties in Sedgfield and Maiden Law, Roger Jeffries his final move had been to Templetown and to a town that had been re-born. The surroundings were of beautiful countryside with so many heritages to enjoy. He walked his dogs every day, enjoying different parts of the area and the wildlife. The North when he arrived was a different place entirely. Consett was called the red town, now it was clean, pleasant and vibrant, set in fabulous countryside. He had found it to be a great place to live.

The selling point of Consett was the area around town, the amenities in the town and its proximity to Newcastle and Durham, along with the light industry. He knew that further light industry and more housing would come to the town when he moved there and this was a selling point for him as the town was prospering and growing. If the incinerator was built it would tarnish the landscape in a totally inappropriate location. Putting it so close to food factories and housing was a stupid idea. The effect on the town would be disastrous and would have a profound detrimental effect on its future. He questioned who would come to a town with such an eyesore, not to mention the potential risk to health.

In closing he stated that the Committee must make its own mind up as to the value of the proposed development but he totally agreed with the Planning Officers that the scheme should not go ahead.

Kelli Turner stated that she was a resident of Consett having moved there 20 years ago. Her family were very much a part of the town, being involved with the Football Club, the Rugby Club and she had been a School Governor for 10 years. It was also relevant to the campaign that part of her job as an in-house lawyer for a company that built and developed properties was that she looked at sustainability in development. She was also part of the Energy and Environment Alliance a national not for profit organisation that looked at development and sustainability.

She was not acting in a professional capacity in this campaign but her experience in looking at the bigger picture of sustainability and energy management for the future had helped her form a view of this development. She was very pro-development and people moved to Consett as it had great facilities and a lot to offer.

Waste incineration was a very controversial form of waste management, it fell at the bottom of the waste hierarchy. When waste incinerators were built, recycling reduced. It also went against the circular economy notion of putting items back into use. It also did not create many jobs.

The future of waste incineration was uncertain. The Environmental Bill was currently being discussed in Parliament and it was likely that would produce targets for waste incineration. It was also unlikely that what was currently going to waste incineration would be in the future. At best it faced an uncertain future even it could be proved it produced low carbon emissions and had a positive impact on the environment.

She asked the Committee to follow the lead of Sunderland City Council who refused the Washington Incinerator Plant on solid grounds. There were solid legal grounds in this application to reject it. The application failed the visual amenity test, and also failed the low carbon test at such a critical time in terms of climate change.

She asked the Committee to consider the true principles of sustainability against the backdrop of the County Durham Plan. True sustainability was how the planet could be left better than it had been found, whilst at the same time making the best environment for the people who were living in it. It was not just about emissions, climate change or green energy, but all of those things and at the same time improving the lives and environment of the people in it. A waste incinerator put in the middle of an established community was not a sustainable development.

At this point the Chair invited Mark Short and Sharon Queeney to address the Committee on behalf of the Applicant. Sharon Queeney referred to Policy 2 of the approved County Durham Plan which identified that Hownsgill Industrial Park was a protected employment site and currently housed a number of established businesses. The site was approximately 11 hectares of the development area. Project Genesis had for a number of years had difficulty in attracting new commercial and industrial business to the site due to a lack of investment in infrastructure, notably power grid infrastructure coupled with a lack of financial support from both local and national government.

The size and scale of the proposed energy recovery facility was a result of over 8 years of research and development into options available for a small scale energy plant. It involved detailed discussions with industrial leaders as well as visits to a number of facilities in the UK and Netherlands. The plant and delivery partner who was a Dutch company with an excellent track record provided an optimum solution for the delivery of low-cost renewable heat energy and power to the Hownsgill Industrial Park, and the proposed new development at Derwent View. The small scale of the plant was carefully planned and decided upon in order to take account of location, fuel supply and availability, highways, visual impact, optimum heat and energy requirements of the estate, and followed consultation with a range of

industry experts. The plant would be a catalyst for the hub of considerable investment in a district heating and electricity smart grid which would provide low cost renewable heat and power to support existing businesses and hopefully attract new investment and businesses to the site. It would provide grid connection and infrastructure to bring forward the Hownsgill solar farm which had the potential to provide a further 7 megawatts of renewable energy with additional battery storage technology and smart energy management systems. It had the potential to make the Industrial Park an exemplar site in the UK in renewable heat and power production and the management of local scale.

It would support the supply of renewable heat and power to the adjacent Derwent View health and wellbeing site which was hoped would house a new community hospital, retirement village, hotel and education and training facilities. It was expected that the total investment in Hownsgill would exceed £35m and would be of long-term social and economic benefit to the area in the provision of developments of renewable energy technologies and sustaining employment. It was also intended to bring forward a fast vehicle charging hub on the site as well as exploring the use of HOS technology and carbon capture when needs and opportunities arose.

The public benefits of the scheme were therefore clear and should be considered appropriately.

The plant would be powered by refuse derived fuel produced by local businesses in the Durham area providing a fundamental service to communities and employers. A refused derived fuel was a fuel which consisted of pre-processed waste material which was then transported to the energy plant. The RDF did not include materials which were source segregated for re-use or recycling and instead sought to manage the remaining waste which could not be managed by other options. The proposed plant sought to produce heat and power ensuring that all possible value was recovered from the materials that the community produced, used and disposed of. This was the fundamental principle of the circular economy and the treatment of residual waste in ways which accorded with both national and local waste management policy.

A number of established waste management companies which operated in North Durham had estimated that currently at least 160,000 tonnes of residual commercial and industrial waste, and that was waste after recycling and re-use, was produced annually in the area and was transported to landfill or even exported to Europe. This need for additional waste management capacity had not been contested by the Local Planning Authority. The development would provide an opportunity to divert 60,000 tonnes of this material to a new facility for the purpose of providing low-cost renewable heat and power. Locating the facility at Hownsgill would ensure the community could manage the waste that it produced while supporting other businesses on the estate. Its location was therefore supported by Policy 60 of the approved County Durham Plan in the management of waste streams as near as possible to their production and to the businesses which would benefit from the facility.

The report confirmed that the Council and their independent experts agreed that the development would not have a detrimental impact on human health, air quality,

odour, dust, noise, traffic and ecology. The development provided the lowest carbon option for dealing with waste the community produced which could not be re-used or recycled. Zero waste Scotland in its most recent report agreed that energy from RDF still offered carbon savings over what Durham currently did with the waste it generated.

The report noted concerns over the visual impact of the plant as a reason for refusal; it was disappointing that the wider context of the allocated industrial estate which included three wind turbines, a solar park and other planned developments had not been considered in the review of this scheme. The photo montages shown had highlighted that the facility would be screened from the majority of views and those that it would be visible from would include wider built development, particularly in long range views. She reminded the Committee that just because it would be seen did not automatically register as adverse harm and hoped the Committee would support Project Genesis with this much needed development considering all matters. In any event she hoped the recommendation did neither prejudice or create precedent preventing future industrial and employment development on the site.

The Senior Planning Officer responded to the representations. Councillor Watson had raised the issues of renewable energy, visibility of the facility, the jobs it would produce and reduced energy costs. Paragraph 214 in the report noted that the facility would provide 9 jobs, 3 posts cross 3 shifts. The site was 1.64 hectares and based on employment density guidance could provide between 170 and 1600 jobs. This development would not maximise job creation on the site and there could be more jobs created from alternative employment. On balance Planning Officers did not consider this to be a significant benefit.

In terms of renewable energy, paragraph 235 of the report noted that for an incinerator to be considered renewable it must have an amount of biomass within the fuel mix; the Applicant had stated that there would be very little or no biomass or organic material within the mix to avoid odour. It was therefore not a renewable energy development.

Turning to reduced energy costs referred to by both Councillor Watson and the Applicant, the Senior Planning Officer advised that numerous benefits had been mentioned, including reduced energy costs for other businesses and the local area, power for local businesses, a hospital, solar charges and finance for the solar farm that was only partially built, but this was not included in the application. Planning Officers could only therefore consider what the application said it would do, which was connect to the National Grid. The District Heating Network was not in place so reduced energy costs could not be considered to be a benefit.

Members debated the application.

Councillor Marshall thanked the Officers for a balanced report which highlighted the material planning considerations and for the way they had handled this sensitive application. He also thanked the developer for attending and making representation and to the local members who represented the views of their community, and the campaign. It was important to recognise the need for regeneration, growth, new and

better jobs in Consett and in the local community around Consett as much as in the wider region. However it was important to recognise that in creating jobs there was a need to create a better, greener future for the younger generation who were seen in both the music video and the campaign video.

The benefit created by jobs did not outweigh the impact on the local environment. Councillor Marshall was of the view that a full, open and transparent pre-planning engagement with the developer working alongside the local community to try and overcome some of the issues should have been carried out, and to see whether or not it would have the support of the residents of Consett. He noted Councillor Watson's comments that he had served the community as Councillor for over 50 years, and having seen the way residents had to come together, he felt it was a shame that engagement had not taken place much earlier. and that more hadn't been done to try and bring the developer and the community together.

He had heard during the representations about the potential future risk to the health and wellbeing of residents; he considered that there would already have been an impact on the health and wellbeing of those 4,000 people who had signed the petition and those who in the last few months had fought to stop this development from going ahead.

In conclusion he said that this development was not in the interests of the town and paid testament to all of those who had attended today to make representations on behalf of the whole town. Only 9 letters of support had been received as opposed to over 3500 letters of objection. However the Committee must consider the material planning issues and for him the Officer's report highlighted two; the impact on heritage and the direct visual impact on the landscape and the wider community. This was the wrong development in the wrong place and he moved that the application be refused.

Councillor Cathy Hunt agreed with the comments of Councillor Marshall. Reference had been made to wind turbines already being in the landscape. The plan provided to members showed that there would be screen planting and mounding around the site. This indicated to her that the developer was aware that it would be a blot on the landscape and would impact quite significantly on the people of Consett. Trees grew 25 feet in 10 years, the stack would be 50 m high. She considered that the development should not go ahead.

Councillor Patricia Jopling stated that she was not opposed to incineration in the short term because burning was preferable to landfill. An incinerator plant she had visited had been very clean with no smell, and incinerators were very heavily regulated. However having said that she had lived in Consett just after the steelworks closed and the pollution from that site had been horrendous. Having visited the site yesterday it was clear that the facility would be in the wrong place. Proper ways of dealing with waste had to be found in a joint effort between businesses, the public and even the NHS. It was obvious on the visit around different aspects of the site, that the damage it would cause and the appearance of the facility would ruin the area. The viaduct and AONB were close by and she considered that the application should be refused.

Councillor Craig Martin understood that in accordance with Planning Policy, to have these facilities the waste had to be produced in County Durham and that an incinerator should not be far away from waste processing facilities. He also understood that the waste wasn't actually being prepared in County Durham; it was being transported out of the County to be prepared before being transported back to be incinerated. He sought clarification on this.

The Senior Planning Officer replied that the Policy Framework stated that waste should be dealt with as near to its source as possible. In County Durham more of the type of waste that would go to this site was exported than was imported so there was a capacity gap. Therefore Planning Officers were satisfied that there was a need for this type of facility. Councillor Martin was correct that the RDF would not be produced on site so it would arrive as pre-prepared bales, and the reason the report was unclear in this regard was because the Applicant had not advised as to where this prepared waste would be coming from.

Councillor Martin therefore asked what safeguards could be put in place to ensure that the waste was from County Durham. The Senior Planning Officer advised that if the application was granted there would be no control of this. It had to be balanced with the need for Durham and the region to meet its capacity need. The transporting of waste long distance was not financially viable and whilst he couldn't give an assurance that it wouldn't travel outside the County there was capacity for this type of facility in County Durham.

Councillor Martin referred to the multi-million pound energy for waste plant in Teesside and was informed that the facility in Teesside was for municipal waste not commercial and industrial waste.

Councillor Martin stated that he was concerned about this proposed development not only for its impact on the community but also on businesses in the Business Park. It had been argued that it would harm economic development if the application was rejected but this application did not maximise job creation. Building the wrong type of business in a business park could kill a business park, particularly when there was no Economic Strategy. This was the wrong business in the wrong place. His biggest fear would be that if approved it would set a precedent for having multiple small facilities in communities across County Durham rather than pooling waste together into a larger facility which would be more efficient and sustainable. These smaller facilities could have a 50m stack dominating the skyline of these towns. He agreed with the Officer's recommendations.

Councillor Alan Bell concurred with the views of Councillors Marshall and Martin that Hownsgill was the wrong place for this development. The people had spoken and in particular the young generation, and they had to respect that. As had been said Consett had moved on from the era of the steelworks and was a much greener place, and he hoped that if the application was refused the Applicant would respect that. He seconded the recommendation for refusal.

Councillor Sam Zair had listened intently to the views of the community and respected the way they had all come together. Councillors Marshall and Martin were correct in saying that it was the wrong development in the wrong place and if

the development went ahead Consett would lose more than it would gain from it. Councillor Zair **seconded** refusal of the application.

Councillor Isabella Roberts advised that she had visited the site the previous day, and agreed with her colleagues on the Committee that this was the wrong location. Everyone had a voice, including the children who were also out on site. The notes they had with them must have taken some time to prepare. It was their future they had to consider. The area was beautiful and would thrive; Consett had already its share of industry of this type. This would not be the right business for their area, and she agreed with everyone who had spoken that it was not the right place. She accepted that a facility was needed but not in this area, and not at the cost of the people of Consett.

Upon a vote being taken it was **Resolved:**

That the application be refused for the reasons set out in the report.

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DURHAM COUNTY COUNCIL

At a Meeting of **County Planning Committee** held in Council Chamber, County Hall, Durham on **Tuesday 19 October 2021 at 9.30 am**

Present:

Councillor G Richardson (Chair)

Members of the Committee:

Councillors A Bell (Vice-Chair), D Boyes, D Freeman, J Higgins, C Hunt, P Jopling, C Marshall, M McKeon, I Roberts, K Shaw, A Simpson and S Zair

1 Apologies for Absence

Apologies for absence were received from Councillors C Martin, P Molloy and S Wilson.

2 Substitute Members

Councillor J Higgins as substitute Member for Councillor S Wilson and Councillor D Freeman as substitute Member for Councillor C Martin.

3 Declarations of Interest

Councillor Freeman informed the meeting that he was a Member of the City of Durham Parish Council who had commented on the application to be considered but he was not a Member of the Planning Committee and had no input to their response to the application. The City of Durham Trust had also commented on the application, and while a Member of the City of Durham Trust, he was not a Trustee and again had no input to their response.

Councillor C Marshall informed the Committee that he had previous involvement with the application in his former role as a Cabinet Member in the development of the County Durham Plan but had no pre-determined views on the application. Councillor K Shaw declared the same interest as Councillor Marshall as a former Cabinet Member.

The Chair informed the Committee that Councillor C Fletcher had declared an interest and once she had spoken on the application as a local Member she would leave the meeting and take no part in the debate.

4 Applications to be determined

a DM/20/03558/OUT - Land to the east of Regents Court, Sherburn Road, Durham

The Committee considered a report of the Principal Planning Officer regarding an outline application, including access, for a proposed residential development of up to 500 dwellings on land to the east of Regents Court, Sherburn Road, Durham (for copy see file of Minutes).

The Chair informed the Committee that there were nine registered speakers in objection to the application and three registered speakers in support of the application. As such he had exercised his Chair's discretion and would allow each objector up to two and a half minutes to speak and each supporter up to seven and a half minutes to speak.

G Blakey, Principal Planning Officer provided a detailed presentation which included a site location plan, aerial photograph of the site, site photographs, masterplan for the proposed development and design code.

The Principal Planning Officer informed the Committee of some modifications required to the recommendations contained within the Committee report as follows:

- A primary school contribution which was for a larger amount of money and included some additional work that the County Council would like to do alongside some of the works which would result as an uplift of pupils from the development. The figure would be revised down to £790,000 from £1.9m in the report.
- The contribution of £50,000 to the Laburnum Avenue Community Centre should read Laurel Avenue Community Centre.
- Delegated authority was sought to update some of the plans to ensure the relevant references to the revisions were correct.

The Chair informed the Committee that local Members Councillors E and L Mavin had submitted written representations to be read out to Committee as they were unable to attend the meeting. I Croft, Senior Committee Services Officer read the representations as follows:

This Application is absolutely huge for our area and it's caused a lot of debate, some positive and some negative. The Banks Group have been heavily involved in the consultation process with organisations residents the Parish Council and with local Councillors, they have been open and transparent throughout this process and have listened to people's concerns. We have received one phone call regarding concerns over this development, several more in support of it. When we have been out in the community people have been very positive and excited about this development, we have not received one negative comment. We feel this project will be good for the local area and even the City, bringing jobs and wealth to the area and much needed housing. We would like to support the Officers recommendation for approval subject to conditions.

Councillor C Fletcher, local Member, addressed the Committee. Quality, affordable housing was essential if Durham City was to be a successful community. Housing affected all aspects of a person's life and everyone had the right to safe, decent, affordable housing. Councillor Fletcher had been involved in quite a number of discussions and consultation sessions with members of the community across the area and had talked to numerous residents. As Vice-Chair of Belmont Parish Council, Councillor Fletcher was keen to ensure Parish Councillors views were represented and was pleased to see their views were contained within the report to Committee.

Local shops and services in the area employed many local people from Gilesgate, Belmont and Carrville and Councillor Fletcher hoped people who moved onto the development would continue to enjoy the shops and services which were available locally and increase the potential for more employment.

The proposed development would result in a lot of people being added into the local area which would provide some challenges. It was important to build homes for life which enabled people to stay in their homes for as long as they wished to live there without being constrained by the build, including accessible entrances, wider doorways and facilities to enable sleeping downstairs.

Many residents had been concerned about the impact of the development on traffic around their homes and in the area. Councillor Fletcher was pleased that an entrance was now possible from the traffic lights onto the new development. There remained, however, many concerns about the increase of traffic and Councillor Fletcher urged the Committee to ensure these concerns were taken into account should planning permission be approved.

Councillor Fletcher was pleased about the planned junction improvements around the area and commended the planning officers for their work on this.

Councillor Fletcher urged the Committee to ensure the funding be made available to support pupils in the local primary and secondary schools as a result of uplift of pupils, as well as investment into the local health services which had been a concern of local people. Popular community facilities such as Laurel Avenue Community Centre, Belmont Park and the Pelaw View Centre would need support to ensure they could provide for the increase in the number of residents.

There was concern that the application was of a general nature for the development rather than a detailed masterplan and high quality environmental considerations were needed for the development to address the impact on the environment locally and also consider issues such as flooding and climate change.

Retaining access to Bent House Lane had been a big improvement to the plan. Residents of Old Durham, the houses at Bent House Farm and the 21 bungalows on Bent House Lane had been keen to see access retained. Residents of the 21 bungalows on Bent House Lane did not want to look out onto three-storey town houses and there needed to be sensitivity in the planning of the estate to residents who would look onto it.

Councillor Fletcher requested that some consideration be given to the introduction of resident only parking on Bent House Lane for residents of the bungalows.

There was concern about the absence of buses within the estate, with the bus stops being located on the main road. It was disappointing this meant that the focus of the more concentrated housing would be nearer the road with the more executive housing further back as it was assumed they would have their own transport.

Councillor Fletcher asked the Committee to insist on the environmental factors, the maintenance of the rural setting in the area and ensure that the buffer zones of shrubs and pathways and the woodland block were not only minimally maintained but also improved and extended to shield residents who overlooked the site.

Overall residents were supportive of the application and on their behalf Councillor Fletcher offered her support for the application.

Councillor Fletcher left the meeting.

Mr D Harris addressed the Committee to object to the application. Mr Harris considered the proposal to be a disgrace and informed the Committee that the case officer had not responded to his telephone calls or emails. He considered the Council's way to deal with problems or contentious issues was to ignore them. Over the last three and a half years Mr Harris had been in contact with the County Council regarding the proposed development which Mr Harris resided adjacent to in West Sherburn there had been little appetite to listen to concerns raised regarding the impact and consequences to existing residential properties. The development would exacerbate the problem of traffic on the link road. Noise, speed and volume of traffic past Mr Harris property had increased disproportionately compared to the pre-modification situation yet highways officers deemed the link road to be operating successfully, without having fully checked all aspects of the situation, merely making assumptions and guesses.

Mr Harris had no doubt that the objective of delivering the County Durham Plan and meeting government targets on house building would take precedence over the views and concerns of individuals and the points raised would be consigned to the bin or swept under the carpet. However, this proposal had serious detrimental consequences for Mr Harris and several others and needed the issues raised to be analysed and answered fully.

J Ashby of The City of Durham Trust spoke in objection to the application. The fundamental determinant of this major application was the County Durham Plan which took 10 years of hard work and very close independent scrutiny. Every word in the Plan mattered. The County Planning Committee were the guardians of the County Durham Plan. This scheme was one of the most significant the Committee would determine and it had a long way to go before it complied with those hard-won policies.

County Durham Plan Policy 5 required the Sherburn Road housing allocation H6 to be comprehensively master-planned. This would need to demonstrate how the

phasing of development on these sites would have regard to the provision and timing of the infrastructure and services necessary to support them.

The masterplan offered provided merely an illustrative development framework with its contents being nothing more than possibilities. A planning condition would not overcome the fact that it was nowhere near comprehensive and had no phasing. It fell at the first hurdle.

County Durham Plan Policy 5 very specifically stated that development would comprise 420 houses at Sherburn Road whereas this scheme proposed up to 500 dwellings. The figure 420 was not 410 or 430 never mind 500.

County Durham Plan Policy 5 said in order to reduce the dominance of car traffic both sites would incorporate convenient, safe and high quality bus, pedestrian and cycle routes within, and connecting to, adjoining facilities. However, the Committee report said that it would be unlikely that bus services would penetrate the site. Once again, the Committee was being asked to set aside hard-thought wording at its very first exposure.

Many houses would be well beyond the maximum 400 metres distance from the bus stops. The report completely failed to cover the design flaws of walking and cycling routes.

The Trust concluded that the application fell so short of compliance with County Durham Plan policies that approval should not be granted. Instead, the decision ought to be deferral so that space was given to the applicant to produce a revised application worthy of this great challenge.

Mr M Hurlow addressed the Committee in objection to the application. Mr Hurlow read a statement on behalf of the World Heritage Site Co-ordinator, Jane Gibson.

As WHS Co-ordinator I submitted serious concerns about failures in assessment relating to the World Heritage Site and how little was being proposed to address these problems. These issues were first drawn to the attention of the applicant late in 2020. There is an inaccuracy in the understanding and description of the inner setting for the WHS, the boundary of which runs through approximately one quarter of the site. The boundary is the most important part forming the skyline in relationship to the WHS and the City, deliberately drawn as a broad line or zone because of the potential for building intrusion into the skyline. The applicant incorrectly refers to it as finishing on the site boundary on Bent House Farm but shows the correct position and extent in a heritage assessment map. Distant viewpoints were also inadequately identified.

The negative impact from the development adds cumulatively to the reduction in quality of the inner setting and there is no analysis of this. The importance of the WHS historic access routes and maintaining their quality is also missed. The proposal submitted may be in outline but were locking in expectations of offsite planting and the approach to edge layout. The layout was a standard volume housebuilders approach and the landscape mitigation approach equally basic. They fail to achieve adequate treatment to the green area being removed from the

WHS inner setting. The high impact of the lead edge of the existing Sherburn Road Estate was well understood locally and the applicants adjacent outline layouts simply repeats the same pattern of edge development. So far this is a lost opportunity. What was needed was a more thorough and detailed review of the WHS and heritage impact. There was a need for a much higher quality of design allowed on the side edge of the WHS inner setting and a need for well-designed advanced planting before development starts under a clear management regime would go a long way to mitigating impact. It should be noted that any new planting would not start screening until 20 years' time. Such a scheme could range across the whole of the applicant's landholding designed to be compatible with agriculture use. Unfortunately none of this is adequately covered in the proposal. Financial contributions were identified to the nearest penny but the key heritage issues were not tackled and this failure would need to form part of the review of the setting for the WHS.

Mr R Hornby on behalf of the Gilesgate Residents Association address the Committee to object to the application. The proposed development site was within an unparished area and therefore there was no Parish Council who the land directly related to. Gilesgate Residents Association represented the views of the collective residents of Gilesgate. The Committee was meeting to consider approving the application to place houses on the site and access arrangements and not the detail. The proposed conditions on the development stated that approval of the details, appearance, landscaping, layout and scale would be dealt with by reserved matters. Nevertheless, in condition three the Committee was also being asked to approve works shall be carried out in strict accordance with the following plans which included the revised design code received on 1 October 2021. Mr Hornby drew the Committee's attention to this document because it described how the development would proceed, for example, the interface between the existing properties on Bent House Lane and the proposed site which stated on page 10 in Article 3.30 these buildings would be definitively two-storey buildings, and this could not be approved. The Residents Association felt that the best interface with housing which was existing as bungalows was other bungalows. Policy 17 of the County Durham Plan also stated that on sites of two units or more a minimum of 10% of properties should be of a design and type that would increase the housing options of older people and appropriate house types considered to meet this requirement included level access flats and level access bungalows. The details proposed in the revised design code contained no mention of single storey properties and this was the greatest concern of the Residents Association. The revised design code was inappropriate and should be considered as part of a reserved matters application which should be considered by the Committee.

Mr Hornby thanked the Banks Group for their proactive engagement with the Residents Association and hoped that going forward they could work together to get the best development for both the community and residents.

Mr B Evans, local resident, addressed the Committee to object to the application. Policy 5(n) of the Plan required that the development should respect and protect the character and integrity of Bent House Farm and its rural setting. Mr Evans suggested that the proposed woodland buffer for the southern boundary of the development be extended along the western edge to the same standard and

minimum depth of 20 metres to fully encompass Bent House Farm and up to and including Bent House Lane. The applicant's proposal was for a rural edge, including individual trees, shrubs and open grassland with a cycleway/footpath catering for informal use. A second document described the area as park and recreational space. This proposal and suggested usage did not constitute a proper and substantive buffer zone and would not adequately screen Bent House Farm nor maintain its current integrity with potentially large numbers of people in the area.

Bent House Lane below the existing bungalows was private and unadopted and for access for residents only of Bent House Farm. It was not clear whether permission had been either sought or granted for the proposal to exit onto Bent House Lane. Consultants acting for the applicant stated that Durham County Council had requested that traffic flows associated with the proposed development should not discharge through the junction from Bent House Lane. Mr Evans argued that vehicle outlet should be via the blocked off cul-de-sac at the north side of the site between recently built properties where a roadway was already in place.

The proposal for an uncontrolled junction midway between two sets of traffic lights when there was an already sanctioned junction on the north side A181 was not thought to be safe and an outlet via the fourth leg to the newly established Dragon Lane junction would make more sense and be much safer.

Ms G Moore, on behalf of the residents of Old Durham, addressed the Committee in objection to the proposal. Ms Moore informed the Committee she had lived at the bottom of Bent House Lane since 1997. None of the residents of Old Durham were happy about the development of land at the top of Bent House Lane, the turning of green fields with wildlife into a housing estate but felt there was nothing they could do.

Bent House Lane was owned by the local farmer and was the only vehicular access to homes in Old Durham. It was a private road, although many car users did not realise this. It was not an adopted highway although the County Council did tarmac it in 2001 as part of a cycle route but it was not gritted in the winter.

The creation of 400 or more new houses at the top of Bent House Lane would dramatically increase the use of Bent House Lane to access the riverbanks, Graham Sports Centre, rugby, rowing and cricket clubs and the town via the riverbank footpaths. It already took a great amount of patience and manoeuvring to get past the many walkers and cyclists on Bent House Lane and Ms Moore requested that the applicant provide a path at the side of Bent House Lane for use by cyclists and pedestrians. Ms Moore also requested that the Council grit Bent House Lane.

Living at the bottom of a hill directly down from the development Ms Moore requested that flood awareness be integral to the development. Councillor Mavin stated that everybody was excited but as far as Ms Moore was aware nobody in Old Durham had been asked for their opinion. The first plans shown to residents of Old Durham diverted their access from the top of Bent House Lane, an access which had been used for many years, and forced residents to drive through the new estate to the traffic lights at Damson Way. This would have increased danger for

residents of the new estate and would drastically increase the time taken for residents of Old Durham to get from their homes to the public highway. The most recent plans had given residents their access back and residents requested that a condition be attached to the development that kept their access straight out through the traffic lights at Bent House Lane. This was extremely important to residents.

Councillor L Brown addressed the Committee on behalf of the City of Durham Parish Council to object to the application. The City of Durham Parish Council had an interest in this large development as it was bound to affect the Parish's area. The Parish Council had objected on several grounds but there were two policies which needed to be highlighted.

Policy 45 protected the World Heritage Site, both the immediate area and the views to and from the Cathedral and Castle. 20% of the development site was within the inner setting of the WHS, with the boundary running through the middle of the development. The Parish Council did not feel that the protections offered to this iconic view, both to and from the site, were adequate either in the plans submitted or the masterplan.

Policy 5 made it clear that this development was in a sensitive location and adjacent to an area of high landscape value, so must be comprehensively masterplanned. The submitted masterplan was inadequate, in fact so inadequate it was called a design code. It gave no indication of how construction was to be phased, how traffic was to be managed, and the alternatives which were being offered to car usage. There were no plans for sustainable energy to be utilised in any of the development which was surely a must for a County which was moving towards carbon neutrality and a feature of Policy 29 of the County Durham Plan.

Finally, and most damning of all, the masterplan had been written at the last minute having been uploaded to the planning portal on 1 October by the developer and landowner which had been blindly passed by the Strategic Planning Team, and, of last Friday, without even being examined by the Strategic Planning Manager. This was not good enough. The application was recommended for approval and Councillor Brown asked that it be refused or deferred until such a time there was a masterplan which was fit for purpose and not written by parties with vested interests.

Ms N Holt, local resident addressed the Committee to object to the application. Ms Holt referred to concerns about flooding and drainage risk. Both National Policy 14 and County Durham Policies 35 and 36 referred to flood management and the effects of schemes on flood risk. Bent House Farm was prone to surface water and water collection, the field topography was such that the fields drained into and collected in Ms Holt's garden. The development would have larger volumes of surface water. Ms Holt also had field drains draining in to her garden. The report at Paragraph 80 stated that when determining planning applications local planning authorities should that ensure flood risk was not increased elsewhere. Whilst Ms Holt accepted there had been a flood risk assessment for the development and she fully supported the use of SUDS she did not feel that the impact of drainage from the development had not been considered for Bent House Farm and the risk of flooding properties and requested further assessment in this regard.

Referring to footpaths, Ms Holt informed the Committee there was a public footpath proposed in the south west corner of the development which would begin on the corner of her garden. The map was misleading in terms of existing vegetation which was only a partial thin hedge. The police submission of December 2020 stated it was important not to have unnecessary footpaths to the rear or side of properties and that excessive permeability can generate crime. This was relevant in terms of the proposed footpath and also the proposed paths in the rural edge and park and recreation areas to the side of Miss Holt's property. Ms Holt supported the woodland buffer application as suggested by Mr Evans. Ms Holt requested a deferral of consideration of the application so that the concerns of local residents could be considered.

Councillor J Elmer addressed the Committee to raise issues about the application. Councillor Elmer informed the Committee he had concerns about the strategic precedence this application set.

The allocation of 420 houses in the County Durham Plan was agreed after extensive deliberation by experts, so pushing this up to 500 via a change in methodology was unjustified and inappropriate for this countryside site. Overdevelopment would have a negative impact on the adjacent high value landscape and World Heritage Site inner setting.

Referring to sustainable travel, Councillor Elmer informed the Committee that the Council was trying to plot a future of reducing car use and this was a standard development which enabled car use and very little had been provided in the way of provision for cyclists, there was no bus penetration through the site either and this was particularly problematic for older people who could no longer drive a car.

The impact on the World Heritage Site inner settings had not been given enough weight in the assessment and the screening and tree belts were not robust enough. 20 metres was the minimum required and more ambition was needed. Planting had not yet started so it would take decades for the planting to provide screening.

The impacts on the World Heritage site were considered less than substantial but they needed to be negligible given the precarious hold Durham had on its World Heritage Site status.

Referring to biodiversity, compensations were not guaranteed, and the biodiversity net gain was questionable since there was no evidence of compensatory land ownership.

With reference to sustainable energy, the applicants sustainability statement said discussions had taken place with Durham County Council's low carbon energy team but the advice offered by that team was not indicated anywhere in the application. The houses would be insulated to a minimum standard and would no doubt be reliant on gas boilers.

Councillor Elmer considered that all of the matters raised should be addressed through the masterplan. The plan should show the phasing of the development and infrastructure and the application failed on Policy 5 of the County Durham Plan.

Mr J Seabury addressed the Committee on behalf of the applicant. Mr Seabury supported the planning officers report to Committee and noted that a robust assessment had been undertaken by Council officers which confirmed that the site was suitable for new housing development. The Banks Group was a family run employer established in County Durham over 40 years ago and was experienced in bringing forward a wide range of property and energy projects, such as this proposal. The application site was included as a housing allocation in the County Durham Plan.

The applicant had met and spoken with a wide range of people in the local community from early stages to understand the range of local opinions and allow these to be taken into consideration wherever possible. The applicant continued to engage despite government restrictions including attending a socially distanced meeting with Belmont Parish Council, a Facebook live meeting with Gilesgate Residents Association, door knocking exercises to the closest properties and outdoor meetings with local residents where requested.

As a result of the consultation responses received the applicant had made a number of important changes to the application since it was first submitted, including Bent House Lane remaining open for existing traffic, the inclusion of drainage features on the south west part of the site to prevent surface water run-off and the inclusion of the remaining land to the east of the original proposal which ensured that all land within the housing allocation formed part of this planning application.

Some of the people who lived closest to the site had raised objections, however it should also be noted an equal number of letters in support had also been received, acknowledging the many benefits that the scheme would bring. Independent consultants had assessed the impact of the proposal, including the operation and safety of highways in the local area, using both nationally and locally approved methodology and had confirmed the scheme would have no severe impacts. A number of offsite highways improvements had been identified to improve the highway network.

Referring to the number of houses on the application as a whole the County Durham Plan included an estimated yield of 30 dwellings per hectare. There were no references in the County Durham Plan to the estimated yield being a maximum figure and policies in the Plan conformed this was a minimum requirement. Policy 30 stated that all new residential development would be built to at least 30 dwellings per hectare around town centres and areas where there was good access to facilities and frequent public transport services. Due to being located on the edge of Durham City and on a key public transport corridor with access to a wide range of services and employment within suitable walking and cycling distances an average density of 32.7 dwellings per hectare was proposed. The proposed density reflected the sustainability of the site and the character of the local area and was in

line with the adjacent housing development which had an average density of 33 dwellings per hectare.

The masterplan clearly demonstrated how 500 houses should be delivered along with open space, landscaping, road infrastructure and drainage requirements as part of a high-quality development. National and local planning policy stated that development should make effective use of land and resources by achieving higher densities in locations with good access to public transport and this supported the proposed density for the site.

Heritage and landscape had been considered through promotion of the site through the County Durham Plan with regards to the extent of the housing allocation and also new landscaping. The heritage assessment and landscaping appraisal demonstrated there would be no significant impacts to the World Heritage Site, nearby listed buildings, conservation areas or the wider landscape.

The applicant had worked with the Councils planning team to define a list of wider improvements to surrounding land within the greenbelt. Such improvements would see the creation of new public rights of way, reinforcing existing field boundaries and ecological improvements. The improvements had been carefully designed to enable the current farmer to be able to continue his farming practices on the land. The applicant had legal interest in the land providing certainty that the improvements would be delivered as part of this application as set out in the Committee report.

No objections had been raised by statutory consultees with responsibility for highways, drainage and flooding, ground conditions, archaeology, heritage, noise, air quality, landscape or ecology.

The Bent House Lane development would make a valuable contribution to the local economy through construction costs, direct and indirect employment during the construction phase, significant levels of new additional expenditure as well as developer contributions to support local infrastructure. This included 95 temporary construction jobs each year across the 6/7 year building phase, an additional 140 indirect jobs each year across the construction supply chain and to local businesses, once constructed and occupied over £6m net additional expenditure each year to local businesses, around £700,000 each year in Council Tax payments to the County Council.

In addition to the various highways and public rights of way improvements the applicant would also be providing 25% affordable housing on site as well as significant contributions to improved education provision, the NHS, community facilities and open space in the local area.

The development was entirely appropriate and complied with all Durham County Council policies and would contribute significant social, economic and environmental benefits to the local area. Mr Seabury requested that the Committee approve the application in line with the officers recommendation.

Mr Evans questioned why an applicant was able to support his own application at the Committee. The Chair explained that this was standard practice in Planning Committee meetings.

The Chair informed the Committee that a representation had been received from Claire Linfoot and Katie Corrigan of the Laurel Avenue Community Association who were unable to attend the meeting. I Croft, Senior Committee Services Officer read the representations as follows:

We would like to express our support for the planning application due to the many social, economic and environmental benefits the project brings. As the site is allocated for housing, there is an undeniable need for new, high quality housing which this project will deliver. The new housing will allow existing families in the area to stay in the area as well as hopefully bringing new people into the area too.

It's widely accepted that new housing brings in significant economic benefits to the area and this part of Belmont division will see substantial regeneration which is extremely important too. The project will bring in money to support new educational facilities, new open space and recreational facilities plus a £50,000 contribution to our centre which will ensure our centre is upgraded so we can continue to deliver help and support to the residents of the local area. Finally, the application ensures that there are many on and offsite environmental benefits which will help to make the development sustainable for future generations.

I hope this helps to give planning committee members a representation of the local feeling and support for this application and a positive decision is taken.

Mr S Wilson of Belmont United FC addressed the Committee in support of the application. Belmont United FC was a fast-growing local football club and since creation in 2019 it had 10 junior football teams ageing from under 7 to under 11 and 3 adult teams involved in local leagues.

Belmont FC was local to the development and felt that the s106 contributions should be used to support both the club and the local people who used it.

Belmont FC also ran mini dribblers sessions which had over 80 children per week involved in football training, many of whom were from the Belmont division of Durham County Council. It was extremely important that local clubs could benefit from developments like the Bent House Lane project and Belmont FC urged the Committee to approve the application so that the much-needed housing could be built in the area and the s106 contributions could in turn support the local community.

Councillor McKeon referred to the comment made that Durham City was in a precarious situation regarding its World Heritage Site status. She had checked on the UNESCO website and could see no mention of this and sought clarification from Councillor J Elmer. Councillor Elmer replied that this was not the first planning application where the World Heritage site Co-ordinator had raised concerns about the impact on the World Heritage Site and this could have a cumulative impact.

The Principal Planning Officer responded to some of the issues raised. A key issue raised was the masterplanning element to the site. While the displayed plan showed the site as a whole, it had engaged three different landowners to signing up to it initially, and there was both physically looking at the interrelationship of road widths and other things on the site as well as looking through the process this had gone through. Since the application was submitted it had been vetted by all internal and external consultees and been through the Council's internal review panel process where it received three greens and three ambers. Simply because the developer had submitted the displayed plan did not mean the masterplan was ineffective. There were wider issues in terms of the infrastructure and these were covered in the report regarding highways issues, schools and the community association.

Referring to homes for life, the County Durham Plan required delivery of some of this. 66% of the site would be delivered to accessible homes standard under Building Regulations.

This was an outline application, but the masterplan layout as displayed was considered useful to give future builders some direction on what residents hoped to see on site and officers would like to see on site. The design code submitted on 1 October was in response to the inclusion of an additional piece of land following agreement with the Church Commissioners.

Referring to issues raised regarding the World Heritage Site, this site had been allocated for housing in the County Durham Plan and this aspect had been debated at the examination in public as well being assessed by a Planning Inspector.

The potential access for a fourth leg off the Damson Way traffic lights to the north east corner of the site had been mentioned. The access was not proposed through this location, it was proposed to the west of this as a standard T junction, sited approximately halfway between the traffic lights at Dragon Lane and Damson Way. Highways officers had examined the proposal and considered it to be acceptable.

In terms of the biodiversity net gains and land ownership, as part of a Policy 5 requirement developing into what was greenbelt land required offsetting of this in the wider area. This included farmland to the south and west of the site. A selection of mitigation measures were proposed on this land and the Council would expect the landowner and/or the applicant to be a signatory onto the planning obligation to secure the delivery of this and the long-term maintenance.

Various discussions were held with residents of Bent House Farm which had pre-existing issues with surface water flooding. All new housing development had to retain surface water which fell onto an impermeable surface into a closed system.

The footpath shown on the plan was indicative only and could be situated slightly differently to that shown.

N Carter, Planning and Development Solicitor referred to the issue of the ownership of Bent House Lane and access to and from that area. Issues of ownership and

access were predominantly private law matters and not something the Committee could afford weight to in the determination of the application.

The Committee process which operated allowed applicants, supporters and objectors the opportunity to attend the Committee and make their representations for consideration by Members.

Councillor Boyes, as a long-standing Member of the Committee, could not remember seeing a proposal which so polarised community members. Councillor Boyes had some concerns relating to highways and the issues raised by residents about flooding. Councillor Boyes asked whether the highways system could accommodate the extra traffic which would be generated by the development. He had been contacted by a number of people from Sherburn Village regarding the roundabout in the village which was already under a lot of pressure since the southern spur road to the A1(M) was constructed and asked whether the roundabout could accommodate the additional traffic and whether there were any accident statistics available for this area.

Referring to flooding, Councillor Boyes informed the Committee he was aware there were specific flooding issues in this area. The applicants website stated that flood mitigation works would be carried out through SUDS and Councillor Boyes asked whether any work had yet been carried out on site.

D Battersby, Principal DM Engineer sought clarity of which roundabout Councillor Boyes was referring to. Councillor Boyes clarified that he was referring to the roundabout in the middle of Sherburn Village. The Principal DM Engineer informed the Committee that during assessment of the project extensive transport assessment had been analysed which looked at a large number of junctions associated around the area. The assessment highlighted concerns about the junction of the B1283 and the A181 just east of the motorway and also the A181/B1198 junction at Mill Lane. These concerns had produced some of the mitigation measures which would include signalisation of these two junctions.

The Principal Planning Officer advised that flooding issues were raised during the application process and the application was picking this up in the broader sense at this point with further detail needed. No works had yet been carried out on site, but ordinarily drainage was one of the first infrastructure works on a housing development.

Councillor Jopling informed the Committee that it was important to remember that the site was designated for housing development in the County Durham Plan. To refuse the application would be to vote against the County Durham Plan, which had undergone a lengthy period of scrutiny prior to being adopted. Having said this, Councillor Jopling did not like outline planning applications for such large developments and asked that all reserved matters be brought back to Committee for consideration. The Principal Planning Officer informed the Committee that within delegated authority in the Constitution there was an ability for the Head of Planning to exercise discretion in bringing forward items to the Committee and Councillor Jopling's request would be taken into consideration.

Councillor Marshall informed the Committee that the application had been through an examination, many representations had been presented to the Committee and he did not want to jeopardise development or s106 payments on the back of another Planning Committee application.

The Planning and Development Solicitor advised that it was not within the remit of the Committee to determine how a future application for reserved matters was to be determined. The Principal Planning Officer had explained that there was a process for a future reserved matters application to be brought to Committee by way of call-in or through the exercise of delegated powers by the Head of Planning. If it was the wish of the Committee for reserved matters to be brought back to Committee this could be fed back by Planning Officers to the Head of Planning. This was not something which could be decided upon as part of the decision in connection with the application before the Committee.

Councillor Boyes informed the Committee that it had previously delegated authority to the Chair and Vice-Chair of the Committee to be involved and consulted on reserved matters applications. If it was not appropriate for the reserved matters to be brought before the Committee he proposed that the Chair and Vice Chair had oversight on reserved matters. This was seconded by Councillor Hunt.

The Planning and Development Solicitor advised there was no problem with the Chair and Vice Chair having input into the determination of the future application if that was the wish of the Committee.

Councillor McKeon referred to the discussions and presentations made to Committee and thanked all parties for their well thought through and conscientious submissions.

Referring to s106 money from the application Councillor McKeon informed the Committee she was perturbed by the amount the s106 payments had decreased. As far as she was aware Belmont Comprehensive had some of the oldest and most decrepit buildings of any school on County Durham and had tried on many occasions to improve the capital situation. Councillor McKeon would like more s106 money to come into the area to improve either education or environmental works in the area.

Councillor McKeon considered that the issue raised by the Residents Association regarding bungalows facing onto bungalows was important and it was a good idea to have two bungalow communities together. Councillor McKeon suggested there could be a loop in the estate to allow a bus service onto the estate and asked whether bus operators had been engaged about increasing public transport in the area. Councillor McKeon understood the concerns which had been raised about the impact on the World Heritage Site but Durham was a living and breathing city with people struggling to get onto the housing ladder. This application proposed 25% affordable housing and would create a small community which would allow residents to access the facilities of the City on foot.

The Principal Planning Officer replied that the Sustainable Transport Team had been consulted on the application and bus operators had been contacted on the

opportunity for a loop service. However, this was not possible within the constraints of the current timetable. The application was then considered based on the level of existing service and was considered to be sustainable.

Referring to the issue raised regarding bungalows, the site was an agricultural field not at the same level as the road and there may be some positions on the site where bungalows were not appropriate because of this.

The impacts of the development on both primary and secondary education had been assessed. With regards to secondary education there were plans for a new secondary school to be built. In terms of assessing the impact from the development, in planning terms, it can only offset the impact the development would create. The Council had an adopted formula to assess this which was factored into the capacity at the planning stage for the school. Approximately 5% of future pupils to the new school could be generated from this development and as a result the developer was footing the cost of the overall build total based on this figure. With regards to primary education, which was where the change in contribution arose, the impact of where pupils from the development could go within the education system was considered as Laurel Avenue Primary School, and the School Places Manager within Children and Young People's Services had undertaken an onsite assessment several works were identified which needed to be done but because the development could only mitigate its own impact the figure for these works needed to be taken out of the contribution and this had not been reflected in the drafting of the report.

The Planning and Development Solicitor reminded the Committee of the relevant tests for the imposition of planning obligations. Planning obligations could only be imposed where it was necessary to address the impacts of the development and make the development acceptable, be relevant to planning and be proportionate. There was limited scope to change the mix of the planning obligations which were set out in the recommendation, as amended.

Councillor Marshall thanked all those who had taken an interest in the application. This was a large application which was allocated within the County Durham Plan. Any development needed to be sympathetic to the needs of the local community and did not exacerbate any problems. Councillor Marshall was pleased that there had been a lot of engagement and the application had been amended based on feedback from consultation. Councillor Marshall referred to Planning Policy and the County Durham Plan. This site was one of a number of green belt allocations in the County Durham Plan which were assessed by an Independent Inspector when the Plan was undergoing examination. Many of the issues raised on this application were raised at this examination. Councillor Marshall considered that the principle of housing development on this site had been established and housing growth was needed to grow the economy. This development would diversify the housing mix and improve recreational facilities as well as provide investment in schools. The proposed development could also result in an increased demand for buses and sustain a bus service in the area. Having a sustainable County and a sustainable community was very important and this would only be done with developments like this one. Councillor Marshall proposed that the recommendations in the report be approved subject to the Conditions being agreed in consultation with the Chair and

Vice Chair and that the Condition on the local footpaths allowed the flexibility for the development to evolve as discussions between local residents and the developer continued.

Councillor Freeman informed the Committee that the site was allocated for housing in the County Durham Plan, however, it was allocated for 420 dwellings yet the application was for 500 dwellings and he considered this to be overdevelopment. This overdevelopment was highlighted by the s106 contribution for play equipment which could not be placed on the site because of the overdevelopment of it. Councillor Freeman welcomed the affordable housing aspect of the scheme but was concerned there seemed to be a move away from the percentage that had been allocated for housing for rent. With reference to the s106 contribution towards education Councillor Freeman questioned whether this could be requested to be provided up front to accommodate the children from the development. Referring to sustainable development Councillor Freeman asked whether the proposed properties had charging points for electric vehicles and heat pumps, both of which would be required in the near future.

The Principal Planning Officer informed the Committee that there was a Condition on the planning permission for all dwellings to have bike storage and Electric Vehicle charging points and it was expected this would be provided at the reserved matters stage. Referring to affordable housing the balance was for a 10% to 15% split for rental within the 25% affordable housing. Within the 15%, 10% was confirmed with flexibility for the other 5% following discussions with the applicant and the affordable housing team about different types of product such as rent to buy or shared ownership. Because of the scale of affordable housing which was being proposed it was important to have a range of options.

With reference to triggers for s106 payments the Principal Planning Officer informed the Committee it was expected the development would finance its impacts as it progressed. The applicant had eluded to a 6 to 7 year time build out rate and contributions would be made at set points of the development as it progressed.

The blanket housing density was 30 dwellings per hectare in the County Durham Plan and this development was 33 dwellings per hectare. There was 4.4 hectares of space within the boundary of the site which was not being developed for housing out of a total of 19½ hectares, some 22% of the site. The proposed density per hectare allowed for the introduction of green space within the site.

Councillor McKeon, referring to bus services, referenced a service which ran from Durham City to the Dragonville site and asked whether any discussion had taken place to slightly extend this service to include this development. The Principal Planning Officer replied that discussions had taken place with the relevant providers. Although no advance commitment was forthcoming, it may be that once the site was developed the bus operators extended their services accordingly. Councillor McKeon asked that the design of the development be such to be able to accommodate such services if necessary.

Councillor A Bell referred to the s106 contribution for education and asked whether local schools were oversubscribed. The Principal Planning Officer informed the

Committee that the School Places Manager produced annually a 10-year roll projection to assess class sizes and numbers on roll and this demonstrated that the local schools would be able to meet the demand from the development, subject to the proposed s106 contributions.

Councillor Shaw seconded the proposal made by Councillor Marshall, which included oversight by the Chair and Vice Chair at the reserved matters stage.

The Planning and Development Solicitor clarified that the Committee would be voting for approval of the application in accordance with the officer's recommendation together with the revisions to the recommendation as mentioned by the Principal Planning Officer and the minor amendments to Conditions under delegated powers, in consultation with the Chair and Vice Chair, together with satisfaction of the reserved matters conditions to be agreed in consultation with the Chair and the Vice Chair.

Resolved:

That the application be approved in accordance with the officers recommendation together with the verbal revisions to the recommendation as mentioned by the Principal Planning Officer and the minor amendments to Conditions to be made under delegated powers, in consultation with the Chair and Vice Chair, together with satisfaction of the reserved matters conditions to be agreed by Officers in consultation with the Chair and the Vice Chair.

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	DM/21/01500/WAS
FULL APPLICATION DESCRIPTION:	Construction and operation of a high temperature thermal treatment facility for clinical and hazardous wastes
NAME OF APPLICANT:	Fornax Environmental Solutions Ltd
ADDRESS:	Land North Of Hitachi Rail Europe Ltd Millennium Way Aycliffe Business Park DL5 6UG
ELECTORAL DIVISION:	Aycliffe East Claire Teasdale Principal Planning Officer
CASE OFFICER:	03000 261390 claire.teasdale@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

The Site

1. The application site comprises an undeveloped parcel of employment land and access to it measuring 2.02 Hectares (ha) located to the south of Heighington Lane (Road B6444) and to the north of the Hitachi Rail manufacturing facility to the south west of Newton Aycliffe and to the west of Newton Aycliffe Industrial Estate, one of the largest employment estates in the north east of England.
2. The site is located within the northern part of the wider Merchant Park employment estate granted outline permission in 2007 for B1 (Business), B2 (General Industry) and B8 (Storage or Distribution) uses comprising a maximum of 131,540m² of floor space with associated car and lorry parking facilities and access and distribution roads, renewable energy facility, landscaping and associated environmental mitigation measures. An extension of time for commencement of the development was approved in 2011. The southern part of the site has now been occupied by Hitachi Rail Europe with the northern part of the site remaining undeveloped until this year. Furthermore, the application site forms part of the current Merchant Park allocation within the County Durham Plan for B1 (Business) (now use class E(g)), B2 (General Industrial) and B8 (Storage and Distribution) employment uses. The site is identified as Plot 1.2 of Phase 3 of the Merchant Park site.
3. The site is generally level with earth embankments forming the south, east and western boundaries. Along the northern boundary is mature tree planting screening the site from Heighington Lane. To the north east of the site, north of Heighington Lane, is the Ineos Golf Course. To the east is a further area of undeveloped employment land beyond which is Plot 2 of the Merchant Park site where two industrial start up units (Class B uses) are being constructed. Further to the east is a hedgerow and an open field, beyond which lies the Darlington to Bishop Auckland Railway some 268m to the east of

the proposed access and 380m of the site. To the east of the railway line is the Heighington Lane Household Waste Recycling Centre. To the south lies an area of scrubland and a balancing pond, beyond which lies the Hitachi Rail manufacturing facility some 80m distant. The western boundary of the site abuts another vacant plot of undeveloped land with mature trees beyond.

4. Aycliffe South Business Park lies to the east, Forest Park to the south east and Aycliffe North Business Park to the north and north east. The business parks comprise a number of varying industrial uses as well as the University Technical College South Durham and Xcel Centre Conference Centre.
5. The site lies entirely within the administrative boundary of County Durham with its western boundary abutting the administrative boundary of Darlington Borough Council.
6. School Aycliffe lies approximately 840m to the north west, Heighington approximately 1.4km to the west, Aycliffe Village approximately to the 1.5km to the east and Newton Aycliffe some 1.8km to the north. The nearest residential properties are individual properties located to the north west of the site. These being Twin Oaks Stables some 320m from the site, Eastfield Farm 680m from the site and Dormerstiles 780m from the site. The closest groups of residential properties are in School Aycliffe approximately 840m to the north west.
7. No designated or non-designated heritage assets are located within the site. There are several designated heritage assets within the vicinity of the site, the nearest of which is the Grade II Listed Heighington Signal Box some 240m to the north east of the proposed access to the site. The Grade II Locomotion One Public House and East Platform is approximately 260m to the north east of the proposed access to the site. The Stockton to Darlington Railway Line is approximately 375m to the east of the site which forms part of the Stockton and Darlington Railway Heritage Action Zone.
8. Some 1.4km to the south east in Aycliffe Village the Grade 1 Church of St Andrew, and 1.4km to the east are the Grade II Oakles Farmhouse, Grade II 14, High Street and Grade II 3, The Green. 1.3km to the north east in School Aycliffe are the Grade II Nurses' Teaching Centre, Wall and Gate Piers and Old Farm Cottage. Within Darlington Borough there are several listed buildings some 1.3km to west within Heighington.
9. Aycliffe Village Conservation Area is approximately 1.3km to the east at the closest point. Within Darlington Borough, approximately 1.2km to the west of the proposed site, is Heighington Conservation Area. 2.4km to the south east is the Coatham Mundeville Conservation Area and Scheduled Monument of Coatham Mundeville medieval village, fishpond and areas of rig and furrow also within Darlington Borough. A number of listed buildings lie within the Conservation Areas. To the north west of Heighington Conservation Area is the Parkland of Redworth Hall. The extent of the parkland identified in the Darlington Borough Local Plan adopted in 1997 (amended 2001) is not being carried over to the emerging Darlington Local Plan 2016-2036.
10. The site is not located within any landscape or ecological designations. An Area of Higher Landscape Value (AHLV), as defined in the County Durham Plan is located approximately 1.8km to the east with other such designations more distant. Cumby Pond Local Wildlife Site (LWS) is located approximately 450m to the south, Aycliffe Quarry LWS is located approximately 1.4km to the south east. The mostly developed Snipe LWS is located approximately 930m to the north east. School Aycliffe Wetland LWS is located approximately 1.8km to the north west, 2km to the north east is Aycliffe Nature Park LWS. There are no designations within Darlington Borough although Cumby's Plantation was a former Site of Nature Conservation Importance.

11. The site is located within Flood Risk Zone 1. Demon's Beck runs some 10m to 40m to the south of the site and is identified as Flood Zone 2 and 3 with a balancing pond immediately to the south of it. The site lies within Groundwater Source Protection Zone 3 and a Groundwater Vulnerability Area as defined by the Environment Agency, being located upon the Magnesian Limestone principal aquifer.
12. A Health and Safety Executive (HSE) Major Hazard Site consultation zone lies to the north east of the application site. The site overlies a Mineral Safeguarding Area for magnesian limestone.
13. There are no public rights of way within the site. The closest is Footpath No. 5 (Great Aycliffe Parish) some 80m to the south and runs west to east joining with Bridleway No. 6 (Great Aycliffe Parish) to the east of the railway line. Footpath No. 5 (Great Aycliffe Parish) is separated from the proposed site by an existing balancing pond. To the west Footpath No. 5 (Great Aycliffe Parish) turns into Footpath No. 6 (Heighington Parish) within Darlington and then back into Footpath No. 5 (Great Aycliffe Parish) and runs north south linking into a network of public rights of way within Darlington Borough. An informal track runs through the site.

The Proposal

14. This application seeks detailed planning permission for the construction and operation of a high temperature thermal treatment facility to process up 10,500 tonnes per annum of clinical and hazardous wastes. A High Temperature Incineration (HTI) Plant would, through 'rotary kiln' combustion technology, combust clinical and hazardous wastes to produce energy and heat.
15. The hazardous and clinical wastes to be used are produced by the industrial and health care sectors, primarily from within a two hour drive from the site, although the main catchment area would include Newcastle, Durham, Newton Aycliffe, Sunderland and other local towns.
16. The facility would be housed within a conventional industrial style portal building. The building would measure 104m x 60m, the main eaves height being 12.04m, the main warehouse ridge height being 14.8m, and height including the 'penthouse' element of the building (this being a raised section over the combustion plant) being 16.7m. The building would be constructed of profiled steel cladding in a muted grey palette to match surrounding buildings, with photovoltaic panels on the southern section of the roof and rooflights on the northern and eastern sections. The operation would occupy a basement level (702m² gross area), ground floor (4,548m² gross area) and mezzanine floor (972m² gross area).
17. Within the building would be a waste reception area, a basement plant area where the heat treatment process would take place and from which ash would be collected, a container holding area (dirty and clean), a container washing facility, and automated conveyor onto which containers would be loaded and an enclosed hopper into which containers would be emptied. Also, within the building would be a cold room for refrigerated storage, rotary kiln and afterburner equipment, a heat recovery system, emission abatement system, staff welfare facilities and a small office. The building would operate a controlled air management system and have a contained drainage system internally, which would feed to a sealed tank via an interceptor. The building would contain a mezzanine level to be used as a marshalling area for the storage of waste immediately before it is fed into the kiln.
18. The building would hold sufficient material to keep feeding the plant on a 24 hour basis through a long Bank Holiday weekend when no deliveries are made to the site which

would be the equivalent to at most 5 days of feedstock. This would be a standard arrangement for facilities of this kind to cover Easter and Christmas. The site would not be open to the public or general trade use.

19. Externally, hardstanding would be required for access, manoeuvring and parking. Car parking including disabled bays and cycle parking along with a surface water attenuation pond with landscaping, would be located in the southern part of the site to the front of the building. To the rear of the building, facing towards Heighington Lane, would be the service area where vehicles would unload into the building. In addition, there would be a sprinkler tank (fire water tank) and a weigh bridge. An exhaust flue of 30m in height with an internal diameter of 0.7m would be located on the northern elevation of the building. No lighting is proposed on the stack.
20. A 2.4m high steel palisade security fence would be erected around the site boundary and, at the site entrance would be a monitored gate and/or barrier. CCTV cameras would also be installed for security purposes.

The process

Waste reception

21. Waste would be delivered to the site in bins, containers or sealed packaging in accordance with the necessary guidance and stored internally within the building having been separated at their source. All vehicles would reverse and enter the ground floor of the building through a docking station system and unload the incoming waste within the waste reception area. Once inside the building all waste would be logged and tracked through a dedicated waste tracking system. When required for incineration, the waste would be transferred to the feeding system to convey the contents of the bin into the rotary kiln incinerator. The waste would be fed into the incinerator by a ram mechanism.
22. After unloading, all bins and containers would be internally transferred to a bin wash facility where they would be cleaned and disinfected using recirculated heat from the process and detergent cleaners, as required by clinical waste regulations. All wash waters would be contained and exported off site for appropriate treatment. Cleaned and disinfected bins and containers would then be transferred to an internal clean bin storage area where they would be collected by the waste delivery vehicles and removed off site.
23. The site may also take liquid waste that requires treatment; such waste would be directly injected into the heat treatment process.

Thermal Treatment Plant

24. The proposed facility would process feedstock and recover energy 24 hours 7 days a week except for shutdowns during routine maintenance. The application states that the proposed HTI plant has been specifically designed to meet the strict requirements of the clinical and hazardous waste sector. The furnace unit is designed to use gas oil as a start-up fuel until the rotary kiln and afterburner meets the required temperature required by the Industrial Emissions Directive.
25. Once the waste has been loaded into the incineration system, the wastes would be thermally oxidised and destroyed at temperatures in excess of 850°C (typically at between 1000°C and 1100°C) for at least 2 seconds resulting in an ash residue. The afterburner is designed to reach up to 1,400°C required for certain clinical and hazardous wastes in line with the Industrial Emissions Directive. Once combusted, the resultant gases would pass through to the air pollution control system.

26. All loading activities would be carried out through the use of an automated enclosed, air tight loading system to ensure that optimised combustion conditions are maintained within the primary chamber. All hot gases arising from the combustion of the waste materials would be evacuated from the rotary kiln and combusted under oxygen rich conditions within the afterburner. The afterburner is designed so that the flue gases can achieve a residence time of 2 seconds after the last secondary air inlet at 1,100°C, which is required for certain hazardous and clinical wastes. The combustion process produces a bottom ash which would be collected in a container for export off site to a suitably licensed facility approximately 3 times per week. The frequency of ash removal would be dependent on the ash content of the waste materials with the plant expected to produce approximately 1,500 to 2,000 tonnes per annum.

Energy Recovery

27. The plant has been designed to recover all available heat produced by the incineration process which is converted to hot water and steam and used to offset the need for building heating, domestic hot water and for use within the bin wash plant. The heat recovery boiler would provide hot water and steam to enable the onsite and offsite use.

Working hours

28. The development would operate 24 hours per day, every day of the year except for maintenance. However, it is proposed that deliveries of waste and export of residues would be limited to the hours of 06:00 – 22:00 Monday to Friday and 07:00 – 13:00 on Saturdays. Waste would not be accepted on Sundays or Bank and Public Holidays. Maintenance would take place on a planned basis and may result in closure of the facility for a few hours or a day once or twice a year.
29. The construction phase of the development would take approximately 15 months followed by a 3 month commissioning period. External civil operations are proposed between the hours 06:00 and 22:00 hours Monday to Friday and 07:00 and 13:00 hours on Saturdays with no external works on Sundays, Bank or Public Holidays without written permission of the Council. Internal works to install and commission the plant and equipment for the facility may take place outside these hours as required.

Traffic and access

30. A new access to the site from the existing spur off the roundabout on Heighington Lane is proposed and included in the application. Since submission of this planning application a separate application solely for access to Plot 1.2 has been approved.
31. Hazardous and clinical wastes would be delivered to the facility in vehicles of a variety of sizes with a number of smaller trucks and vans delivering lower volume loads. It is estimated that the proposal would generate up to 30 HGV movements per day (15 in and 15 out) of which 22 (11 in and 11 out) would be delivering the waste and the remainder delivering reagent, collection of ash and pallets and consumable deliveries. Where smaller vehicles (not HGVs) delivered waste, they would directly replace an HGV. Additionally, there would be 46 (23 and 23 out) car movements for the estimated 27 employees.

Employment

32. The development would create 27 full time jobs. The facility would operate with a 12 hour shift pattern (06:00 – 18:00) and there would be 8 to 10 members of staff on site

during each shift. It is anticipated that up to 75 direct and indirect jobs would be generated over the construction period.

33. The application is accompanied by an Environmental Statement (ES) as it is considered to be Environmental Impact Assessment (EIA) development having regard to the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (as amended) (the EIA Regulations). This report has taken into account the information contained in the ES, further environmental information including that submitted under Regulation 25 of the EIA Regulations and information arising from statutory consultations and other responses.
34. The application is being reported to the County Planning Committee following a request from a Local Member.

PLANNING HISTORY

35. On the application site Planning Permission 7/2007/0268/DM was approved in November 2007 for the development of the site for a mix of B1, B2 and B8 uses. In February 2001, Planning Permission No. 7/2010/0248/DM to replace the previous permission and extend the period for implementation was approved. A similar process existed for a related link road planning application (Planning Permission Nos. 7/2007/0324/DM and 7/2010/0249/DM).
36. A number of planning permissions have been granted on and in the vicinity of the application site. The full planning history for the Merchant Park site and immediate vicinity is set out below.
37. Planning Application No. 7/1990/0227/DM for an Industrial Park on 81 Acres of Agricultural land was withdrawn in September 1993.
38. Planning Application No. 7/1990/0228/DM for an Industrial Park (Outline Application) on 81 Acres of Agricultural land was withdrawn in September 1993.
39. Planning Permission No. 7/1995/0334/DM for Business and Industrial Development (Classes B1, B2 and B8) of 68.5 Hectares – Outline Application was approved 5th December 1997
40. Planning Permission No. 7/2005/0826/DM for the Erection of 9 No. Industrial/warehouse units with ancillary office and associated forecourt and service yard was approved in September 2006.
41. Planning Permission No. 7/2006/0804/DM for the Creation of Great Crested Newt Receptor Area was approved on 20th March 2007.
42. Planning Permission No. 7/2007/0093/DM was approved for the Erection of 11 new light industrial warehouse unit with ancillary offices and associated 4 colt and service yard in June 2007.
43. Planning Permission No. 7/2007/0324/DM for the Construction of link road from Millennium way to Heighington Lane was approved in November 2011.
44. Planning Permission No. 7/2007/0268/DM for Outline application for B1 (Business), B2 (General industry) and B8 (Storage & Distribution) uses (Comprising a maximum of 13,540 square meters of floor space) and associated car and lorry parking facilities, access and distribution roads, renewable energy facility, landscaping and associated

environmental mitigation measures on land south of Heighington Lane, Newton Aycliffe was approved in November 2007.

45. Planning Permission No. 7/2008/0327/DM for the Erection of 2 No. light industrial/warehouse units with ancillary offices was granted in November 2008.
46. Planning Permission No. 7/2010/0248/DM for the Extension of time limit for Planning Permission 7/2007/0268/DM for B1 (Business), B2 (General industry) and B8 (Storage & Distribution) uses (comprising a maximum of 131,540 square meters of floor space) on land south of Heighington Lane Newton Aycliffe was approved in February 2011.
47. Planning Permission No. 7/2010/0249/DM for the Extension of time limit for Planning Permission 7/2007/0324/DM for construction of link road from Millennium Way to Heighington Lane was approved in September 2010.
48. Planning Permission No. 7/2013/0142/DM Reserved matters pursuant to Planning Permission 7/2010/0248 (131,540sqm of B1, B2 & B8 floorspace) including details of layout, scale, appearance and landscaping for the erection of Phase 3A building with ancillary works was approved in June 2013.
49. Planning application No. DM/20/02064/FPA 2no. industrial start up units (Class B uses) with associated vehicular and pedestrian access, car parking and yard was approved in November 2020.
50. Planning Permission No. DM/21/01053/VOC Variation of condition 2 (approved plans) pursuant to approval ref: DM/20/02064/FPA to vary the approved design at Plot 2 Merchant Park, Heighington Lane, Aycliffe Business Park, Newton Aycliffe was approved in May 2021.
51. Planning application No. DM/21/02178/FPA for an access road to serve Plot 1.2, Land North of Hitachi Rail Europe Ltd, Millennium Way, Aycliffe Business Park is pending consideration.

PLANNING POLICY

NATIONAL POLICY

52. A revised National Planning Policy Framework (NPPF) was published in July 2021. The overriding message continues to be that new development that is sustainable should go ahead without delay. It defines the role of planning in achieving sustainable development under three overarching objectives – economic, social and environmental, which are interdependent and need to be pursued in mutually supportive ways.
53. In accordance with Paragraph 219 of the National Planning Policy Framework, existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with the Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given). 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.
54. *NPPF Part 2 - Achieving Sustainable Development*. The purpose of the planning system is to contribute to the achievement of sustainable development and therefore at the heart of the NPPF is a presumption in favour of sustainable development. It defines the

role of planning in achieving sustainable development under three overarching objectives - economic, social and environmental, which are interdependent and need to be pursued in mutually supportive ways. The application of the presumption in favour of sustainable development for plan-making and decision-taking is outlined.

55. *NPPF Part 4 - Decision-making.* Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.
56. *NPPF Part 6 – 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.
57. *NPPF Part 8 – Promoting healthy and safe 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 and community facilities. An integrated approach to considering the location of housing, economic uses and services should be adopted.
58. *NPPF Part 9 – Promoting sustainable transport.* Encouragement should be given to solutions which support reductions in greenhouse gas emissions and reduce congestion. Developments that generate significant movement should be located where the need to travel will be minimised and the use of sustainable transport modes maximised.
59. *NPPF Part 12 – Achieving Well-Designed Places.* 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.
60. *NPPF Part 14 – Meeting the challenge of climate change, flooding and coastal change* - The planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.
61. *NPPF Part 15 - Conserving and Enhancing the Natural Environment* - 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, geological conservation interests, recognising the wider benefits of ecosystems, minimising the impacts on biodiversity, preventing both new and existing development from contributing to or being put at unacceptable risk from pollution and land stability and remediating contaminated or other degraded land where appropriate.
62. *NPPF Part 16 - Conserving and Enhancing the Historic Environment* - Heritage assets range from sites and buildings of local historic value to those of the highest significance, such as World Heritage Sites which are internationally recognised to be of Outstanding Universal Value. These assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations.

63. *NPPF Part 17 - Facilitating the sustainable use of minerals.* It is essential that there is a sufficient supply of minerals to provide the infrastructure, buildings, energy and goods that the country needs. Since minerals are a finite natural resource, and can only be worked where they are found, best use needs to be made of them to secure their long-term conservation.

<https://www.gov.uk/government/publications/national-planning-policy-framework--2>

64. 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 to this application is the practice guidance with regards to; air quality; climate change; renewable and low carbon energy; determining a planning application; Environmental Impact Assessment; flood risk and coast change; healthy and safe communities; historic environment; light pollution; natural environment; noise; planning obligations; travel plans, transport assessments and statements; use of planning conditions; waste; water supply, wastewater and water quality.

<https://www.gov.uk/government/collections/planning-practice-guidance>

65. National Planning Policy for Waste sets out the Government's ambition to work towards a more sustainable and efficient approach to resource use and management. Waste Planning Authorities should only expect a demonstration of need where proposals are not consistent with an up to date Local Plan and should not consider matters that are within the control of pollution control authorities. Waste proposals should not undermine the objectives of the Local Plan and should be environmentally sensitive and well designed. Of further relevance is the Waste Management Plan for England, which also advocates the movement of waste up the waste hierarchy in line with the requirements of the European Waste Framework Directive (WFD). One such requirement is the 'proximity principle' (Article 16) which stipulates self-sufficiency; an 'integrated and adequate network of waste disposal installations and that waste management should be at the nearest appropriate installations.

LOCAL PLAN POLICY:

The County Durham Plan (October 2020)

66. *Policy 2 – Employment Land* – sets out employment allocations throughout the County. In respect of this application a site of 10.12 hectares at Merchant Park for B1 (Business), B2 (General Industrial) and B8 (Storage and Distribution) unless specifically stated, provided the development accords with relevant development plan policies.
67. *Policy 21 – Delivering Sustainable Transport* – states that the transport implications of development must be addressed as part of any planning application, where relevant this could include through Transport Assessments, Transport Statements and Travel Plans.
68. *Policy 25 – Developer Contributions* – advises that any mitigation necessary to make the development acceptable in planning terms will be secured through appropriate planning conditions or planning obligations. Planning conditions will be imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects. Planning obligations must be directly related to the development and fairly and reasonably related in scale and kind to the development.

69. *Policy 26 – Green Infrastructure* – states that development will be expected to maintain or improve the permeability of the built environment and access to the countryside for pedestrians, cyclists and horse riders. Proposals that would result in the loss of, or deterioration in the quality of, existing Public Rights of Way (PROWs) will not be permitted unless equivalent alternative provision of a suitable standard is made. Where diversions are required, new routes should be direct, convenient and attractive, and must not have a detrimental impact on environmental or heritage assets.
70. *Policy 28 – Safeguarded Areas* – Within safeguarded areas development will be subject to consultation with the relevant authority and will be permitted within the defined consultation zones of the Major Hazard Sites and Major Hazard Pipelines, where it can be demonstrated that it would not prejudice current or future public safety. The Policy also requires that development would not prejudice the safety of air traffic and air traffic services, that there would be no unacceptable adverse impacts upon the operation of High Moorsley Meteorological Officer radar and the operation of Fishburn Airfield, Shotton Airfield and Peterlee Parachute Drop Zone Safeguarding Areas.
71. *Policy 29 – Sustainable Design* – requires all development proposals to achieve well designed buildings and places and sets out criteria for development to be considered acceptable, including: making positive contribution to areas character, identity etc.; adaptable buildings; minimising greenhouse gas emissions and use of non-renewable resources; providing high standards of amenity and privacy; contributing to healthy neighbourhoods; and suitable landscape proposals.
72. *Policy 31 – Amenity and Pollution* – sets out that development will be permitted where it can be demonstrated that there will be no unacceptable impact, either individually or cumulatively, on health, living or working conditions or the natural environment and that can be integrated effectively with any existing business and community facilities. Development will not be permitted where inappropriate odours, noise, vibration and other sources of pollution cannot be suitably mitigated against, as well as where light pollution is not suitably minimised. Permission will not be granted for locating of sensitive land uses near to potentially polluting development. Similarly, potentially polluting development will not be permitted near sensitive uses unless the effects can be mitigated.
73. *Policy 32 – (Despoiled, Degraded, Derelict, Contaminated and Unstable Land)* – requires that where development involves such land, any necessary mitigation measures to make the site safe for local communities and the environment are undertaken prior to the construction or occupation of the proposed development and that all necessary assessments are undertaken by a suitably qualified person.
74. *Policy 33 – Renewable and Low Carbon Energy* – states that renewable and low carbon development energy development in appropriate locations will be supported. In determining planning applications for such projects significant weight will be given to the achievement of wider social, environmental and economic benefits. Proposals should include details of associated developments including access roads, transmission lines, pylons and other ancillary buildings. Where relevant, planning applications will also need to include a satisfactory scheme to restore the site to a quality of at least its original condition once operations have ceased. Where necessary, this will be secured by bond, legal agreement or condition.
75. *Policy 35 – Water Management* – states that all development proposals will be required to consider the effect of the proposed development on flood risk, both on-site and off-site, commensurate with the scale and impact of the development and taking into account the predicted impacts of climate change for the lifetime of the proposal. This includes completion of a Flood Risk Assessment (FRA) where appropriate.

76. *Policy 36 – Water Infrastructure* – advocates a hierarchy of drainage options for the disposal of foul water. Applications involving the use of non-mains methods of drainage will not be permitted in areas where public sewerage exists. New sewage and wastewater infrastructure will be approved unless the adverse impacts outweigh the benefits of the infrastructure. Proposals seeking to mitigate flooding in appropriate locations will be permitted though flood defence infrastructure will only be permitted where it is demonstrated as being the most sustainable response to the flood threat.
77. *Policy 39 – Landscape* – states that proposals for new development will be permitted where they would not cause unacceptable harm to the character, quality or distinctiveness of the landscape, or to important features or views. Proposals will be expected to incorporate appropriate measures to mitigate adverse landscape and visual effects. Development affecting Areas of Higher Landscape Value will only be permitted where it conserves, and where appropriate enhances, the special qualities of the landscape, unless the benefits of development in that location clearly outweigh the harm.
78. *Policy 40 – Trees, Woodlands and Hedges* – Proposals for new development will not be permitted that would result in the loss of, or damage to, trees, hedges or woodland of high landscape, amenity or biodiversity value unless the benefits of the scheme clearly outweigh the harm. Proposals for new development will be expected to retain existing trees and hedges or provide suitable replacement planting. The loss or deterioration of ancient woodland will require wholly exceptional reasons and appropriate compensation.
79. *Policy 41 – Biodiversity and Geodiversity* – states that proposals for new development will not be permitted if significant harm to biodiversity or geodiversity resulting from the development cannot be avoided, or appropriately mitigated, or, as a last resort, compensated for.
80. *Policy 43 – Protected Species and Nationally and Locally Protected Sites* – states that development proposals that would adversely impact upon nationally protected sites will only be permitted where the benefits clearly outweigh the impacts whilst adverse impacts upon locally designated sites will only be permitted where the benefits outweigh the adverse impacts. Appropriate mitigation or, as a last resort, compensation must be provided where adverse impacts are expected. In relation to protected species and their habitats, all development likely to have an adverse impact on the species' abilities to survive and maintain their distribution will not be permitted unless appropriate mitigation is provided or the proposal meets licensing criteria in relation to European protected species.
81. *Policy 44 – Historic Environment* – seeks to ensure that developments should contribute positively to the built and historic environment and seek opportunities to enhance and, where appropriate, better reveal the significance and understanding of heritage assets.
82. *Policy 46 – Stockton and Darlington Railway* – states that development which impacts upon the historic route of the Stockton and Darlington Railway (S&DR) of 1825, the Black Boy and Haggerleases branch lines and the Surtees Railway, together with their associated structures, archaeological and physical remains and setting, will be permitted where the proposal: seeks to reinstate a legible route or enhance any physical remains and their interpretation on the ground, and otherwise respects and interprets the route(s) where those remains no longer exist; safeguards and enhances access (including walking and cycling) to, and alongside, the route, branch lines and associated structures, archaeological remains and their setting; does not encroach upon or result in the loss of the original historic route(s), damage the trackbed excepting

archaeological or preservation works, or prejudice the significance of the asset; and does not prejudice the development of the S&DR as a visitor attraction or education resource.

83. *Policy 47 – Sustainable Minerals and Waste Resource Management* – states that the development of a sustainable resource economy in County Durham will be promoted, encouraged and facilitated by ensuring that waste is managed in line with the waste hierarchy in sequential order and supporting opportunities for on-site management of waste where it arises and encouraging co-location of waste developments with industrial uses so that waste can be used as a raw material.
84. *Policy 56 – Safeguarding Mineral Resources* – states that planning permission will not be granted for non-mineral development that would lead to the sterilisation of mineral resources within a Mineral Safeguarding Area. This is unless it can be demonstrated that the mineral in the location concerned is no longer of any current or potential value, provision can be made for the mineral to be extracted satisfactorily prior to the non-minerals development taking place without unacceptable adverse impact, the non-minerals development is of a temporary nature that does not inhibit extraction or there is an overriding need for the non-minerals development which outweighs the need to safeguard the mineral or it constitutes exempt development as set out in the Plan. Unless the proposal is exempt development or temporary in nature, all planning applications for non-mineral development within a Mineral Safeguarding Area must be accompanied by a Mineral Assessment of the effect of the proposed development on the mineral resource beneath or adjacent to the site of the proposed development.
85. *Policy 60 – Waste Management Provision* – requires proposals for the provision of new or enhanced waste management capacity to demonstrate that they contribute to driving the management of waste up the waste hierarchy and do not prejudice the movement of waste up the waste hierarchy, assist in moving the management of waste in County Durham towards net self-sufficiency and/or make an appropriate contribution to regional net self-sufficiency by managing waste streams as near as possible to their production and assist in meeting the identified need, set out within this Plan, for new waste management capacity to manage specific waste streams over the Plan period or can demonstrate an additional need which cannot be met by existing operational facilities within County Durham or the North East.
86. *Policy 61 – Location of New Waste Facilities* – states that proposals for new or enhanced waste management facilities will be permitted where they will assist the efficient collection, recycling and recovery of waste materials and they:
 - a. are located outside and do not adversely impact upon the setting or integrity of internationally, nationally and locally designated sites and areas;
 - b. are located outside the Green Belt or are in locations which do not impact upon its openness;
 - c. minimise the effects of transporting waste including by locating as close to arisings as practical; and
 - d. can be satisfactorily located as part of an existing waste management facility, or where the waste management facility can be satisfactorily co-located with complimentary activities and potential users of recovered materials, recyclates and soils, energy and heat, where appropriate and feasible and where this represents a sustainable option; or
 - e. can be satisfactorily located on suitable land identified for employment use, or on suitable previously developed land in the larger towns and villages where the site can serve a local or larger catchment except where:
 1. they are located on a strategic or specific use employment site. Such sites are generally not considered to be appropriate for new waste management facilities unless it can be demonstrated that the proposal will not cause

- unacceptable adverse impact on the strategic or specific use employment site's principal use;
2. they are waste management facilities that genuinely require a rural or outdoor location and that do not locationally conflict with the provisions of criteria (a) or (b) and other relevant policies in the Plan. In such circumstances proposals will be permitted where they can be satisfactorily located either:
 - i. within either existing redundant rural agricultural or forestry buildings and their curtilages as part of farm diversification activities;
 - ii. within small scale new build adjacent to existing farm buildings or extensions to existing farm buildings as part of farm diversification proposals; or
 - iii. using existing areas of hardstanding for outdoor compositing operations.

All proposals for farm based waste management facilities will be required to demonstrate that the management of waste is appropriate in scale to the existing primary use of the site and that the waste to be managed arises either on site or within the local area.

All proposals must demonstrate that there will be no unacceptable adverse impact on the environment, human health or the amenity of local communities.

County Durham Waste Local Plan (2005)

87. *Policy W6 – Design* – states that new buildings for waste management uses should be carefully sited and designed to complement the location and existing topography. Landscape proposals should be incorporated as an integral part of the overall development of the site. Where appropriate, the opportunity should be taken to illustrate best practice by incorporating sustainable design principles in new building, using recycled materials wherever possible.
88. *Policy W26 – Water Resources* – states that proposals for waste development which does not involve landfill or landraise will not be permitted unless it can be demonstrated that there will be no significant adverse impact or significant deterioration to the quality of surface or groundwater resources and the flow of surface or groundwater at or in the vicinity of the site.
89. *Policy W29 – Modes of transport* – requires that waste development incorporate measures to minimise transportation of waste.
90. *Policy W31 – Environmental impact of road traffic* – states that waste development will only be permitted if traffic estimated to be generated by the development can be accommodated safely on the highway network, the amenity of roadside communities is protected, the strategic highway network can be safely and conveniently accessed and the impact of traffic generated by the development on local and recreational amenity is otherwise acceptable.
91. *Policy W32 – Planning obligations for controlling environmental impact* – states that in granting planning permission for waste development, planning conditions be imposed to cover, in addition to other issues, the prevention of the transfer of mud, dust, or litter onto the public highway by measures including the provision of wheel cleaning facilities, suitably metalled access roads and the sheeting of laden vehicles.
92. *Policy W35 – Cumulative Impact* – states that when considering proposals for waste development the cumulative impact of existing waste development in the area, waste development with planning permission, including proposals not yet started, past waste development in the area, current planning applications for waste development in the area, and other non-waste activities in the area will be taken into account. 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 this plan.

NEIGHBOURHOOD PLAN:

Great Aycliffe Neighbourhood Plan 2016-2036 (2017)

93. *Policy GANP CH1 – Landscape Character and Townscape* – developments must respect the landscape character of the parish and its settlements, as defined within the Great Aycliffe Heritage and Character Assessment (December 2015) and incorporate features which contribute to the conservation, enhancement or restoration of local features. In particular, new development should, where appropriate: 1. Maintain existing hedgerows, trees and woodland and encourage the planting of new trees and hedgerows. Where new trees are proposed these should be appropriate to the site location and disease resistant species. 2. Accommodate and provide tree lined avenues on main thoroughfares to continue the existing character already in place across the parish. The long term maintenance of the tree lined avenues will be agreed through a legal agreement and/or through the adoption process. 3. Ensure green open space is provided within the development site to maintain the Beveridge ‘vision’ for the new town of Aycliffe.
94. *Policy GANP CH4 – Protecting Heritage Assets* – proposals affecting Listed Buildings, Scheduled Monuments or the Conservation Area of Aycliffe Village and their settings must preserve and, wherever possible, seek to enhance their significance. New developments should seek to avoid any significant adverse impacts on Heritage Assets and the Conservation Area of Aycliffe Village whether by nature of their height, scale or bulk, position, or by poor design, or by affecting the settings in a way that would compromise these assets.
95. *Policy GANP E3 – Conservation Area of Aycliffe Village* – any development in, or affecting the setting of, the Conservation Area of Aycliffe Village must demonstrate how the proposal preserves and enhances the significance of the conservation area in a heritage statement accompanying any planning applications. The heritage statement must, at a minimum, address the following topics: Context and historic character; Development quality and architectural details, and Suitability of materials.
96. *Policy GANP E4 – Existing Tree Retention and Removal* – proposals for new development will not be permitted that would result in the loss of, or damage to, trees of high landscape, amenity or biodiversity value unless the need for, and benefits of, the proposal clearly outweigh the loss. New development proposals will be expected to have regard to the local distinctive landscape character of Great Aycliffe and in particular to retain tree lined avenues where they exist. Where tree removal is justified proposals will only be supported if there is a compensatory mitigation proposal which forms part of the submission. Where the removal of a tree(s) is proposed and essential to the delivery of the site, the developer is required to replace at least two of similar amenity value on site. Where a group of trees are removed a similar number must be replaced in a nearby suitable location. Any trees proposed for removal should be detailed, including the reason for removal, through the submission of a Design and Access Statement. Planting that contributes to the biodiversity of the area and supports green corridors is particularly encouraged. Proposals should be accompanied by an indicative planting scheme to demonstrate an adequate level of sustainable planting can be achieved and maintained in the future.
97. *Policy GANP E5 – Protection of existing trees within new development* – proposals for new development will be expected to safeguard existing trees where appropriate and integrating them fully into the design and protecting them during construction having

regard to their management requirements and growth potential. Residential or commercial development proposals where trees are present should be accompanied by a tree survey and tree protection plan and where necessary an arboricultural impact assessment. These should clearly identify the trees, and root protection areas, and state how the health of the trees on the site will be protected during demolition and construction, including that of installing utilities, drainage and landscaping and in the long-term after construction. All proposals under this policy must meet British Standards 5837:2012 'Trees in relation to design, demolition and construction'.

98. *Policy GANP EE3 – Promoting Business Energy Efficiency* – initiatives which would enable local businesses to develop renewable and low carbon energy will be accepted where: 1. They are subordinate to the primary business, 2. There are no unacceptable impacts on the scale character and amenity of the immediate area, and 3. They are in accordance with the principles established in the Great Aycliffe Character and Heritage Assessment 2015 and with the Green Spaces policies of the Neighbourhood Plan.
99. *Policy GANP R3 – Supporting Local Job Opportunities* – in order to develop and sustain the economy of Great Aycliffe, support will be given to the development of employment activities, in suitable and appropriate locations, that diversify the current offer in Great Aycliffe and particularly those activities that will provide high quality jobs which can capitalise on and/or enhance the skills of the Great Aycliffe residents.
100. *Policy GANP T1 – Parking Impacts on Existing Infrastructure Development* – proposals that include a reliance on existing streets shall not be permitted where on-street parking would impact on the safety of road users or have an unacceptable adverse impact on the character of the area and adequate provision has not been made on-site for parking and access for deliveries, service vehicles, tradesmen working on-site, workers, social visitors and residents.

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/3266/Development-Plan-for-County-Durham> (Adopted County Durham Plan, Adopted County Durham Waste Local Plan and Adopted Great Aycliffe Neighbourhood Plan)

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

101. *Great Aycliffe Town Council* – objects. The Town Council advises that following consideration at its Planning Sub-Committee on 25 May 2021, attended by a number of members of the public, the Town Council would request that the application is placed on hold until a full and detail public consultation can take place. It is also requested that DCC consider holding a public meeting in order to give residents the opportunity to ask questions directly and receive answers in person. That this application is considered at committee rather than a delegated decision at officer level. The proposed site is not suitable for this type of development as it is too near to domestic properties. In addition, the Town Council would object to the location of the proposal due to: proximity to houses; proximity to historic and listed buildings/monuments; potential dangerous site and traffic emissions; significant environmental impact on air quality; habitat loss for 4 butterfly species which are on the RED data list species, 2 of which are vulnerable and 1 is near threatened; unclear impact/information regarding Great Crested Newts; potential risk to groundwater within a protection zone on the Magnesian Limestone principal aquifer, and negative visual impact on the area.
102. Since the original letter of objection, the Town Council engaged planning consultants and a further letter has been submitted which expands upon some of the original

comments made. The further representation states that the Town Council has significant and justified concerns over the introduction of the facility within this location. Their predominant concern surrounds air quality and the adverse impacts on the local community. However, objections are raised on a number of grounds relating to air quality and impact on amenity, design and visual impact, and loss of employment land and alleged need for the development. The letter also states that whilst the Town Council's representation focuses on the above points, there remain other legitimate concerns by the local community, and it is noted that some of these are also included in a report prepared by a group of residents entitled 'Resident Concerns for the attention of the Planning Committee'.

103. In summary, the Town Council is of the view that the proposed development: would fail to bring any benefits to the local community; has failed to demonstrate the need for the development, let alone to a sufficient level to outweigh the significant adverse impacts identified; would result in a significant adverse impact on the local amenity of residents and businesses; would harm the appearance of the area and erode the overall character with the dominant stack 'signposting' the harmful use; and significantly compromise the strategic employment policies of the Local Plan and wider economic strategy for the County. It is considered that each of these points in their own right are sufficient to refuse the application, when combined, the case for refusal is overwhelming. The application proposals therefore represent an ill-conceived and entirely inappropriate form of development in this location that would give rise to clear conflicts with the adopted Development Plan. It is trusted that the LPA will resolve to refuse planning permission for the proposed development at the earliest opportunity, however, request that they are consulted on any amendments to the scheme. As a final point, they highlight again one of the applicant's key arguments in dismissing important planning considerations, where they state the only way of disposing of the materials is by incineration as opposed to recycling or alternative treatment options, which they consider to be more important than "wider concerns relating to carbon management". Considering carbon management is perhaps the biggest issue facing society, this argument will inevitably be rolled out in the future if the proposed development ever came to be up and running, in order to dismiss legitimate concerns. The LPA will appreciate how much of a concern this will be for the local community.
104. *Darlington Borough Council* – has provided comments from its Environmental Health officer who raise no objection noting that receptors in Darlington requested by the Council to be considered have been included. It is noted that there are objections to the proposal which make reference to air quality, odour and noise. It is stated that the installation would be required to operate under an environmental permit issued by the Environment Agency which would include controls on such emissions. It is noted that the Environment Agency provided comments on the application and their comments include discussion on the proposed 30m stack associated with the application. It may be that further discussions take place between the Applicant, EA and LPA (Durham) in light of these comments and depending on the outcome, some of the documents may need to be revised (as acknowledged in the EA comments also) which may result in further consultation.
105. *Heighington Parish Council* – objects to the proposal. It is considered that there has been insufficient consultation / communication. Residents on the nearby residential housing estate "The Chestnuts" which are only 800m away from the proposed development have not been consulted despite Formax claiming to have contacted people within 1000m radius. Suitability & competence of site operators is of concern. It is stated that Formax are a young inexperienced company founded Oct 2019, with minimal experience developing and running similar operations. Their financial holding company Fornax Finco 1 Ltd, in their statement of capital dated 16/6/2020 has GBP £1. The main director of Fornax Environmental has no visible track record of successfully

running any kind of business in this field before. After reviewing companies house this director has 4 dissolved companies. With regard to planning policy, the Parish Council considered that the proposal undermines CDP policy 60 through directly undermining the strategic goal of waste reduction at source and recycling. It fails to comply with the Climate Act 2008 and the NPPF through increasing carbon emissions into the atmosphere. Contrary to CDP Policy 60 the applicant has failed to demonstrate market need for the incinerator plant. The development will create a direct impact on habitat and species protected by the Wildlife and Countryside Act 1981. The application recognises the S&DR Heritage Action Zone and assesses the visual impact of the proposals on the signal box and former Locomotion No 1 public house/Heighington Station. However, there is concern that the application makes no reference to Policy 46 of the County Durham Plan or to the Historic Environment Audit of 2016. It is therefore unclear if the proposed development is compliant with that policy. Concerns are also raised in relation to air pollution. The development is sited just inside the boundary of Durham County Council, the smell and danger from exhaust fumes from the incinerator and other related nuisances such as the increase in hazardous container traffic would be exported more widely, across the constituency and the areas covered by Darlington Borough Council and other administrations. The incinerator is in close to proximity to a school and an UTC college. The emissions are monitored but that does not prevent emissions escaping during processing an in unplanned circumstances such as start up / shut down of the combustion process and unplanned plant breakdowns. Visual impact on residential housing is also raised. The development is only 800m away from a residential housing estate at School Aycliffe "The Chestnuts" and the erection of a 100m chimney would adversely affect the views from these houses. The chimney would not be in keeping with the existing landscape and views from these dwellings.

106. *Highway Authority* – raise no objection from a highway perspective. Highways officers advise that it is noted from the submitted Transport Statement that the proposed number of two-way trips is anticipated to be 30 per day. The provision of cycle parking and electric vehicle charging points are welcomed. Officers advise that the proposed development must not be brought into use until the access has been constructed in accordance with the submitted plans. An informative is requested requiring that no development shall commence until plans showing full engineering details of the proposed estate road have been submitted to and approved by the local planning authority as the proposed estate road must be designed and constructed to meet current highway design standards. It is noted that it would be necessary for the applicant to enter into an agreement under Section 38 of the Highways Act 1980, in order to ensure the adoption of the proposed new highways. It would also be necessary for the applicant to enter into an agreement under Section 278 of the same Act, to allow the required works within the existing highway to be carried out.
107. Additional comments were provided in response to the reconsultation. Officers noted that the site is connected to the primary road network (A167 & A6072) by the B6444 and St Andrews Way which can accommodate the small number of additional daily trips. It is noted that the likely route will be from the A1(M) - St Andrews Way - B6444 - site. This route is an appropriate route for HGV traffic and it is noted in the Supplementary Planning Statement that the applicant proposes to regulate the routing of waste by Condition. On this basis there are no grounds for objection which could be sustained under Paragraph 111 of the NPPF at appeal.
108. *National Highways (formerly Highways England)* – offer no objection.
109. *Environment Agency* – has raised no objections to the proposals subject to a condition requiring a scheme to manage surface water through the proposed attenuation pond. Groundwater is particularly sensitive in this location and the condition would ensure that proposed attenuation pond does not harm groundwater resources. The Environment

Agency notes that the Environmental Statement submitted in support of the planning application provides it with confidence that it would be possible to suitably manage the risks posed to groundwater resources by this development. Further detailed information will however be required before any development is undertaken hence the request for a condition should planning permission be granted.

110. It is confirmed that the development would require a permit under the Environmental Permitting (England and Wales) Regulations 2016 from the Environment Agency. The Environment Agency would consider the following areas of potential harm when assessing the permit: management - including accident management, energy efficiency, efficient use of raw materials and avoidance, recovery and disposal of wastes; operations - including incoming waste and raw material management, waste charging, furnace types and requirements, validation of combustion conditions, combined incineration, flue gas recirculation, dump stacks and bypasses, cooling systems and boiler design, and emissions - to surface water, sewer, air, odour, noise and vibration, monitoring and reporting of emissions.
111. Advice has also been provided in respect to the height of the proposed stack. The Environment Agency is of the view that proposed 30m stack height is at the lower end of the spectrum for this type of facility. The Agency notes that the amended Air Quality Assessment document still provides an unchanged centre section building height of 16.7m. This is over 50% of the height of the proposed 30m stack height and therefore, has the potential to distort the airflow of the emissions plume and result in increased concentrations at ground level. As a result, the Agency recommends parallel tracking of the planning application and permit application particularly as there may be implications upon the proposed stack height and this could require revisions to the submitted planning application documents e.g. amendments to the planning application post-permission, if it is granted. The Operator is advised that the proposed stack height must represent best available techniques (BAT).
112. The Environment Agency also advises that the latest Waste Incineration Best Available Techniques Reference (BREF) document and inclusive BAT Conclusions (BATC's) were published in 2019, therefore the permit for the proposed development would need to be written with the latest BATC's and revised emission limits, which the development would need to comply with from the date of permit issue. The applicant should be aware of additional guidance, - Healthcare waste: appropriate measures for permitted facilities, July 2020, which provides guidance for regulated facilities with an environmental permit to treat or transfer healthcare waste. Particular notice should be made to Section 5.2. Plant commissioning and validating the efficacy of treatment. If it is the intention to re-use soil materials for the overall project, then the Environment Agency advises that consideration should be had to the CL:AIRE Definition of Waste: Development Industry Code of Practice (DoW CoP). To re-use soil materials, a Materials Management Plan (MMP) must be produced in advance prior to excavation works, at the initial planning stages and a Declaration made at that time.
113. *Northumbrian Water* – advises it has no issues to raise with the application provided the application is approved and carried out in strict accordance with the submitted “Flood Risk Assessment and Drainage Management Strategy” and that this should be secured through condition. The drainage scheme shall ensure that foul flows discharge to the foul sewer at manhole 3902 and ensure that surface water discharges to the existing watercourse.
114. *Drainage and Coastal Protection* – raise no objection following consideration of additional information submitted with officers considering the drainage strategy and design to be acceptable. Should the application be approved the amended drainage strategy should be included in the approved documents.

115. *Natural England* – has raised no objections. Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites or landscapes.
116. *Teesside International Airport* – has no aerodrome safeguarding objection to the proposal based on the information provided. The airport safeguarding team has assessed the proposal in accordance with the CAA ADR - Aerodromes Regulation 139-2014 and advise it does not conflict with the safeguarding criteria for the airport. Any crane activity during construction phase would require a crane permit from the airport.
117. *Ministry of Defence* – has no safeguarding objections noting that Statutory Safeguarding advises that the application relates to a site outside of Ministry of Defence safeguarding areas.
118. *National Air Traffic Services (NATS)* – has no safeguarding objection to the proposal.
119. *Health and Safety Executive* – As the proposed development site currently lies within the consultation distance at least one major hazard site and/or major accident hazard pipeline HSE needs to be consulted on any developments on this site. The HSE does not advise, on safety grounds, against the granting of planning permission in this case.
120. *Network Rail* – has no objections to the proposals.

INTERNAL CONSULTEE RESPONSES:

121. *Spatial Policy* – The response details the relevant applicable national policy considerations and applicable paragraphs from the National Planning Policy Framework (NPPF) and National Planning Policy for Waste (NPPW) and relevant CDP and saved CDWLP and Neighbourhood plan policies. The most relevant CDP policies are considered to be policies 2, 31, 47, 60 and 61 and the most relevant WLP policies are considered to be W29, W31 and W32. Compliance with other relevant policies are dependant upon consideration of environmental and amenity matters.
122. Officers note that this planning application relates to a specialist facility to incinerate up to 10,500 tonnes of clinical and hazardous and to provide a location to treat such waste from a larger than local catchment including the North East and adjoining areas, primarily the Yorkshire and Humber. It should be seen within the context of the overall scale of waste which is received at waste management facilities in the North East and the complex flows of waste which normally flows across local authority administrative boundaries. Having considered the application, officers consider that the proposal would not conflict with CDP Policies 47 and 60.
123. It is noted that the application site is allocated employment land (CDP Policy 2) which in principle the County Durham Plan (CDP Policy 61) favours as a suitable location for new waste management facilities provided they can be satisfactorily located on suitable land and where the site can serve a local or larger catchment. As a 'Sui Generis Use Class', to meet CDP Policy 2 the Council will need to be satisfied that the proposed use would not compromise the main use of the site for B Use Class uses. CDP Policy 2 also specifically states that any new development for non-employment uses on employment allocations or existing protected employment sites must comply with the other relevant policies in the Plan and amongst its criterion Policy 61 states that all proposals must demonstrate that there will be no unacceptable adverse impact on the environment, human health or the amenity of local communities. The Spatial Policy response sets out in detail the relevant policies applicable to environmental and amenity matters including Policy 31 and the overarching guidance provided within the National

Planning Policy for Waste. Recognising that the proposal would require an environmental permit from the Environment Agency the response also reiterates NPPF advice (Paragraph 187) that the focus of planning policies and decisions should be on whether proposed development is an acceptable use of land, rather than the control of processes or emissions (where these are subject to separate pollution control regimes). Planning decisions should assume that these regimes will operate effectively.

124. *Environment, Health and Consumer Protection (Air Quality)* – has raised no objections to the proposals. Officers have considered the proposals in conjunction with specialist consultants. Additional information and further clarifications were requested during the consideration process. Officers have taken into account the additional information, as well as comments from a local residents. Following consideration of the information no conditions have been requested in respect of air quality.
125. *Environment, Health and Consumer Protection (Nuisance Action)* – has raised no objections to the proposals. Officers have considered the proposals in conjunction with specialist consultants. Additional information and further clarifications were requested during the consideration process. A condition has been recommended requiring prior to finalisation of the detailed scheme design, the submission of a detailed noise impact assessment and scheme of sound attenuation measures. The scheme of attenuation measures shall ensure that the rating level of noise emitted from plant and machinery involved in the proposed commercial process on the site shall not exceed the background (LA90) by more than 5dB LAeq (1 hour) between 07.00-23.00 and 0dB LAeq (15 mins) between 23.00-07.00.
126. No concerns are raised with regard to odour, lighting and dust during the operational phase. Officers consider that the development would comply with the relevant Council Technical Advice Note (TANS). Through condition a construction management plan is recommended. Amongst other matters the Construction Management Plan would include a Dust Action Plan, methods and means of noise reduction, where piling is required measures to suppress any associated noise and vibration; prevention of mud and other such material migrating onto the highway from construction vehicles; details of construction access and egress points; directional signage; contractors' compounds, materials storage and other storage arrangements, including cranes and plant, equipment and related temporary infrastructure; parking provision during construction; routing agreements for construction traffic; security hoarding; waste audit and scheme for waste minimisation and recycling/disposing of waste resulting from demolition and construction works, and detail of measures for liaison with the local community and procedures to deal with any complaints received.
127. With the exception of post development noise, which requires further assessment in relation to the operational phase, officers are satisfied, based on the information submitted with the application and with the application of the above conditions, that the development would be unlikely to cause a statutory nuisance.
128. *Environment, Health and Consumer Protection (Contaminated Land)* – has raised no objections to the proposals. Officers consider that is no requirement for ground gas protection measures and no requirement for a contaminated land condition. An informative is recommended if any unforeseen contamination is encountered.
129. *Public Health* – has raised no objections. Officers note that matters relating to Noise, Air Quality, Amenity, Odour and Human Health Risk Assessment for this proposed facility have been considered by DCC Environmental Health and Community Protection team/officers and has no adverse comment to make over and above these findings/considerations but notes the importance of ensuring satisfactory responses to

those issues identified as 'High Significance' particularly on matters relating to Population and Human Health.

130. Furthermore, Public Health notes the further detailed information required by the Environment Agency to suitably manage the risks posed to groundwater resources, and the recommendation for a planning condition re this matter before any development is undertaken. Public Health acknowledges the requirement for a permit under the Environmental Permitting (England and Wales) Regulations 2016 (or A1 permit) for this application, and all other advice/guidance offered by the Environment Agency. It is noted that Public Health England (PHE) is a statutory consultee for such a permit and should planning permission be granted, PHE would undertake a risk assessment (report) of the proposed facility, and the Director of Public Health, DCC would have an opportunity to respond to the PHE report should this be necessary. Public Health also notes the opinion of PHE contained within "PHE statement on modern municipal waste incinerators (MWIs) study" which states "*PHE's risk assessment remains that modern, well run and regulated municipal waste incinerators are not a significant risk to public health. While it is not possible to rule out adverse health effects from these incinerators completely, any potential effect for people living close by is likely to be very small.*"
131. Notwithstanding this planning application, Public Health continues to support reducing emissions to air in County Durham as much as possible to support the health improvements that clean air affords, particularly regarding those who are most vulnerable to the effects of *emissions at levels harmful to health* (i.e. those with respiratory problems, children, older people and low income communities). Furthermore, Public Health supports DCC's focus on waste reduction, reuse and recycling, and using waste to energy as a last resort: with promotion of other waste management options including prevention (i.e. minimising use of materials in manufacturing processes/keeping products for longer), re-use of materials (i.e. repairing and refurbishing) and recycling as much as possible.
132. *Landscape* – raise no objection. Officers note that a Landscape and Visual Appraisal has been produced. While the findings are generally acceptable it is noted that the proposed access road has not been included as part of the Appraisal process. No mitigation planting has been proposed. The mitigation of visual impacts depends to large extent on the development of adjacent plots and growth of naturally colonising vegetation to mounds adjacent to PRow to the South of the site. While noted, it is not considered that this would have significant effect on the conclusions of the appraisal. A condition requiring the colour scheme for the building along with proposed hard (including retaining walls) and soft landscape details is recommended. An Arboricultural report was subsequently submitted, and officers consider the conclusions to be acceptable.
133. *Ecology* – raise no objection subject to conditions. Officers have viewed the PEA report and Net Gain Assessment (OS Ecology, April 2021) and note that it appears that a net gain has still been achieved over the whole site (taking into consideration the previous habitat surveys and recent updates). Officers originally noted that the PEA report, and previous recommendations from officers, recommended undertaking invertebrate surveys for the site due to the presence of brownfield habitat, together with the larval food plant for priority species (namely dingy skipper), as well as a known population within the vicinity of the site which increases risk of presence. It should be noted that priority species and any impacts on these - lie outwith the biodiversity metric. The presence of Priority / BAP species or notable species assemblages impacted by development may require additional specific off-site compensation if they cannot be retained on site. The likely presence of priority species (butterflies) will need to be assessed (through undertaking surveys following best practice guidance) and

appropriate mitigation provided in advance of determination of the application. This is in line with planning policy.

134. A butterfly survey was undertaken. Officers noted that despite the habitats present on site, the overall numbers of butterflies appear to be surprisingly low, despite relatively close known populations of species. Officers request, in line with the recommendations of the submitted butterfly survey, the inclusion of birds-foot trefoil into the proposed landscaping scheme and be secured by condition. Comments are also made in respect of floodlighting recommending that any external lighting would need to be hooded and directional to prevent any light spill onto adjacent habitats.
135. *Design and Conservation* – advise that the proposed development site lies within the setting of numerous designated heritage assets and the impact of the proposed development on the setting of those assets should be a primary consideration in the determination of the application. Officers note that the submitted assessment identifies that there would be less than substantial harm on the setting of the Grade II listed Heighington Signal Box and Locomotion Number One, therefore the harm should be weighed against the public benefits of the proposal, in line with Paragraph 196 of the NPPF.
136. *Archaeology* – has raised no objections. Officers advise that the proposal site was cleared as part of the previous development to the south so there is no need for any archaeological interventions.
137. *Low Carbon Economy* – raise no objection subject to a condition requiring the development of an underground district heat network infrastructure beyond the site otherwise CO₂ emissions would be significantly increased from the projection. However, officers consider that there remains significant risk that this would not go forward. Whilst officers cannot support the incineration of plastics, due to the impact on CO₂ emissions, it is accepted that there is no alternative option currently available, other than transportation to an existing facility. In terms of transport emissions, any CO₂ benefit from shorter distances would be offset in 10 years, when HGVs become electrified. If permission is granted, a heat network must be part of the solution and be developed alongside that of the facility.
138. Officers initially advised that it could not support the application and requested a much more detailed carbon assessment to be completed to take into account future changes and also any agreements with potential future customers. Following submission of additional information other matters have satisfactorily been addressed.
139. *Access and Rights of Way* – has raised no objections to the proposals. Officers advise that there are no public rights of way affected by the proposal and are not aware of any desire lines or informal public access over this site. Officers note that Public Footpath No. 12 (should read No. 5) Great Aycliffe lies further to the south but is not affected.
140. *Sustainable Travel* – has raised no objections but advises that a travel plan would be required for the development.

PUBLIC RESPONSES:

141. The application has been advertised in the local press (the Northern Echo), by site notice and through neighbour notification. The receipt of further information was advertised in accordance with Regulation 25 of the EIA Regulations (including press notice) and a reconsultation took place with consultees and those members of the public who had originally been notified and those who had made representations.

142. The application has generated significant public interest. In total 297 representations have been received.

Objection

143. To date 286 objections have been received from local residents and businesses on the Aycliffe Industrial Estate. The objections received are individual letters and many raise the same issues.

144. In addition, a petition on behalf of The Newton Aycliffe Residents was submitted on 19 June 2021 and at that time had 497 signatures. The petition requests that the Council stop the building a hazardous and medical and chemical waste incinerator next to a residential area. Concerns are raised regarding a number of matters including publicity, impact of the proposed development upon local residents, the business park, farms and livestock and the environment as well as impact upon house prices.

145. The issues raised in the individual letters of objection from members of the public are set out below. In addition, there have been ongoing queries raised but not all can be reproduced in this report but are available to view on the Council's website.

146. The grounds of objection and concern raised in relation to the applications are summarised below, copies of the full representations are available to view on the Council's website. Although individual letters of objection have been received, many raise the same issues.

Public consultation

- Lack of pre application consultations with affected communities.
- Concerns have been raised regarding the level of public consultation that has been carried out as part of the planning application and that it has been inadequate and underhanded and it is queried if a proper consultation has taken place.
- Properties within Darlington Borough are close enough to be materially affected and there has been a marked lack of public consultation with affected residents.
- Darlington Borough Council residents have not been consulted.
- It is stated that only commercial and engineering properties on the industrial estate were consulted and not residential properties in School Aycliffe, Aycliffe Village, Heighington and Redworth which may be closer to the proposed development than some of the industrial estate. It is queried if this was a deliberate ploy to reduce objections.
- Under the regulations, all residents/businesses within 1000 meters should be notified and consulted and they were not.
- Concern that strategic, regional and national planning policies may not have been adhered to. Government circulars, orders and statutory instrument may not have been adhered to.
- With only a couple of notices pinned to some sign posts around the area it is clear that there was no intention of informing the residents of School Aycliffe, Heighington and Redworth of these proposals.
- There were not sufficient local notices and there has not been any communication via other channels which are accessible to all residents.
- The targeted area for consultation is not considered representative of the local community. The surrounding areas were very much omitted from all stages of this process, giving local communities no voice. Only some residents of nearby streets are supposed to have been informed, many houses sharing the same street were not contacted.
- Some objectors have stated that they were not sent a letter about the application although they are on the list of consultees.

- There should be clear consultation with the local community and letters sent to all local residents so they can all express their comments.
- Some local residents only heard about the application by chance through social media and there are likely to be many people unaware of the proposal and the number of objections would be far greater.
- Request that the consultation process include a meeting with local residents where they can ask questions.
- Concerns are raised regarding the duration of the consultation period and request that the determination is delayed to allow further information to be provided to all those affected, enabling a better judgement to be made on the effects of such a facility on lives in the area.
- Lack of effort made to gain feedback from local residents and advise them of its implications.
- Applicant's alleged lack of consideration of the local community was considered evident in their public engagement strategy and view expressed that the applicant is refusing to engage and answer questions at the application stage.
- Letters from the Council to residents refer to them having been written to previously and this was not the case.
- It is requested that the application is not considered under delegated powers.
- The Council's website is unclear as to the deadline for comments to be made and is difficult to access and navigate.
- Concern that the Council is trying to rush through a proposal that the community is not aware of.
- The time it takes for consultation letters to be received is raised as a concern.
- It is stated that the Newton News advises that the Council will only register each petition as 1 opposition, given the last count of one the objector signed it was over 700. This feels like a silencing of the residents of this town and a blatant ignorance to the wishes of the people you are supposed to serve.
- A number of objectors advise that they have written to their local MP.
- Applicant's account of meetings held between the applicant, Paul Howells MP and local residents on 15 and 16 June 2021 and other documents are considered to be inaccurate and do not represent an accurate account of the evenings in question and should be not be included as part of the application and be 'struck off'.

The application

- Alleged inaccuracies with the planning application form are cited.
- Concerns that information provided by the applicant on its website is contradictory to that which has been submitted to DCC.
- Concern that for certain assessments the application appears to have been added to a previous application lodged in 2008 for industrial units to be built, not hazardous waste incinerators.
- Concern that it does not appear that the applicant addressed matters raised in the Environment Agency's consultation response dated 20 May 2021 which were then repeated in its response sent on 3 September 2021.

The applicant

- It is queried who is applying for planning permission who would operate the incinerator facility.
- It is queried who is Fornax and the track record of the company and the personnel running any kind of business in this field is questioned as it is considered that the applicant does not have a track record in running such a development.
- The company was registered in 2019 with the persons with significant control being a secondary business registered in London and individuals based in Norwich, none of whom will ever have to be concerned with the immediate area surrounding their

business. Renewable heat energy and incinerating hazardous waste seem like two very different areas.

- It is queried who will operate the site. Gresham House is an asset management company and Fornax Environmental Solutions exists to implement the construction of the facility, so it is unlikely to be either of these. The applicant has stated that the management team who would be operating the facility are currently involved in managing over 100 waste sites in the UK but no name is provided.
- It is queried there are approximately 90 incinerator sites in the UK and queried how Fornax can operate 100.
- The involvement of Helios is queried.
- It is considered that for DCC to allow a business of this nature one would expect due diligence to go beyond binary planning applications and to be looked at as a more holistic exercise to ensure the safety of local residents.
- If the Directors/Shareholders of Fornax genuinely believe there are no detrimental effects on the local community then it would be interesting to know if they would give Personal Financial Guarantees to the residents of the neighbouring villages to compensate for any loss in house values that will occur.
- Do not allow these hazardous, experimental, grant-guzzling companies move into the area and make money from a business that will medically compromise all of us and none of them.

Development plan policy

- The proposal is considered to be contrary to the CDP and The Great Aycliffe Adopted Neighbourhood Plan.
- The application goes against Durham County Council's "A vision for County Durham 2019 - 2035". In particular, the aim to give People long and independent lives through Good health, identified as central to people's happiness and has a significant impact on the economy. Health is determined by several factors, many of which are not based on an individual's behaviour or choice but are a consequence of where they live, their environment, access to a good natural and built environment, high quality education and jobs, and a supportive network of friends and family. the Seven specific objectives will help support people to have long and independent lives. I believe this application is in conflict with these stated objectives.
- Comments are made in respect of the Council's Spatial Policy consultation response including that certain statements made are unreasonable and biased.

Site layout and design

- Should the development go ahead it is requested that the building be rotated 180 to allow residential properties to be shielded from truck noise etc by the building.

Health impacts

- Concerns that the facility is a health risk and would have adverse impacts on the health of the local population and especially for those with existing respiratory conditions, children and the elderly.
- Concerns regarding employees, residents, local schools and college, local businesses, and people who use the area for work and recreation (noting public rights of way in the area, golf course and fishing lake).
- The planning application states that the emissions include a number of substances which cannot be evaluated in terms of their effect on human health which is not a good prognosis and concerns that there are no guarantees that what people are breathing in is not harmful.
- Comments are made regarding the submitted Risk to Human Health Assessment with the view expressed that it does not fully account for the impact on residential areas and being based on modelling, the true effect could be greater and unknown on human life, especially as some of the emissions cannot be quantified in terms of their effect, long

term or otherwise, on human health. It is considered that the impacts on human health would be greater than represented in the assessment and concerns are raised that it states that the results are potential, although based on a worst case scenario and would not be fully understood until the plant is built, which is too late. It is considered that there is no reference to existing plants which emit pollutants.

- Concerns expressed regarding the hazardous nature of the materials and the impact that its disposal can have on both the residents or the surrounding area but also the long term effects on wildlife and the wider environment.
- The proposal is against WHO advice which states that such proposals should not be in close proximity to woodland, residential areas or agricultural ground yet this is. It is queried why a widely publicised and researched advice document is being ignored.
- Home buyers reports for the local area already site higher than normal pollutants in the air and ground placing residents at risk, given these circumstances the site should be inappropriate for hazardous medical use
- The company have stated evaluation of risk to human health cannot be assessed adequately.
- Concerns are raised regarding the reports submitted with the application and that they should be independently peer-reviewed as well as queries raised regarding whether or not authors of reports are suitably qualified.
- Long term risk to residents' health has not been adequately considered.
- It is noted that the Chesnuts development is largely populated by young working couples with young children and babies.
- Opinion expressed that the Risk to Human Health Assessment does not fully account for the impact on residential areas and although the assessment is obviously carried out on modelling, the true effect could be greater and unknown on human life, especially as some of the emissions cannot be quantified in terms of their effect, long term or otherwise, on human health.
- The submitted assessment states that the nearest habitation is an isolated farm 700m away but fails to recognise the residential areas of School Aycliffe, areas of Newton Aycliffe and Aycliffe village, which are located within 1km of the site - given that it is emitting airborne particles and gases, it is unrealistic to think that these areas would not be affected by the emissions and therefore the impact on human health is greater than represented.
- The assessment itself states that the results are the 'potential' outcomes, hence the emissions will not be fully understood until the plant is built, which is obviously too late.
- Given that we already have some industry emitting pollutants, there is no reference to these various plants or recognition that the pollutants could combine resulting in further pollutants which are not referenced in the application.
- Concern from small holding situated closed to the site about, amongst other matters, the safety of consuming produce grown in the future due to the close proximity of the plant.
- Concern from farmer who farms crops and fattens sheep 400 metres from the proposed site, all of which enters the human food chain.
- It is stated that the Government's response to the death of Ella Adoo Kissi-Debrah acknowledges that air-borne particles have an adverse impact on health and concerns that a pollution hotspot would be created within a residential area.
- The proposed incinerator will be located on the edge of Newton Aycliffe and Darlington, impacting upon the air quality for several miles. With Darlington having one of the largest populations in the local area and Newton Aycliffe being the seventh largest residential area in Durham this construction has the potential to negatively affect the health and wellbeing of approximately 150,000 people.
- There has been insufficient evidence from qualified sources to provide assurances that this plant would be safe. Consequently, the incinerator could pose a significant risk to all residents, including adults and children who access nearby facilities for work and leisure, including nursery provision.

- Aycliffe is known as one of Beverage's 'New Towns'. These towns were designed to enable residents to live in an environment which combined "the best of town and country" people move to the area considering it to be a safe and pleasant environment.
- It is queried how emissions may affect the people with respiratory problems and other health related queries.
- View that a Public Health England Local Authority Health Profile 2018 for County Durham, submitted in response to Environmental Health (Air Quality) comments, contains out of date information. It states that the area of Newton Aycliffe is in a deprived area and a number of studies and reports advise that waste incinerators are three times more likely to be situated in such areas.
- Specific queries are raised in relation the applicant's response to queries raised by the Council's Environmental Health officer and request for scientific evidence to substantiate the responses.

Residential amenity

- Disturbance to the local area.
- Proposal would have a huge and irreversible impact on our local community.
- The site is too close to residential properties and emissions and particulates would be deposited over Newton Aycliffe, School Aycliffe, Aycliffe Village and Heighington. These are heavily populated areas with schools and businesses and the proposal should be tested for alternate, less sensitive locations of which there are plenty.
- Potential negative effects of health and mental wellbeing with significant loss of residential amenity causing undue stress and anxiety especially to those close to the stack.
- There are a large number of children and elderly people in the demographic of this area which would be more severely impacted with the health effects of the pollutants.
- People would not move to the area had they know of the proposal.
- Impact upon the ambiance of the residential areas impacting on residents of The Chestnuts and The Orchard.
- The development will distract from residents enjoying the fresh air and healthy living.

Emissions

- It is considered that the proposed development would have an adverse effect on the future health of people living within the proximity of the fallout of noxious particles.
- The planning statement has omitted to quantify the particulates that would be released via the chimney stack.
- It is queried if recorded emissions data from the operational facility would be freely available to the public.
- Concerns that emissions and any noise would be constant give the facility would operation 24/7.
- It is stated that in necessitating a 30m exhaust stack, the applicant must be seeking a wide dispersal area to lessen the effect on the immediate area. These conditions cannot be managed to that degree and weather conditions, humidity etc. could see wide variations in particulate concentration.
- Air quality in the area is already hampered by existing industry and it is not clear that the applicants baseline air quality assessment has properly accounted for this. Moreover, the impacts of the incinerated materials are not accurately known, and this stated in submitted documentation.
- The effect of this site's emissions from the burning of pathological, mutagenic, carcinogenic, infectious materials, radioisotopes, pharmaceuticals and other chemical wastes - all covered under its headline banner are not known and may not be known for many years when the effects could manifest. That risk is one that cannot be measured and, as a consequence mitigated and therefore ought not be allowed.
- Concerns that an additional pollutant site, within an area within an area with an already increased levels of toxins in the air due to the chemical factory would increase health

risks. It is considered that no commentary has been seen on the study the planned site would have on health and pollutants coupled with existing pollutants which suggests research and impact analysis has been completed without consideration for the current state of the planned area in relation to air pollutants which is hugely concerning

- The fallout of harmful toxic pollutants and smell and ash from the Hazardous Waste from the 100ft chimney to the surrounding area especially in specific atmospheric weather conditions which even this chimney would not be able to clear and would effect Heighington, School Aycliffe, Aycliffe village and parts of Newton Aycliffe.
- The prevailing wind from the south west is from the industrial estate towards Aycliffe Village. Wind would take the products of the combustion process over inhabited areas very close to the proposed site, including a primary school in Aycliffe village, and at least 6 other early years days nursery's close to the proposed site. A number of independent in-depth scientific studies advise that fine particulate matter emitted by incinerators has an adverse effect on children's health.
- Up until 1st January 2021, incinerator emissions had been limited by strict EU standards and regulations. Now they will be decided domestically where the free market economy will set the benchmark, can see only profit margins impacting on emission levels.
- Reference is made to a number of research papers in relation to waste incinerators identifying emissions with the potential for adverse health effects on the surrounding population i and that pollutants can enter the food chain and lead to chronic illness over a wider geographical area.
- Reference is made to a UK Without Incineration Network report that raises a number of issues including that incinerators have never been required to report particulate emissions in the detail necessary to truly assess their impact on human health, CO2 emissions and that incineration discourages recycling.
- It is stated that research has indicated that people who work or live near to incinerators have more increased risk of these health problems.
- Documents submitted in support of the application are very flowery in comparison to research studies into incineration.
- Concern that the proposal would be detrimental to the area and residents.
- The proposed development should and must not be allowed to proceed. The potential health risk to the many residents, some of whom live less than 1000 metres from this proposed site, (not to mention that there are at least 2 schools less than 1.5 miles away) is far too great to be ignored purely on the basis of 'safe' acceptable emissions from the developers. This is a potential health crisis in the making.
- Within the local area there are a number plants already running with emissions being released into the air and concerns are raised that adding another plant that pollutes, even if it is within legal limits, would, at a combined level, have an adverse effect on local air quality and health.
- The incineration of hazardous and medical waste would include plastics, polymers, metals, and chemical waste. Chemical reactions will take place, releasing further hazardous waste into the atmosphere.
- Environmental concerns with emissions and the culminative effect of emissions from the existing incineration plant at Aycliffe, Ineos and emerald biogas are raised along with concerns that the air quality would be reduced for residents.
- Belief that there are very real environmental concerns with many unanswered questions around emissions. Worry around air quality and risk it would create to human health. The housing estates which would be impacted are filled with families which includes many young children. Such risks should not be taken.
- Request for reassurance that chemicals and particulates that would be breathed in would not be carcinogenic, causing cancer or long term damage to the lungs.
- Surrounding villages and towns need to be protected from the potential impact of the expansion of the estate in terms of smells, noise and chemical pollutants

Air quality & dust

- The proposed development would have adverse effects on the air quality.
- Queries as to who undertook the submitted air quality assessment and their expertise.
- Concern that the application does not seem to take into account the proximity of the houses at School Aycliffe and Heighington.
- Query if the impact of air quality to these residents been properly assessed including the possible affects to health.
- The air quality in this area is already hampered by existing industry and it is not clear that the submitted air quality assessment has realistically accounted for this.
- It is queried how the applicant can assess what pollutants will be emitted when they don't know what they will be incinerating.
- Air quality in this area is already hampered by existing industry and it is not clear that the applicants baseline air quality assessment has properly accounted for this. Moreover, the impacts of the incinerated materials are not accurately known, from their own report: "the emissions from the proposed facility during the modelled operational scenario would contain a number of substances that cannot be evaluated in terms of their effects on public health simply by reference to ambient air quality standards"
- The site is very close to educational establishments (UTC South Durham and Little Cubs Day Nursery). The air quality report notes that there will be an adverse effect on the quality of air at monitoring stations, yet these education sites are situated closer to the proposed plant than those monitoring sites.
- Reference is made to a number of research papers that consider health aspects of air pollution.
- It is queried what reassurances can be offered to residents with regard to what is being incinerated and how this may affect air quality.
- The potential long term health risks caused by air pollution are raised as a concern.
- It is considered that the effects dust would have on human health have not been quantified or the methods of control proposed to be used to minimise these hazardous pollutants. Vegetation and farm animals also fall into this category as they inhale and ingest the dust and other particulates.
- Whether or not soil samples should be undertaken in the vicinity of the site. There are many farms and a farmers market near the proposed site of the incinerator, and if soil samples were to be taken now it would be a baseline with which to monitor either decreased or increased toxins in the soil if the incinerator was to be built.

Noise

- Concerns raised regarding noise and disturbance from the proposed used that that these could lead to mental stress.
- A 24/7 operation and the associated vehicle movements / reversing alarms would have a noise increase over a high current baseline. Fire alarms from Ineos along with sporadic venting already make for a noise profile that is hard to assess and therefore properly account for the subsequent impact of this development.
- No noise monitoring of the baseline has taken place at nearest residential properties to objector's knowledge which should be a prerequisite, with any test applied intended to avoid 'noise creep' in the context of existing industrial noise.
- The fact that the site will be in use 24 hours per day would undoubtedly contribute to an increase in noise, from the running if the facility and that from traffic accessing the plant which could be as close as a few hundred metres from properties.
- The plant is expected to run 24hrs a day, no reprieve from noise and smell would be seen for local residences.
- Reports of noise issues with the existing Hitachi site and Lidl warehouse during the night by the sounds of machinery being used including fork lift trucks as well as constant humming which makes it impossible to sleep with windows open in the summer months. This has affected residents' ability to sleep and at times mental health. The proposed development would add to this.

Odour

- Odour control is a concern, particularly given the feedstocks and that this poses a significant threat to public health and the environment.
- Based on experience of another facility the toxins and the smells of such a facility would be unbearable making you physically nauseous and would effect both physical and mental health.
- Anecdotal evidence provided by residents living near other plant sites have complained about smell and disruptive noise coming from the incinerator. Smells would become more intensive in the summer forcing windows to be closed.
- Prevailing winds going from the direction from this plant to Aycliffe Village this will be a major health risk to the village the surrounding area the farm lands and the environment. It noted that there are other facilities in the area that release odours.
- Aycliffe Village is less than a mile away, downwind of prevailing westerlies, and smells would be inevitable.
- Newton Aycliffe has historically had problems with putrid industrial smells since the 1950s, the proposal would substantially add to them (Chemical Compounds/Great Lakes, the sewage works between Aycliffe Village and Newton Aycliffe, and a waste food processing plant and others, all of which, over the years, professed they used special chemicals to neutralise and/or mask the stench and all failed. The current proposal is something else.
- Newton Aycliffe residents already suffer noise, emissions and smells at all hours of the day from the sewerage works and Ineos.
- School Aycliffe is already experiencing smells from the waste oil plant in Preston Road and the Sewage works at Aycliffe village. These two sources of odours is unacceptable we do not need further potential odours in our prestigious residential area.
- Next to Aycliffe Village is an open landfill site on the doorstep, when it's warm the flies are rife and the smell not pleasant. The incinerator would add to this.

Lighting

- Lighting of the compound would be visible from residential properties directly over the fields and it is not clear if the stack would require aviation lighting at height, if so, this would exacerbate the issue further.

Cumulative impacts

- The cumulative effect of pollutants over the whole of the industrial estate. The pollutants produced by the incinerator seem to be considered in isolation rather than added to all of the other factories on the estate which produce various noxious output. As more and more factories are added that produce various chemicals, the combined effect on residents is significant and does not seem to have been considered in reports provided.
- Although it is claimed that emissions from the site would be "controlled and remain within the safe levels imposed by the Environment Agency", what about adding this to emissions from other existing sites, Ineos being a prime example. It is queried if the combined emissions would be still be safe for residents at all times.
- It is queried if there has been a consideration of the other developments already in place been considered in the total cumulative air pollutants and what the cumulative effect is when taken together. Newton Aycliffe is already highly industrialised, including a significant polymer plant which would be adding to the total cumulative effect on air quality already.
- Although there is Ineos, however that does not emit anything like the proposed plant.

Visual impact

- Visual amenity (not loss of private view).
- The development would be a visual eyesore with the proposed 100ft chimney.

- Significant visual impact for residents of, The Chestnuts, School Aycliffe and other areas such as Aycliffe Village and Heighington. Views from properties have already been compromised by the Hitachi Factory and Ineos and further building, especially given the proposed 30 metre exhaust stack, would mean that the impact on the residential amenity would be unacceptable.
- The proposed structures would have undeniable effect on the character of the surrounding area which will be noticeable from School Aycliffe and Heighington.
- The proposed site buildings and especially the 30 metre exhaust chimney would not be in keeping with the current architectural landscape near the proposed site and as such would be over-bearing and completely out of scale in size and character with its surroundings.
- A 30 metre structure is a similar size to a nine-story building, there are no current buildings in the vicinity of similar scale. As such the visual impact of the proposed development would be unacceptable.
- 30 metre structure and waste products/steam/smoke emitted is vastly out of character with the near and surrounding area. This will be the tallest structure on the industrial park and will be seen for miles.
- Views from publicly accessed viewpoints would be seriously adversely affected.
- Concerns raised regarding layout and density of building and design, appearance and materials.

Traffic and road safety

- Concerns are raised regarding the increase in vehicle movements as a result of the proposed development.
- It is stated that the roads are busy enough now and the proposal with the increased traffic would create more highway issues and access problems.
- Concerns that the application states that there would be two vehicles per hour, but concern that during maintenance shutdowns there would be less time to process the waste due to maintenance work, this would increase the traffic volume considerably as there would be a smaller time frame available to transport the waste.
- The increase in traffic would have a massive impact on Aycliffe Village and its narrow roads.
- The increase in traffic volume given the 10500 tonnes of waste would bring with it further noise and pollution.
- Potential danger to health of the transport of clinical and hazardous waste to the site.
- Damage to the environment with trucks to and from from all over the country.
- Possible significant negative impact on the safety of all road users and pedestrians on the surrounding highways including school children. Noted that queuing associated with the household recycling site on Long Tens Way impacted upon traffic safety.
- The development would present a real risk to those attending UTC South Durham and Little Cubs Day Nursery due to the increased traffic in the surrounding area made up of vehicles accessing the site both during construction and operation.
- Adequacy of parking/loading/turning.
- Aycliffe Village residents have already had to put up with the newly built forest park services which has increased the volume of traffic in this area and brought with it a load of litter to our hedgerows and verges.

Ecology

- It is stated that there is significant nature and wildlife in the area all of which will be disrupted by the noise, increased traffic and pollutants.
- View that the damage to protected wildlife the development would cause is unlawful.
- Construction would negatively impact habitats of endangered butterflies and great crested newts and their eggs, breeding sites and resting places are protected by law.
- Site clearance would include tree removal.

- The proposed location is in an area popular with walkers and abundant in wildlife. It is queried if the impact on wildlife at the site and adjacent to it been taken into account noting that there is a large area of wetlands on the site with many species of birds visiting the pond in this area.
- The original site had a Nature Reserve Pond and landscaped area for wildlife and nature incorporated with just 3 small Business Units planned, NNE of the Reserve and Hitachi. The change in proposed use would significantly disrupt and impact this natural habitat for wildlife found here, not only from noise, disturbance and traffic but also pollution and ground contamination to the lake and water table there.
- Query if there has been an environmental impact study undertaken.

Watercourses and hydrology

- The site is underlain by a principal aquifer which should be afforded protections from any possible contamination either by surface water run-off, accidental release, plant failure or the creation of new pathways by the siting of such a plant and its imported materials.
- Northumbrian Water advises that a strategic water main crosses the site and may be affected by the proposed development which is of concern.
- Concerns expressed that there is the potential for ground contamination as a result of hazardous materials being brought to the site.
- Concerns that there is the potential for water contamination by the fallout from gases and ash and the potential pollution of Demons Beck/wetlands.
- It is stated that in both of its consultation responses the Environment Agency requires a scheme to manage surface water, it appears that the applicant has not replied to the first letter and the request had to be repeated.

Cultural Heritage

- Concerns raised regarding the potential effect of the proposal on conservation areas.
- The application notes that the proposal would have an impact upon Grade 1 and 2 listed buildings and those of arguably historical importance in the vicinity of the proposed site.
- The development of the plant will have an adverse effect on the character and appearance of the surrounding area and would not be in keeping with those listed structures or others in a similar situation.
- The cultural heritage of the region, that being linked to railway pioneers and associated important architecture, would be undermined by the development.

Construction phase

- The impact of construction work including noise, heavy plant and site traffic are raised as concerns.

Operational phase – also refer to individual impacts listed above

- Potential environmental damage from possible failures caused by mismanagement issues or structural failures at such a complex.
- It is queried how it would be known what waste was being burnt when it would be delivered double bagged.
- Traffic, noise and light pollution additional heavy good vehicles (a suggestion of 15 Wagon loads per day as a minimum) in an area which is already congested at peak times exiting onto B6072.
- Concerns if there is an accident at the site and potential risk to residents.
- Concern that information provided to Paul Howell MP advises that one of the technical features would involve live electronical monitoring in the chimney that the Environment Agency would have access to. The system would be designed to shut down immediately on detection of any abnormal discharges. Concerns raised that the company is confirming that it would not have full control of what would be present in emissions and concerns that the risk of abnormal discharges is real. Measures to attempt to minimise

the risk would only come after the emission has been produced. The risk can be fully reduced by Durham County Council by just not allowing the premises to be constructed.

- Concern that the Environment Agency would not have access to the proposed emissions monitoring system and that the onus would be on the operator to report breaches and there could be breaches for months without people knowing.
- Request that a live emissions data portal would be a condition as part of the planning application.
- Queried if the applicant has applied for a live emissions data portal direct to the EA giving 24/7 access.
- In terms of the waste to incinerated it is queried what guarantee do the people living in the conservation area have the council will monitor and take action when set limits are exceeded.
- Concern that the incinerator would not always be running at a high temperature. High temperatures are effective at reducing pollutants from flew gases. However, the incinerator would need to be switched on and off and during the temperature transitions, pollutants such as metals, acid gases, oxides of nitrogen, carbon monoxide and other materials which are in medical wastes such as pathogens, cytotoxins and radioactive diagnostic materials could be blown down wind and effect Heighington.
- Residents should be able to freely access the emission data via an online site which logs the emissions data from the site.
- Queries are raised regarding arrangements that would be put in place should there be abnormal events such as earthquakes and flooding and funnel cloud.
- Queries regarding the electrical demand for the incinerator are raised and what would happen to waste heat, how much demand would be met by the proposed solar panels.

Height of the proposed stack

- It is queried why the applicant does not intend to change the building height or the stack height in light of the consultation response from the Environment Agency. It is considered that Fornax either reject the EA's concerns as invalid or are happy to operate with a risk of increased emissions concentrated at ground level but a straightforward responses has not been provided.
- The applicant may have misled the public into believing that the stack was going to be 30m but in light of the Environment Agency's consultation response it could be taller and may need to be for improve dispersal from the stack.
- A taller stack means further loss of amenity to the people of Newton Aycliffe and surrounding areas.
- Questions are raised regarding the height of the stack in light of the consultation responses from the Environment Agency. It is queried if planning permission would be given if the stack height has not been agreed, if a stack height is agreed would businesses and residents be notified in writing before planning permission is granted, so they can object if they so wish, and as the Hitachi site is in an elevated position it is queried if this would increase the stack height.

Use of the heat produced

- It is queried how many and which companies have expressed an interest in using the heat generated from the facility and if proof of the interest can be provided to the Council.
- Queries regarding the electrical demand for the incinerator are raised and what would happen to waste heat, how much demand would be met by the proposed solar panels.

Loss of property value

- Perceived loss of property value with the plant being close by.
- Several new housing estates have recently been built and this would probably have a detrimental effect on their value.

Cross boundary issues

- Although the building is carefully sited so as to be just inside County Durham the smell and danger from exhaust fumes from the incinerator and other related nuisances such as the increase in hazardous container traffic would be exported more widely, across the constituency and the areas covered by Darlington Borough Council and other administrations.

Current use of the site

- The green space around the proposed unit is regular used for work, health and wellbeing.
- Queries raised regarding the status of a track through the site used to access Heighington station from neighbouring villages and used by dog walkers and ramblers.

Need for the development

- The need for the facility is queried. The CDP, particularly Policy 60 (Waste Management Provision) and table 14 (page 252), shows surplus capacity in the County for clinical waste transfer, so there is no established need for further clinical waste provision up to 2035. If there is a need then it is queried if the proposed site is the most appropriate.
- There is no requirement for more clinical waste management in County Durham, as per the Council's County Durham Waste Management Provision Policy, so why allow a company from out of area to ship in waste from further afield and harm our locality.
- Reference is made to a House of Commons debate in October 2018 where the then Minister for Health, stated there were 24 incinerators and that DEFRA estimated that there was more than 30,000 tonnes of spare capacity in the system, and that there was significant capacity over and above that required by HES to perform its contract and advised that there was sufficient incinerator capacity.
- It is stated that there is an existing facility in Leeds, Stericycle (SRCL), which offers the same waste management solutions as the one proposed and it is queried why build a new one so close to residential settlements.
- It is suggested that we need to look beyond burning waste, particularly clinical and hazardous waste and investigate better alternatives.
- It is queried if the applicant has direct contracts with the NHS for waste collection.
- There are many more suitable tried and tested ways of disposing the waste that is better for the environment or areas that are heavily industrialised.
- This is a knee jerk reaction to land fill taxation. It is not helping solve waste reduction, it simply adds to the problem.

Suitability of location, alternative locations and technologies

- The proposed site is too close to residential properties, businesses and schools and nurseries.
- Query if alternative industrial sites have been properly considered.
- The proposed location is considered to be unsuitable. The site is more suited to light engineering and such a project should be sited in a heavy industrial area such as Teesport well away from residential development and wildlife.
- There must be a more suitable location for a plant of this nature which is removed from populated areas, a wider UK search is justifiable given that the waste would be brought here from across the UK, therefore there is scope to locate elsewhere.
- There are many other locations that could suit the high levels of traffic flow which is likely to increase over time as the site purpose may change/grow than something with small A roads and lots of local traffic.
- Alternative sites in the North East are available.
- The industrial estate has improved over the years in appearance and general environment and residents and businesses live side by side.
- The lack of consideration to industrial brown field sites.

- Consideration should be given to an alternative site which does not have immediate 'near neighbours' who would be negatively impacted.
- Incineration plants are reported to be sited in 'deprived areas' disproportionately according to Greenpeace. Are Durham CC and Fornax taking advantage of this for Newton Aycliffe? It also states that people living near incinerator plants complain of noise, litter, increased traffic and air pollution. Do we really need this so close to residential areas?
- It is queried that as it is hazardous waste should the Ministry of Defence not be notified.
- It is suggested that an alternative to incineration to deal with the medical and hazardous waste would be gasification which destroys this type of waste by heat and does not require a chimney stack and is much more environmentally friendly than a rotary kiln incinerator which is proposed.

Economic impacts

- The proposed development would have adverse effects on existing and future developments within the business park.
- The proposal damages the area much more than it would benefit.
- Whatever economic benefits 27 jobs brings to the local area is vastly outweighed by the social and wellbeing damage this development would bring to an area that many of us, call our home.
- This apparently small scale project claims it will generate just 27 jobs post completion and proposes to bring hazardous waste into our community from across the country to provide a "cost effective service to the NHS". No information regarding any true benefit to the NHS is provided.
- It is queried why the proposal would generate 27 jobs when the capacity of the plant would be 10,500 tonne yet the incinerator which was planned for Consett had a 60,000 tonne capacity and only offered 9 jobs. It is wondered if the potential benefits to the local community are overstated.
- The town inhabitants will decline as the Council must decide what kind of Industrial Estate/ Business Park it envisages.
- No one wants to live near a medical and hazardous wastes incinerator. As residents move out the town would be neglected.
- The recent announcement of the treasury of the north moving to Darlington, is an opportunity for the region to attract businesses to the area, the proposed thermal treatment facility would distract from this and prevent the economic growth of the region at a crucial time coming out of the pandemic.
- The factories nearby would be grossly affected by the site, and this would lead to future industry avoiding the area.
- It is a worry that a number of businesses in the local area would look to relocate if planning was approved. We should be supporting these businesses, not driving them out of the area. Clearly PWS Distribution, a main employer in Aycliffe, object to the development and our local representatives should be offering them as much support as possible.
- Concerns expressed regarding the ability of businesses to be expand and attract employees should the facility be permitted and view expressed that the proposal would have a totally negative impact.
- The adverse effects on future developments within the business park.
- The ex-industrial estate has developed into a Business Park; apart from the obvious industrial-type businesses it formally attracted, it has been able to diversify into attracting a number of 'entertainment/leisure facilities. These businesses offer tremendous facilities 'on the doorstep' to the local residents, who in past times had to travel out of the area to find such entertainment (not exactly environmental friendly). The proposed development would deter people from visiting and would have a detrimental impact on these businesses with the possibility of lost jobs, and obviously forcing people to once again travel outside the area.

- There would be no benefit to the community from this facility, just problems.

Climate change

- Other authorities are preparing for COP26 and the benefits of a green revolution, the County Council should not be embracing incinerator plants, increased carbon emissions and marking ourselves as the nation's dump.
- Although there are references to waste heat capture from the processes, there is no obligation and little commercial argument to do so and as such should not be a consideration to the application, without obligation it is little more than 'greenwash'.
- Greenhouse gases will be released and burnt waste discharge.
- The information takes pains to describe the facility as "small-scale", then claims to be helping to achieve net zero and to have a positive impact on carbon footprint. This is ambiguous and misleading.
- Impact on climate change.
- This development surely goes against the need for cleaner air and could potentially lead to future lawsuits.
- The UK is going Carbon zero not adding to the ongoing global warming crisis. There is a need to skip to newer, widely accepted, economical, and environment-friendly technologies and not an out dated waste incinerator.
- Any such plant flies in the face of the local and global environment and that any funding for the project should be going to better more sustainable means of waste management.
- Increase in volume of traffic on already congested roads adds to the local carbon footprint.
- It is queried the applicant has taken the double plastic containment bags into account with regard to CO2 emissions.

Other matters

- It is queried if the development meets the industrial estate's agreed usage and the Council's Environmental Statement. A detailed risk assessment by the Environment Agency and/or Natural England is required.
- Reference is made to the incinerator built to burn the domestic waste of the four local authorities of Middlesbrough, Stockton, Redcar and Hartlepool. It was praised as an environmentally friendly answer to waste management on Teesside. In reality the town of Middlesbrough suffered for many years with the noxious odour which emanated from it. It had the potential capacity to generate 20 megawatts of electricity, but it never did. A quarry in Whitton was used as a site to dump the incinerators ash. It was demolished eventually and the budget for its demolition was still in the red in the year 2000, 4 years after it closed.
- Reduction in property prices as result of the proposed development.
- A number of other matters have been cited but with no explanation. These being:
 - Loss of light or overshadowing
 - Local, strategic, regional and national planning policies
 - Government circulars, orders and statutory instruments
 - Disabled persons' access
 - Compensation and awards of costs against the Council
 - Previous planning decisions (including appeal decisions)
 - The perceived loss of property value
 - Boundary and access disputes, covenants and other private property matters
 - The loss of a view
 - The impact of construction work
 - Commercial competition between firms
 - Restrictive covenants
 - Ownerships issues over rights of way
 - Questioning the motives or morals of the applicant.

- That a planning application has been submitted retrospectively
 - Matters controlled under other non-planning laws.
 - It is questioned if officers and planning committee would any of you be happy to have this on your doorstep, or on the doorstep of your children's or grandchildren's schools? If there is a flicker of doubt that you would, then you have a moral and ethical duty to refuse this planning application.
 - Queries raised regarding groundworks taking place on an adjacent plot and if the development had commenced before a decision had been made.
 - An objector states he has been informed of a possible future plan to have a land fill waste site also added to the local area, is Newton Aycliffe to be the new dumping group for such terrible projects no one else wants in their local areas.
 - Reference is made to the Germen Chemical Site explosion on 27th July 2021 (Leverkusen). It is stated that these things are not meant to happen, but accidents are not meant to happen, but they do.
 - The proposed incinerator plant has been opposed by our local council representatives as of no benefit and potential harm.
 - The proposal is reckless and unnecessary.
 - Durham County Council has the responsibility to look after the health and wellbeing of all the council tax paying residents who live in the area.
 - Concerns raised with regard to health and natural disasters, for example earthquakes or Funnel Clouds, and what systems for protection of the local population would be in place should this happen.
 - Consideration should be that all waste should be traced back to its original source and this should be made as a condition of the planning application
147. A report entitled 'Resident Concerns for the attention of the Planning Committee' has been submitted. This references pre-application discussions with the applicant and highlights several inaccuracies and inconsistencies in the submitted planning package. The report makes specific concerns (amongst others) in relation to discrepancies with the planning application; evidence supporting concerns about the impact on health; the actual need for the plant and the manipulation of evidence in relation to the actual amount of hazardous waste that will be processed, and air quality in respect of the methodology used, particulates and risk. Matters raised include:
- Discrepancies with the planning application.
 - Evidence supporting concerns about the impact on health.
 - The actual need for the plant and the manipulation of evidence in relation to the actual amount of hazardous waste that will be processed.
 - Air Quality in respect of the methodology used, particulates and risk.
 - The proposed site is not suitable for this type of development as it is too near to domestic properties.
 - Proximity to houses.
 - Proximity to historic and listed buildings/monuments.
 - Potential dangerous site and traffic emissions.
 - Significant environment impact on air quality.
 - Habitat loss for 4 butterfly species which are on the RED data list species, 2 of which are vulnerable and 1 is near threatened.
 - Unclear impact/information regarding Great Crested Newts.
 - Potential risk to groundwater within a protection zone on the Magnesium Limestone principal aquifer.
 - Negative visual impact on the area.
 - Air quality and impact on amenity
 - Design and visual impact; and
 - Loss of employment land and alleged need for the development

Other objections

148. *Cllr Ken Robson (Aycliffe West)* – due to the public interest in this planning application, requests that the application be heard in committee rather than Officer led. Some of the reasons for the request being that members of the public living in close proximity to the proposed plant are concerned about the following; deterioration of air quality in the area; fumes of a toxic nature; environmental impact on wildlife; increase of traffic flow; waste coming into the area from outside; impact on property prices locally, distance and direction of smoke, and no determination of products being burned.
149. *Cllr Jonathan Elmer (Brandon Division)* – objects to the proposal. Objections are on the basis that: it undermines CDP Policy 60 through directly undermining the strategic goal of waste reduction at source and recycling; it fails to comply with the Climate Act 2008 and the NPPF through increasing direct carbon emissions into the atmosphere; temperature transitions during operation may create plumes of pollutants that will impact on impact on people and wildlife down wind; contrary to CDP Policy 60, the applicant has failed to demonstrate market need; the applicant has failed to properly assess the impact of the development on the Magnesian Limestone aquifer which is beneath the location for proposed attenuation ponds, and the development will create a direct impact on the habitat of a species protected by the Wildlife and Countryside Act, 1981.
150. *Mr Arun Chandran, member of Great Aycliffe Town Council* – expresses concerns about the extent of public consultation undertaken.
151. *Aycliffe Village Residents Association* – object citing concerns on health, nature conservation, local planning policies and traffic generation.
152. *Friends Of Heighington School* – object citing concerns relating to: emissions; the effect of the site's emissions from the burning of pathological, mutagenic, carcinogenic, infectious materials, radioisotopes, pharmaceuticals and other chemical wastes – all covered under its headline banner are not known and may not be known for many years when the effects could manifest; noise / odour / light pollution from the 24/7 operation; negative impact upon nature conservation; residential impacts and transport and traffic.
153. *The Friends of the Stockton & Darlington Railway* – note that the application recognises the Stockton & Darlington Railway Heritage Action Zone and assesses the visual impact of the proposals on the signal box and former Locomotion No 1 public house/Heighington Station. However, there is concern that the application makes no reference to Policy 46 of the County Durham Plan or to the Historic Environment Audit of 2016. It is therefore unclear if the proposed development is compliant with that policy. The Friends therefore recommend that conditions be attached to a grant of permission to ensure noise, traffic, odour and light pollution are all minimised in their impact on the setting of the S&DR and the two listed buildings of the signal box and station.
154. *Xcel Centre* – objects having concerns regarding the potential air pollution and environmental impact of the facility. The site includes a nursery with outdoor play area and staff and families have expressed significant concerns about the safety of children spending full days in the catchment area of an incineration plant. Concerns are also raised regarding the size, scale of the proposal and the appropriateness of the location given the area is increasing in popularity and population and has seen significant private and public investment in recent times and the proposal risks reversing this trend and marking the area as a no go for future business opportunities and investment
155. *RJS LASER LTD* object stating that a healthy working environment is critical for all its staff and at this moment in time we have some serious concerns on how this proposal may impact the local environment consequently impacting the very important health and

wellbeing of its staff. After consulting the various documents provided by this application, it is believed that allowing this proposal to go ahead may have an irreversible impact on the environment.

156. *PWS Distributors* objects. It is considered that the proposal destroys the recruitment and employability prospects of businesses in the area on the basis of health concerns and working conditions. It is stated that the Heighington Household Waste Recycling Centre has caused issues over the years and that the current proposal raises concerns for staff health and welfare with potential increase in absenteeism with the burden placed on it. Concerns are raised regarding investment plans and the proposal would undermine its ability to be a preferred employer and degrade growth potential for it and other employers and few if anyone would wish to work in the shadow of the facility. Concerns are also raised regarding the environmental impact including emissions and pollutants and degradation of the air quality in the surrounding area and longer term impact for employees and residents. It is considered that the diversity of the industrial estate would be affected and employers benefit from facilities on the estate for childcare and parental doubts about the safety of such a facility again impacts on local businesses. Concerns are also raised regarding location, visual impact and aesthetics. Although on an industrial park the construction on the edge of the estate would be an eyesore out of keeping with the area. From any approach the height and scale of the facility and emissions chimney would dominate the countryside, no less so than the approach in from Heighington Lane. It has worked with the Council to provide a contribution to the landscaping and softening of the industrial edge of the estate and this proposal would be at odds with what they have discussed with planners. The Company's ability to grow to full potential with continued business opportunities would be restricted by the location and scale of this proposal. This is proposal has real-world potential to harm our own business, the local environment, affect staff and neighbours and limit the future benefits of investment and business opportunities to the area. The location is not considered to be appropriate.
157. *Parnaby Removals & Storage LTD* – are seriously concerned for the health & wellbeing of staff if Heighington Lane Incineration opens and worry that may even lose staff.
158. *PPS Developments Ltd* – object and refer to lack of time to comment on the application, the prevailing winds would take the products of the combustion process over in habited areas including a primary school in Aycliffe Village and at least 6 nurseries and there are concerns that fine particulate matter emitted by incinerators have an adverse effect on children's health which is cited in academic papers, yet the application considers everything would ok.
159. Another local business on the Aycliffe Industrial Estate objects citing concerns over the health and wellbeing of residents, employees and tourists as a result of inherent and likely irreversible air contamination/pollution occurring from its use. As well as a decline in people's health and wellbeing, its construction would also have a domino effect to those residing and/or situated within the area likely re-locating to merely preserve health consequently resulting in an adverse decline in local economic activities. It is stated that the Aycliffe Business Park is one of the largest single employment business parks in the UK and is single-handedly the largest in County Durham. It would, therefore, be completely unethical, nonsensical and a contravention of people's basic rights to construct a hazardous plant beside people's places of work and residence.

Comments

160. *Hitachi Rail Europe Ltd.* – has advised that following a review of the planning documents a number of concerns have been identified and clarifications requested. Hitachi is concerned that submitted air quality model does not take into account the Hitachi Rail

Facility and the potential impact on the 600+ employees (Human receptors) within the site. As the air quality model has not considered the Hitachi Rail facility within its scope there are concerns on the impact of its employees from the emissions of the incinerator to be drawn into the recently installed Hitachi paint facility. In addition, the stack height calculation appears to have been determined on a limited human receptor data set, not taking into account the Hitachi Rail human receptors and its new paint facility.

161. *Just YDL* – raise concerns advising that staff are already impacted from Ineo's steam discharges and neighbouring business via the odour and concerns regarding impacts from the proposed development are raised and should it go ahead the Company may have to look at relocating. A request is made to help local business and not drive the local staff away from much needed business in the local area.

Support

162. A total of 2 letters of support have been received.
163. A local resident advises that they consider that there is nothing wrong with these facilities, they are designed not to pollute and are the way forward with waste disposal. They provide energy and are much safer than a landfill and it's resulting methane. The resident used to live as close to one previously in Hampshire and you would not have even known it was there unless someone pointed it out and even then, there was no evidence of anything being burnt, no smells, no smoke, unlike the daily Ineos smoke which no one objects to. The recent scaremongering leaflets that have appeared are totally incorrect and are misinforming the locals in an attempt to have this rejected by the NIMBY - not in my back yard brigade. Additionally, this would provide local jobs.
164. A letter of support has been received from Sharpsmart at Spennymoor advising they are the contract holder for the clinical waste management of a number of North-East Hospital Trusts which includes the disposal of all hazardous waste which are taken for disposal at high temperature incineration facilities across the UK. Sharpsmart advises that it has extensive experience in this sector and there is a clear and unequivocal need for the proposed facility. Sharpsmart internal supply chain technical team has analysed the Spatial Policy response to the application and concur that there is a significant amount of hazardous clinical waste leaving the region and travelling substantial distances to incineration facilities in the UK. It is considered that the facility would result in a huge reduction in carbon miles and that a recent evaluation of incinerations outlets determined that waste from the North East was traveling as far west as Bristol and as far south as Sandwich in Kent at facilities that provide no energy from waste capability. It is considered that the facility would align with the NHS's own "Route to Net Zero Strategy" and its drive for resilience in terms of waste management within the healthcare arena. The recent pandemic highlighted the challenges that the NHS face in terms of disposing of clinical waste and the new modern technology as proposed would provide an immediate solution to the availability of incineration outlets available to the NHS with the North-East. In terms of local employment opportunities, Sharpsmart would ensure that its fleet of clinical waste incineration drivers (which are currently based at other locations across the UK) would be based from its Spennymoor facility which would contribute approximately 10-15 open driver vacancies in the region. In summary, the local energy from waste plant application would be a major contributor to the NHS's drive for sustainability, resilience and contingency of service in terms of their clinical waste service provision and Sharpsmart is keen to support the delivery of this facility.

The above is not intended to repeat every point made and 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/simpleSearchResults.do?action=firstPage>

APPLICANTS STATEMENT:

165. The Merchant Park high temperature waste treatment facility will provide a much needed and sustainable treatment option for locally generated hazardous and clinical wastes in the north east that currently travel much further afield - at the cost of significantly more carbon emissions associated with their transport. Consultation responses from the Durham Environmental Health and Spatial Policy teams and the Environment Agency, among other stakeholders, have confirmed that they have no objections and that the proposals are appropriate and robust.
166. The facility will treat locally arising wastes which currently travel considerable distances for treatment – in excess of two hours drive time, with significant quantities travelling as far as the south coast – as there is insufficient local treatment capacity. These materials cannot be recycled. The facility will employ class leading technology and has been shown to have no significant effects upon health or the environment through air quality impacts.
167. The facility proposes a significant range of sustainability measures including being self sufficient in heat generation, hosting a solar array on its south facing roof, utilising renewable electricity when importing from the national grid, and installing a heat distribution network within Merchant Park which it will use to provide low carbon heat to other businesses locating in the area.
168. Set within an industrial location that is fully in compliance with planning policy, and demonstrated to have no significant environmental effects, the development is away from residential and leisure uses, and has excellent access to the highway network. Traffic serving the facility will be far lower than that associated with most industrial units of an equivalent size and will travel directly to and from the A1 junction without passing residential frontages for all but local collections.
169. Visually well screened by existing mature trees and the neighbouring Hitachi facility, the building housing the operation will be of a scale and finish in keeping with the surrounding business units. A single flue will be required which will be similar to the various examples on the Ineos site, and which will be visible from only a very small range of locations.
170. The facility will need a Permit from the EA who will control emissions to air, land, and water, including noise, air quality and odour. The facility can have no significant effects upon its environment to receive this. Planning law requires these controls are not duplicated by the planning process, but left to the Permit, through which the EA will closely supervise the operation. The applicant have received enhanced pre-application advice from the EA which confirms that their development and approach to the Permit application are appropriate.
171. The proposed facility, supported by local NHS organisations and other specialist waste management firms, will provide a local destination for materials which are travelling unsustainably long distances for treatment. The reduction in carbon miles for the materials, in addition to the comprehensive suite of environmental measures proposed by the application, mean that the development will provide a much needed and safe treatment option for locally arising specialist wastes.

PLANNING CONSIDERATIONS AND ASSESSMENT

172. 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 advice within 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 the development, alternatives, residential amenity (noise and vibration, air quality and dust, odour and health), highway safety and access, landscape and visual impact, cultural heritage, ecology, flooding and drainage, sustainability and climate change, accidents and natural disasters, waste management, mineral safeguarding and other matters.

Principle of Development

173. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF is a material planning consideration. The County Durham Plan (CDP), the remaining saved policies of the County Durham Waste Local Plan (WLP) and the Great Aycliffe Neighbourhood Plan (GANP) comprise the statutory development plan relevant to this proposal and are the starting point for determining applications as set out in the Planning Act and reinforced at Paragraph 12 of the NPPF. The CDP was adopted in October 2020 and provides the policy framework for the County up until 2035. The WLP was adopted in 2005 and was intended to cover the period to 2016. However, NPPF Paragraph 219 advises that Local Plan policies should not be considered out-of-date simply because they were adopted prior to the publication of the NPPF. Notwithstanding this, it is considered that a policy can be out-of-date if it is based upon evidence which is not up-to-date/is time expired depending on the circumstances. The CDP replaces principle policies of the WLP with the remaining saved policies set out in the Policy section above. The GANP was adopted in July 2017.
174. Paragraph 11 of the NPPF establishes a presumption in favour of sustainable development. For decision taking this means:
- c) approving development proposals that accord with an up-to-date development plan without delay; or
 - d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
 - i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or,
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.
175. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. In light of the recent adoption of the CDP, the Council now has an up-to-date development plan. Paragraph 11 of the NPPF establishes a presumption in favour of sustainable development. For decision taking this means approving development proposals that accord with an up-to-date development plan without delay (paragraph 11 c). Although saved policies of the WLP remain in place, the most important policies for the determination of this application are contained within the up-to-date CDP. Accordingly, paragraph 11(d) of the NPPF is not engaged.

176. National and local planning policies are supportive towards sustainable waste management initiatives and seek to promote the movement of materials up the waste hierarchy.
177. The Government's waste and resources strategy, national waste management plan and current waste planning policies are supportive towards sustainable waste management initiatives and seek to promote the movement of materials up the waste hierarchy. "Our Waste, Our Resources: A Strategy for England" (December 2018) sets out how England will preserve material resources by minimising waste, promoting resource efficiency, and moving towards a circular economy. The strategy is framed by natural capital thinking and guided by two overarching objectives, to maximise the value of resource use; and to minimise waste and its impact on the environment. The resource strategy seeks by 2030 to maximise prevention, preparing for use, recycling i.e., turning waste into a new substance or product, followed by other recovery and minimise disposal i.e., landfill and incineration without energy recovery. The resource strategy aims towards sustainable production and increased recovery of value from waste and improved waste management.
178. The Governments National Waste Management Plan for England (January 2021) sets out the Government's ambition to work towards a more sustainable and efficient approach to resource use and management and towards a 'zero waste economy' in which material resources are reused, recycled or recovered wherever possible and only disposed of as the option of last resort. It has the waste hierarchy at its heart, which is both a guide to sustainable waste management and a legal requirement, enshrined in law through the Waste (England and Wales) Regulations 2011. The waste hierarchy gives top priority to waste prevention, followed by preparing for reuse, then recycling, other types of recovery (including energy recovery), and last of all disposal (e.g. landfill).
179. The National Waste Management Plan emphasises that the Government is *"targeting energy from waste incinerators to produce heat for heat networks as this substantially reduces their emissions by making use of the otherwise wasted heat to displace gas boiler heating. This will support a shift from using high carbon gas generation to lower carbon generation in heat networks. Funding for this in England (and Wales) is coming through government's £320 million Heat Networks Investment Project (HNIP)"*. It states that, *"To date, we have announced over £76 million in funding to 13 projects, including 6 from energy from waste plants, which will in total take over 150 GWhs annually of wasteheat from incinerators. We are planning to continue our support of this area by supporting the BEIS £270 million Green Heat Network Fund (GHNF) scheme, which is expected to open in 2022 to further drive carbon savings and ensure that energy from waste incinerators are making the most of their heat production potential and reducing their CO2 emissions"*. It also states that, *"Landfill or incineration without R1 recovery status should usually be the last resort for waste, particularly biodegradable waste"*. Although not directly applicable to the current application it does highlight the importance placed on using heat generated from the burning of waste which is also proposed in this case.
180. The National Waste Management Plan for England explains that the Resources and Waste Strategy promotes efficient energy recovery from residual waste, but the government does not express a preference for one technology over another, since local circumstances differ. Efficient energy recovery from residual waste which can deliver environmental benefits, reduce carbon impacts and provide economic opportunities, and innovative technologies which improve the environmental outcome for the treatment of residual waste are welcomed. The Resources and Waste Strategy recognises that energy from waste is generally the best management option for waste that cannot be reused or recycled in terms of environmental impact and getting value from the waste as a resource. It promotes the greater efficiency of energy from waste

plants through utilisation of the heat generated in district heating networks or by industry, and by seeking an increase in the number of plants obtaining R1 recovery status. Any given technology is more beneficial if both heat and electricity can be recovered. Particular attention should, therefore, be given to the location of the plant to maximise opportunities for heat use.

181. The National Waste Management Plan for England explains that the Government's Strategy for Hazardous Waste Management in England sets out important principles that aim to encourage reductions in hazardous waste arisings and the wider application of the waste hierarchy to the management of hazardous waste. Hazardous waste management practices and new infrastructure must meet existing regulatory requirements, including those of the Hazardous Waste (England and Wales) Regulations 2005 and the Environmental Permitting (England and Wales) Regulations 2016. This will help to secure environmentally sound management of hazardous waste.
182. The Strategy for Hazardous Waste Management in England (2010) includes information on how some key hazardous wastes are managed. In addition, it advises that guidance has been developed on applying the waste hierarchy to hazardous waste to encourage further the provision of key infrastructure. The Hazardous Waste Management Strategy is based on a number of key principles including the waste hierarchy, infrastructure provision, reduce our reliance on landfill, no mixing or dilution and the treatment of hazardous organic wastes. It also contains a summary of facility needs for hazardous waste Management in England although this is now dated due to its publication in 2010. In terms of infrastructure provision, the Hazardous Waste Management Strategy advises that the Government looks to the market for the development of hazardous waste infrastructure, which implements the hierarchy for the management of hazardous waste and meets the needs of the UK to ensure that the country as a whole is self-sufficient in hazardous waste disposal, that facilities are put in place for hazardous waste recovery in England, and the proximity principle is met. It acknowledges that the regional distribution of hazardous waste facilities could more closely match regional arisings to reduce the number and length of these movements of hazardous waste. However, the aim is not to move to complete regional self-sufficiency for hazardous waste management, which is not required by the Waste Framework Directive (WFD) and is unrealistic. It also advises that the planning system is pivotal to the adequate and timely provision of facilities for hazardous waste recovery and disposal close to where that waste arises, although hazardous wastes are required to be moved between regions to facilities that support national or multi-regional need. Responsible regional authorities and waste planning authorities are expected to plan for the volume of hazardous waste arisings in their area.
183. The Department of Health has provided guidance on the management of healthcare wastes in the document 'Management and disposal of healthcare waste (HTM 07-01) (2013). It advises that some types of clinical waste must be incinerated and can only be incinerated by clinical waste incinerators, although some can be incinerated in municipal incinerators or treated by alternative treatment technologies.
184. In determining the planning application due regard should be given to the National Planning Policy for Waste (NPPW). Paragraph 1 makes clear that the NPPW, 'sets out detailed waste planning policies' that all local planning authorities should have regard to when discharging their responsibilities to the extent that they are appropriate to waste management. The NPPW sets out the Government's ambition of more sustainable waste management and resource use through positive planning, driving waste up the waste hierarchy and securing the re-use, recovery, or disposal of waste without endangering human health or harming the environment. The NPPW clearly sets out in the waste hierarchy that prevention of waste and re-use of materials should be considered before recycling, recovery and final disposal of waste. Paragraph 7 also

advises that Local Planning Authorities should, "only expect applicants to demonstrate the quantitative or market need for new or enhanced waste management facilities where proposals are not consistent with an up-to-date Local Plan. In such cases, waste planning authorities should consider the extent to which the capacity of existing operational facilities would satisfy any identified need". Appendix A on the Waste Hierarchy and Appendix B on Locational Criteria are especially relevant.

185. The key policies for the determination of this application are CDP Policies 2, 47, 60 and 61. In addition, there are a number of applicable environmental protection policies within the CDP, the WLP and the GANP to consider.
186. CDP Policy 2 sets out the locations for employment within the County. The application site forms part of the current Merchant Park allocation within the County Durham Plan for B1 (Business), B2 (General Industrial) and B8 (Storage and Distribution) employment uses. CDP Policy 2 states that "undeveloped land and plots at the following employment sites and at proposed extensions to these existing employment sites, as shown on the policies map, are allocated for B1 (Business), B2 (General Industrial) and B8 (Storage and Distribution) unless specifically stated."
187. It is considered that the proposed development, which is a high temperature thermal treatment facility, is a 'sui generis' use, that does not comfortably fit within any specific use class. CDP Policy 2 allocates land for the specific uses of B1, B2 and B8 with the exception of NETPark, which is only for B1. It is stated that development for non-employment uses on employment allocations or existing protected employment sites will not be permitted unless:
 - a. there is documented evidence of unsuccessful active marketing for employment use with at least one recognised commercial agent at local market levels, over a continuous period of at least 12 months for a change of use of a property, 2 years for the redevelopment of a protected site and development of an allocated site below 10ha and 5 years for the development of a plot of land on an allocated site of greater than 10ha; or
 - b. the proposed use would not compromise the main use of the site for B class uses and would comply with Policy 9 (Retail Hierarchy and Town Centre Development) where main town centre uses are proposed.
188. CDP Policy 2 criteria a is not applicable given the applicant has not sought to provide evidence to seek to rely upon this provision in the Policy. Criteria b is therefore applicable, and consideration must be given as to whether the proposal would comprise the main use of the industrial estate in terms of its employment role and whether the proposal would meet relevant environmental and amenity related development plan policies.
189. In terms of employment land, the application site is part of the Merchant park allocation which was allocated as the preferred location by Hitachi for a train manufacture and assembly plant. CDP paragraph 4.3.4 states, "*A purpose built facility has recently opened and will produce new rolling stock for East Coast and Great Western Trains. The site will see large scale job creation with the Hitachi development having the potential to act as a catalyst for further growth and investment within the sector and bring wider benefits to Newton Aycliffe and County Durham as a whole.*" The Hitachi plant has opened, it has delivered the jobs which were sought, but the application site is surplus to Hitachi's requirements. The CDP allocates 299.93 hectares of employment land over the Plan period to 2035 including 101.03 hectares in the South Durham delivery area of which 82.25 hectares is allocated at four sites at Newton Aycliffe. The application site extends to only 2.02ha. In quantitative terms the application site is only 2.4% of the allocated land at Newton Aycliffe. In addition, there are also very large areas of existing protected employment land at Newton Aycliffe. Furthermore, whilst it

is accepted that the proposed development does not fall within the B1, B2 or B8 use classes it would not be materially distinct from similarly sized industrial developments and would still provide employment.

190. Further employment land is also available within Darlington Borough immediately to the west of the application site (and an area to the south also within Darlington Borough Council although not carried through to the emerging Plan) is designated in the adopted Borough of Darlington Local Plan as the Heighington Lane Business Park Extension (Policies EP3.6, EP6.3 and EP7.6). This is designated for Use Classes B1, B2 and B8 and will normally only be developed for prestige employment sites and only Use Classes B1, B2 and exceptionally B8 will be considered. The Darlington Borough Local Plan Proposed Submission Local Plan 2016 – 2036 August 2020 identifies the land as Heighington Lane North (5.7 ha) with suggested uses being Use Classes B1, B2 and B8. Proposals for other employment uses will only be permitted where the Borough Council is satisfied they will not have a detrimental effect on the amenities of the occupiers of adjoining or nearby properties or prejudice the development of adjacent sites. The Darlington Core Strategy identifies the site as a key employment location. No comments have been received from Darlington Borough Council in respect of an impact upon the allocation.
191. The wastes that would be imported and treated at the site would be controlled through the Environmental Permit issued and regulated by the Environment Agency. The waste accepted would be that which has a legal requirement for destruction at high temperatures. The facility would primarily treat a limited number of waste streams which support the NHS, hospitals, health centres and local industry. The applicant has advised that these include those from the European Waste Codes list at prefix 18 which includes the following definition: “wastes from human or animal health care and/or related research (except kitchen and restaurant wastes not arising from immediate health care)”. In addition, the facility would handle hazardous waste. Types of waste include health care waste produced by organisations providing health and social care, or in a person’s own home where health and social care is provided. Hazardous Waste, these being waste items, or components of that waste, that can cause harm to the environment or human health may cause the waste to be classified as hazardous, for example medicines, needles or suture needles, incontinence pads, soft waste such as dressings, waste inks and paints, waste solvents, pharmaceutical laboratory waste and out of date over the counter pharmaceuticals. Hygiene waste that is non-infectious as defined within the Controlled Waste Regulations as well as medical waste defined as either medicine no longer required or items contaminated with medicines. In addition, law enforcement confiscated material is identified as possibly being treated at the site for example excise goods (cigarettes, tobacco and alcohol), firearms and prohibited drugs.
192. In terms of waste resource management CDP Policy 47 states that the development of a sustainable resource economy in County Durham will be promoted, encouraged and facilitated by:
- a. ensuring that waste is managed in line with the waste hierarchy in sequential order. In particular:
 1. supporting proposals that minimise waste production; help prepare waste for re-use; and increase the capacity and capability of the county's network of waste management facilities to reuse, recycle and recover value from waste materials; and
 2. resisting proposals for the disposal of residual waste via landfill or via the incineration of waste without energy recovery unless a need can be demonstrated which cannot be met by existing facilities and by treatment solutions higher in the waste hierarchy.

- b. supporting opportunities for on-site management of waste where it arises and encouraging co-location of waste developments with industrial uses so that waste can be used as a raw material.

Criteria c), d) and e) are only relevant to mineral development and are, therefore, not applicable to this application.

193. It is considered that the proposal is consistent with Policy 47 criteria a1. The proposed development would increase the capacity and capability of the County's network of waste management facilities and would recover value from waste materials. It has been designed to recover heat for its own use and with the capacity to export approximately 5MWth of heat to neighbouring industrial users and occupiers of the business units nearby. In terms of the waste hierarchy the proposal would be considered as 'Other Recovery' as it would have a secondary consequence of the reclamation of energy via useable heat. It is also considered that this type of facility, where heat is recovered and used or exported, would accord with the aims of the National Waste Management Plan for England, where an emphasis is placed upon targeting energy from waste incinerators to produce heat for heat networks as this substantially reduces their emissions by making use of the otherwise wasted heat to displace gas boiler heating. It is, therefore, considered that the proposal would accord with criterion a1 of CDP Policy 47. It is considered that the proposal would not conflict with criterion a2 of Policy 47 as it is not incineration without energy recovery. The proposed facility is seeking to incinerate quantities of hazardous and Clinical/Healthcare waste which is incinerated in facilities outside of the North East as far as Kent but arise within the applicant's catchment area of a 2-hour drive from the proposed site. Provision of a facility which is required to incinerate waste which cannot be managed at a higher level of the waste hierarchy would not conflict with the waste hierarchy.
194. The first part of criterion b) is not relevant to the proposed development as it relates to on-site management of waste where it arises, which is not applicable as the waste does not arise at the site. Policy 47 criterion b) also seeks to encourage the co-location of waste developments with industrial uses so that waste can be used as a raw material. In this instance, through an industrial process, waste is converted to energy i.e. heat for use at the site and has the potential to be exported and used by neighbouring industrial users if practically and commercially possible to do so. No specific user for the heat has yet been identified or confirmed but through condition a district heat network infrastructure can be secured.
195. During the course of the application the applicant was requested to demonstrate market need and a waste market context report was provided. When the application was first submitted the source of the waste or catchment area included the North East and Scotland. The catchment area was refined in the waste market context report to a primarily 2-hour drive from the proposed site. This now includes the North East, North Yorkshire and the Humber and parts of the North West.
196. It has been suggested by objectors that all waste should be traced back to its original source and this should be a condition of the planning application. Source of waste would be recorded for Environment Agency purposes and it would not be appropriate to condition this. Furthermore, objectors question the need for the proposed development considering that there are other facilities, for example in Leeds, which could treat the waste.
197. Officers have had regard to the waste market context report as well as the Environment Agency Waste Data Interrogator data for 2019 (published in 2020) when assessing the proposal. While objectors may disagree with the conclusions reached, they have been reached by an assessment of publicly available information and an assessment of relevant development plan policies and Government guidance.

198. Objectors consider that a list of businesses/organisations that require these services locally, together with the amount of waste that they have to be processed should be shared with the public. It is considered that this is not necessary for the purposes of the assessment and that the information that has been submitted is sufficient to determine the application.
199. CDP Policy 60 is the key waste management policy in the CDP. It advises that proposals for the provision of new or enhanced waste management capacity will be permitted where they can demonstrate that they: a) contribute to driving the management of waste up the waste hierarchy and do not prejudice the movement of waste up the waste hierarchy; and b) assist in moving the management of waste in County Durham towards net self-sufficiency and/or make an appropriate contribution to regional net self-sufficiency by managing waste streams as near as possible to their production; and c) assist in meeting the identified need for new waste management capacity to manage specific waste streams over the Plan period or can demonstrate an additional need which cannot be met by existing operational facilities within County Durham or the North East.
200. With respect to Policy 60 criteria a) and the requirement to to 'driving the management of waste up the waste hierarchy and do not prejudice the movement of waste up the waste hierarchy', it is considered that the proposal would not prejudice the movement of waste up the waste hierarchy. Certain types of hazardous and health-care wastes, e.g. pharmaceutical or chemical wastes, require high temperature incineration for complete destruction. The assessment of need conducted by the applicant has assessed quantities of both hazardous and clinical waste which are already being incinerated outside of the North East. Unlike other waste streams, such as, local authority collected waste (LACW), which has significant potential for recycling, hazardous and clinical waste can be harmful to the environment or human health, incineration is required to treat wastes that cannot be recycled, reused, subject to alternative treatment technologies i.e. autoclaves or disposed of in a landfill site. It should be noted that autoclaving (as at the recently permitted SharpSmart facility at Green Lane, Spennymoor (Planning Permission No. DM/20/01499/WAS approved in November 2020)) does not meet the same high temperature treatment requirements as the proposed facility and the residues at the SharpSmart facility will still require final treatment at a permitted energy from waste facility with R1 recovery status or at a reprocessing facility which manufactures fuel pellets from waste materials. The applicant has also advised that the SharpSmart facility has both a different feedstock profile. This has been supported by the representation submitted in support of the application by SharpSmart.
201. With respect to Policy 60 criteria b) which addresses both County Durham and regional net self sufficiency and the proximity principle, the CDP has applied these principles to all waste streams. The CDP advises that "Government policy is clear that while there is a policy aim that waste planning authorities should manage all of their own waste in line with the established waste planning principles of self-sufficiency and the proximity principle that there is no expectation that each local planning authority will be able to do so. It also advises that, County Durham plays an important part in the management of waste in the North East and established flows of waste exist between County Durham and adjoining areas and other areas in the country. This is likely to continue as waste flows are driven by the market".
202. Within County Durham there are only two sites where approximately 618 tonnes (including 285 tonnes of hazardous waste) was reported as being incinerated in 2019 and within the North East there are only five sites where approximately 3,774 tonnes of health care waste was reported as being incinerated in 2019 (including 2,893 tonnes

incinerated at the Teeside Energy from Waste Plant). Within the North East there were five sites where 20,226 tonnes of hazardous waste was reported as being incinerated (including 19,331 tonnes of hazardous waste being incinerated in one facility at Seal Sands, which treats chemical deposits, oils and solvents from the chemical industry).

203. While it is self evident that the waste targeted by the applicant for management in the new facility which arises within County Durham and the North East is currently being managed in alternative facilities, the majority of these facilities are located outside of the North East. The Council's own analysis using the latest available Environment Agency information indicates that in 2019 approximately 356 tonnes of health care waste (European Waste Code Chapter 18 (EWC) arising from County Durham was incinerated in facilities in Kent, Merseyside, Hampshire and, West Yorkshire (with approximately 22 tonnes being incinerated at the Teeside Municipal Energy From Waste plant). Approximately 3,651 tonnes of healthcare waste from the North East was incinerated at eight locations outside of the North East in 2019. Similarly, analysis on the basis of hazardous waste categorisation indicates that in 2019 approximately 10,995, tonnes of hazardous waste (approximately 7,344 tonnes of hazardous waste excluding waste categorised as human or animal health care waste) was incinerated outside of the North East in facilities in locations such as Merseyside, Hampshire, West Yorkshire and South Yorkshire. In terms of the waste which has been identified as arising in County Durham and the North East but is managed outside of the North East, it is considered that treating waste which arises in the North East within the region would accord with the proximity principle, reduce vehicle miles and, contribute to both County Durham and regional net self-sufficiency.
204. Criteria b) also refers to managing waste streams as near as possible to their production and is intended to reflect the established proximity principle which is an important part of European and National policy. The applicant has not provided precise details of where the waste would originate but this is not unusual. It is unlikely that contracts could be finalised with suppliers until the applicant has the security of planning permission for the development. Notwithstanding this, the applicant has indicated that waste would be supplied primarily within a two hour drive from the site, although the main catchment area would be centred around the site including Newcastle, Durham, Newton Aycliffe, Sunderland and other local towns. This is considered in further detail below in respect of CDP Policy 61c).
205. In relation to CDP Policy 60 criteria c) the CDP did not forecast a need for any Hazardous or Clinical Waste incineration capacity within County Durham over the Plan period to 2035. Whilst forecasting a surplus of Clinical Waste Transfer capacity, it did also forecast a shortfall in Hazardous Waste Transfer capacity over the Plan period. This assessment reflected the nature of how this waste from County Durham has been managed for many years with most hazardous and clinical waste from County Durham being transported to facilities outside of the County for their management. It also reflected the practice in the waste management industry for some waste types being transported to specialist facilities in more distant authority areas which draw upon a larger catchment.
206. The applicant's waste market report contains detailed information on the incineration of hazardous and clinical/healthcare waste and includes information upon the UK's four High Temperature Incinerators (HTI), and its network of Clinical Waste Incinerators, Cement Kilns and Municipal Waste Incinerators. The applicant's assessment is based upon a 2-hour truck drive time (catchment area) around the proposed site, which broadly covers the entirety of the North East and the Yorkshire & Humber and adjoining parts of the the North West. It is considered that this catchment area provides a more reasonable basis to proceed and is preferable to the applicants original catchment area which was County Durham, the rest of North East England and Scotland. It also reflects

the reality that a waste facility located in the south of County Durham would, subject to market considerations, also potentially draw waste from North Yorkshire and other parts of the Yorkshire and Humber region. The applicant's assessment also refers to potential waste growth in arisings over the next ten years and existing capacity which they advise is aging; however, in the absence of regional or national forecasts or information on the remaining life of existing infrastructure these elements of the applicants evidence are difficult to judge. However, it is considered reasonable to assume that the recent pandemic will lead to increase in health care waste and all existing infrastructure does have a natural life prior to its replacement and/or upgrading to meet updated regulatory standards.

207. The applicant's assessment seeks to identify the quantity of waste which could be available, albeit, subject to market considerations and also data limitations. It explains that 29,700 tonnes of hazardous waste (excluding 16,000 tonnes waste per annum potentially available from Scotland) could be available. This figure is based on the quantity of hazardous waste that they have identified travelling from the North East to facilities at Ellesmere Port in Merseyside and Fawley in Hampshire (circa 6,700 tonnes in 2019) and up to 23,000 tonnes of Hazardous Waste leaving Yorkshire and Humber and travelling to Ellesmere Port, Fawley and East Kent. It also explains that there is 17,400 tonnes of Healthcare/Clinical Waste in the 2 hour drive time of the proposed site which is currently incinerated, with at least 4,200 tonnes driving more than 2 hours and, goes on to identify a capacity gap of around 2 to 4,000 tonnes for healthcare waste in the 2-hour drive time. It advises that, this capacity gap has some potential to be closed by new capacity within the Sheffield MSW Incinerator, but other new capacity is more than 3-hour drive time from the proposed site. It advises of the potential for one or more sites that they have identified to close in the next 5 years, which could result in an impact of up to 3 to 6,000 tonnes per site, depending on which are closed.
208. In terms of the hazardous waste which arises in the North East but is managed outside of the North East as stated above, it is considered that treating waste which arises in the North East, within the North East region, would accord with the proximity principle, reduce vehicle miles and contribute to both County Durham and regional net self-sufficiency. However, it is considered that the hazardous waste leaving the Yorkshire and Humber region and which travels to High Temperature Incinerators at Ellesmere Port, Fawley and East Kent is not a consideration that the Council needs to assess. This is because CDP Policy 60b) only refers to County Durham and regional net self-sufficiency and whether a need can be met by existing operational facilities within County Durham or the North East. However, it is recognised that some of this waste may become available subject to market considerations and treating some of this waste at a site closer than at Ellesmere Port, Fawley and East Kent would also be consistent with the proximity principle.
209. On the basis of the information received and analysed by the Council, it is considered that there has been a significant quantity of hazardous and healthcare/ clinical waste which arises in the North East and which is incinerated outside of the North East. While some hazardous and healthcare/clinical waste is incinerated in the North East, including at the Teesside Energy from Waste Plant and, at other sites in much smaller quantities, there has been a significant outflow of waste to be treated at sites outside of the North East. This is indicative that the incineration of this waste cannot be met by existing operational facilities within County Durham or the North East and on this basis the proposal would accord with Policy 60c.
210. The development would, therefore, assist in providing capacity to achieve local and regional self-sufficiency for the management of hazardous and healthcare/clinical waste in accordance with CDP Policies 47 and 60, and Paragraph 7 of the NPPW.

211. CDP Policy 61 states that proposals for new or enhanced waste management facilities will be permitted where they will assist the efficient collection, recycling and recovery of waste materials and they:
- a. are located outside and do not adversely impact upon the setting or integrity of internationally, nationally and locally designated sites and areas;
 - b. are located outside the Green Belt or are in locations which do not impact upon its openness;
 - c. minimise the effects of transporting waste including by locating as close to arisings as practical; and
 - d. can be satisfactorily located as part of an existing waste management facility, or where the waste management facility can be satisfactorily co-located with complimentary activities and potential users of recovered materials, recyclates and soils, energy and heat, where appropriate and feasible and where this represents a sustainable option; or
 - e. can be satisfactorily located on suitable land identified for employment use, or on suitable previously developed land in the larger towns and villages where the site can serve a local or larger catchment except where:
 1. they are located on a strategic or specific use employment site. Such sites are generally not considered to be appropriate for new waste management facilities unless it can be demonstrated that the proposal will not cause unacceptable adverse impact on the strategic or specific use employment site's principal use;
 2. they are waste management facilities that genuinely require a rural or outdoor location and that do not locationally conflict with the provisions of criteria (a) or (b) and other relevant policies in the Plan. In such circumstances proposals will be permitted where they can be satisfactorily located either:
 - iv. within either existing redundant rural agricultural or forestry buildings and their curtilages as part of farm diversification activities;
 - v. within small scale new build adjacent to existing farm buildings or extensions to existing farm buildings as part of farm diversification proposals; or
 - vi. using existing areas of hardstanding for outdoor compositing operations.

All proposals for farm based waste management facilities will be required to demonstrate that the management of waste is appropriate in scale to the existing primary use of the site and that the waste to be managed arises either on site or within the local area. All proposals must demonstrate that there will be no unacceptable adverse impact on the environment, human health or the amenity of local communities.

212. The proposal does not constitute a collection or recycling facility but an incinerator which should only incinerate waste which cannot be managed at a higher level of the waste hierarchy, whilst also recovering value from the waste via heat for both uses within the building and for export to other users. The proposed development would not conflict with CDP Policy 61a) as it is not located within any internationally, nationally or locally designated sites.
213. The site is not located within and is some 15km south of the Durham Green Belt. It is therefore considered that it would not impact on the setting of the Green Belt and, therefore, would not conflict with criterion b) of CDP Policy 61.
214. CDP Policy 61 criterion c) advises that, proposals should minimise the effects of transporting waste, including by locating as close to arisings as practical. In considering this Policy requirement, consideration should be given to the information set out in the applicant's waste market report which provides an assessment of the feedstock which could potentially be available within the identified catchment. This is considered above

in respect of CDP Policy 60. The proposal is clearly not a facility which is designed or intended to meet the incineration needs of County Durham alone but instead is based upon the North East and adjoining areas of the North West, Yorkshire and the Humber.

215. Facilities of the type proposed should, however, still minimise the effects of transporting waste. Maximising the load per vehicle where practicable would reduce the number of trips. The site is located very close to major A roads and the A1(M) identified as part of the County Durham freight network. The location, therefore, seeks to minimise the effects of transporting waste as far as practicable having regard to criterion c) of CDP Policy 61, balanced against the need to be located in close proximity to users of the recovered energy and heat.
216. In respect of criterion d) of CDP Policy 61 the proposed development would not form part of an existing waste management facility, but it would be located within proximity to potential users of heat. The Policy does not require a latent demand for heat, or an existing infrastructure network to be in place. Merchant Park is not yet fully occupied and the wider Aycliffe Business Park is allocated for further development that could benefit from local heat. It is, therefore, considered that the proposal would accord with the requirements of criterion d) of CDP Policy 61.
217. For compliance with CDP Policy 61 development should accord with criteria a), b), c) and d) or e). In this case, the development has demonstrated compliance with criteria a), b), c) and d), however, for completeness it will also be assessed against criterion e).
218. CDP Policy 61 criterion e) requires development proposals to demonstrate that they can be satisfactorily located on suitable land identified for employment use, or on suitable previously developed land in the larger towns and villages where the site can serve a local or larger catchment except where; 1) they are to be located on a strategic or specific use site, which may not be appropriate for waste development; or 2) where they are they are waste management facilities that genuinely require a rural or outdoor location and can meet the following detailed acceptability criteria:
- i. within either existing redundant rural agricultural or forestry buildings and their curtilages as part of farm diversification activities;
 - ii. within small scale new build adjacent to existing farm buildings or extensions to existing farm buildings as part of farm diversification proposals; or
 - iii. using existing areas of hardstanding for outdoor compositing operations.
219. CDP Policy 61 Criterion e) is permissive to such proposals which would serve a larger catchment and it must also be recognised that there are certain types of waste management facilities which require a larger catchment to provide the necessary feedstock in line with the advice provided within the "Strategy for Hazardous Waste Management in England". Criterion e) also advises that the importance of ensuring that the proposal "*can be satisfactorily located on suitable land identified for employment use*", as stated above the application site is comprises land allocated for employment use, as set out in CDP Policy 2. The proposal would, therefore, accord with CDP Policy 61 criterion e) in this respect.
220. Objectors consider that there are alternative sites elsewhere and that waste is currently being dealt with elsewhere. The locational approach of the CDP for the location of new waste management facilities is set by Policy 61. The adopted planning policy framework does not present a sequential approach for determining the acceptability of the location for waste development and a site cannot be dismissed on the basis that a better site may be available. The site must be assessed on its merits.
221. The final paragraph of CDP Policy 61, which should be read with the Policy as a whole, states that all proposals must demonstrate that there will be no unacceptable adverse

impact on the environment, human health or the amenity of local communities. These issues will be examined in detail in the relevant sections below.

Alternatives

222. The ES considers alternatives. Alternatives considered being, no development, alternative locations, technologies, designs and layout. The proposal is for a specialist facility to incinerate up to 10,500 tonnes of clinical and hazardous waste which requires such treatment. The ES considers that this would be a facility required to incinerate waste arising in County Durham and the North East., which cannot be managed at a higher level of the waste hierarchy and the required incineration cannot be met by existing operational facilities within County Durham or the North East. The assessment in the principle of the development above identifies a need for such a facility and is a public benefit of the proposal.
223. The ES considers the alternative of no development. This being that the site is not developed for the proposed use and is left in its current state and current methods for the disposal of clinical and hazardous wastes would continue. The key issues with such an approach would mean that the need for a facility to manage this waste within the North East is not addressed and large quantities for hazardous and clinical waste would continue to be exported long distances by road for incineration in plants in locations such as Lincolnshire, Berkshire, West Midlands, West Yorkshire, Kent, Merseyside, Hampshire and Lancashire.
224. At the feasibility stage the applicant considered available plots as far as Teesport and several others around the Newton Aycliffe Business Park including a site at Preston Road within the Newton Aycliffe Industrial Estate, but this location was unable to be pursued due to title defect rights over the land ownership.
225. In terms of alternative technologies, a review of available waste treatment and energy recovery processes has been carried out by the applicant's project design team. This found that although there are a number of small-scale technologies which are capable of processing clinical and hazardous wastes, many have been discounted on the basis of scale, operational cost or resource efficiency. It is highlighted that due to the specific nature of clinical and hazardous wastes and legislative requirements, their management and disposal is limited to a very few approved processes. Two options were shortlisted by the applicant, a step-grate kiln and a rotary kiln. The step-grate kiln was not taken forward due to its inability to deal with liquid wastes and clinical wastes that include guide wires used in many surgical applications. The rotary kiln technology was selected as it can deal with a much wider range of waste streams and being considered ideal for processing mixed industrial and hazardous wastes that include a combination of solid, sludge, and liquid waste streams and is highly tolerant of highly varied waste sizes and properties; the technology provider has a system which enables a broad range of waste storage and feed systems (ram feeders, sludge feed systems, liquid injection systems), thus allowing all types of hazardous and clinical waste types to be processed without the need for separate loading systems; it provides a very high level of flexibility for simultaneously processing a wide variety of mixed waste streams with large variations in heating value whilst ensuring that that the secondary residence time of 2 seconds minimum and temperatures of 1100oC (2012oF) are maintained; and, the system provides effective heat recovery to produce steam or hot water.
226. Alternative designs and layouts were also considered having regard to the location, plot size and building requirements. The ES advises that the location of the main building in the southern portion of the site provides the best overall balance of operational safety and environmental impact. The ES also advises that the Merchant Park site has been orientated to ensure ease of access from the B6444 Heighington Lane and to minimise

the internal traffic routing of the site and a constraints analysis of the site has determined that the building layout is ideally situated in the southern portion of the site in an east / west orientation. This layout keeps the main development set back from Heighington Lane and with the existing tree belt would minimise the potential visual impacts from the road. In addition, it provides the best layout for HGVs entering and leaving the site and would not cause issues with other phases of the Merchant Park development. The proposed layout would also reduce health and safety issues on site by minimising the interface between employee vehicles, HGVs and pedestrians. Also, the fall of the land requires the proposed SUDs pond to be located in the south western part of the site as pumped drainage would be required if located in the northern part of the site. It is also stated that it was desirable to contain the development within one local authority area.

227. The submitted waste market report seeks to identify the quantity of waste which could be available to the facility based upon a 2-hour truck drive time (catchment area) around the proposed site, which broadly covers the entirety of the North East and the Yorkshire & Humber administrative regions and adjoining parts of the North West. There may well be other sites within and outside of the County that would cover the catchment area and could accommodate such a development but the evidence that has been submitted and assessed in the principle of the development above concludes that the location in terms of proximity to the source of waste is not unacceptable. However, it is the case that the proposed development is on an allocated employment site some distance from residential properties and, subject to consideration of relevant environmental matters, the location is not unacceptable. It is also the case that the Council can only consider the acceptability or otherwise of the application that has been made to it.

Residential Amenity

228. Paragraph 174 of the NPPF states that planning decisions should contribute to and enhance the natural and local environment by preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of air or noise pollution. Development should, wherever possible, help to improve local environmental conditions such as air quality and water quality. Paragraph 185 of the NPPF states that planning decisions should ensure that new development is appropriate for its location taking into account the likely effects of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. Paragraph 186 of the NPPF advises that planning decisions should sustain and contribute towards compliance with relevant limit values or national objectives for pollutants. Opportunities to improve air quality or mitigate impacts should be identified, such as through traffic and travel management, and green infrastructure provision and enhancement. Paragraph 187 of the NPPF advises that planning decisions should ensure that new development can be integrated effectively with existing businesses and community facilities (such as places of worship, pubs, music venues and sports clubs).
229. Paragraph 7 of the NPPW states that when determining waste planning applications, waste planning authorities should consider the likely impact on the local environment and on amenity against the criteria set out in Appendix B (of the NPPW) and the locational implications of any advice on health from the relevant health bodies.
230. CDP Policy 31 sets out that development will be permitted where it can be demonstrated that there will be no unacceptable impact, either individually or cumulatively, on health, living or working conditions or the natural environment and that it can be integrated effectively with any existing business and community facilities. Development will not be permitted where inappropriate odours, noise, vibration and other sources of pollution cannot be suitably mitigated against, as well as where light pollution is not suitably minimised. Permission will not be granted for sensitive land uses near to potentially

polluting development. Similarly, potentially polluting development will not be permitted near sensitive uses, unless the effects can be mitigated. CDP Policy 61 states that all proposals must demonstrate that there will be no unacceptable adverse impact on the environment, human health or the amenity of local communities. WLP Policy W31 states that waste development will only be permitted if the amenity of roadside communities is protected, and the impact of traffic generated by the development on local and recreational amenity is otherwise acceptable.

231. The nearest residential properties are individual properties located to the north west of the site. These being Twin Oaks Stables some 320m from the site, Eastfield Farm 680m from the site and Dormerstiles 780m from the site. The closest groups of residential properties are in School Aycliffe approximately 840m to the north west, Heighington 1.4km to the west, Aycliffe Village to the 1.5km to the east and, Newton Aycliffe 1.8km to the north.
232. The key issues in respect of residential amenity relate to the noise, odour and air quality, health, lighting and cumulative impacts. These issues are explored in detail in the sections below.
233. Objectors have raised a number of concerns in relation to the impact of the proposed development upon residential amenity in terms of emissions from the facility, air pollution, noise, odour and impact upon human health. These are matters which have been considered when assessing the impact of the development upon residential amenity.

Noise

234. A noise impact assessment has been submitted as part of the ES. The assessment provides a description of the facility and key surroundings, methodology for assessment in accordance with British Standards, baseline assessment and assessment of impact. The report is an indicative assessment based upon estimated plant noise levels as expected from the key plant identified within the report and based upon the experience and previous data held by the noise consultant. The assessment considers that with implementation of a recommended Noise Mitigation Plan the facility, when in operation, would be able to meet the specified maximum permissible environmental noise Rating Level limits of BS 4142+A1:2019, resulting in a low impact at the worst affected noise sensitive receptor during daytime and night time periods. The assessment advises that the actual noise levels generated during the operation by individual plant/processes may differ from those presented in the assessment and it would be necessary for an updated environmental noise impact assessment to be carried out prior to finalisation of the detailed scheme design. The Noise Mitigation Plan would be included as part of the Environmental Permit and also a site internal document.
235. Environment, Health and Consumer Protection officers have considered the proposals. Officers recommend that prior to finalisation of the detailed scheme design a detailed noise impact assessment and scheme of sound attenuation measures be submitted for approval to and approved in writing by the local planning authority. The scheme of attenuation measures would ensure the rating level of noise emitted from plant and machinery on site would not exceed the background (LA90) by more than 5 dB LAr,1hour during day time hours (07:00 to 23:00) and 0 dB LAr,1hour during night time hours (23:00 to 07:00). This would be as measured at the nearest noise sensitive receptors and this could be secured by condition. Such a condition is not unreasonable given the final design of the process cannot be confirmed at this stage. It is considered that a condition requiring a Noise Mitigation Plan would not be necessary given the proposed condition would seek to control noise levels from the site.

236. Construction operations are not included in the assessment. However, construction would take place over a period of 15 months followed by a 3 month commissioning period and the site is some distance from residential properties. Environment, Health and Consumer Protection officers consider that such activities would be suitably controlled through a construction management plan required by condition should planning permission be granted.
237. Subject to the condition set out above it is considered that the development would not create noise pollution detrimental to residential amenity in accordance with CDP Policy 31, Part 15 of the NPPF and Paragraph 7 of the NPPW in this respect.

Air quality and dust

238. The proposed development is a facility for the treatment of hazardous and clinical wastes requiring high temperature disposal. The process would create heat along with the by-products of ash and exhaust emissions. In addition, the construction phase of the development has the potential to create dust.
239. The applicant has considered air quality and human health as part of the ES. In support of this an Air Quality Assessment, a Human Health Risk Assessment and Ventilation and Extraction Statement have been submitted. The Air Quality Assessment was updated during consideration of the application following queries from Environment, Health and Consumer Protection officers.
240. The Air Quality Assessment concludes that the site is situated in an existing industrial location, with no immediate nearby sensitive receptors. The construction works on site would represent a negligible or low risk to dust soiling and human health effects. However, with the proposed mitigation measures incorporated into a Construction Environmental Management Plan (CEMP) (the developer's internal document), the residual impact would be negligible. Traffic generated by the proposed development during the construction and operational phases of the development would be well below the number required to undertake a detailed air quality assessment according to the IAQM planning guidance. Therefore, it is concluded that the impact of traffic generated by the proposed development would be negligible. Detailed air quality modelling using the AERMOD 7 dispersion model has been undertaken to predict the impacts associated with stack emissions from the proposed development. The process contributions are assessed as negligible at all receptor locations and for all pollutants. At the identified sensitive habitat sites the predicted process contributions are assessed as not significant compared with the critical levels for airborne pollutants and critical loads for nutrient nitrogen deposition and acidification.
241. Objectors raise air emissions and odour as concerns. There are concerns that the transport, storage and incineration of waste would cause odour in both close proximity to the site and across a wide area. Concerns are raised regarding impacts from other developments in the area and objectors believe that the proposed facility would worsen the current situation. Concerns are raised regarding the information that has been submitted by the applicant in support of the application and its accuracy.
242. Environment, Health and Consumer Protection officers have considered the proposals in conjunction with specialist consultants at Aecom. Additional information and further clarifications were requested during the consideration process. Officers have taken into account information submitted as part of the application and comments from objectors. Officers have also taken into account the submitted Human Health Risk Assessment. No conditions have been requested in respect of air quality and odour. Public Health officers have advised that they have no additional comments to make and agree with the conclusions of the Environment, Health and Consumer Protection officers. The

Environment Agency has raised no objections to the proposal and has stated the requirement for the development to have an Environmental Permit. Conditions would be imposed requiring the submission of a construction management plan to control operations during the construction phase.

243. Darlington Borough Council has raised no objection to the proposal with the Environmental Health officer noting that the receptors in Darlington Borough Council area which they requested were considered have been included. Objections referencing air quality, odour and noise are noted but it is stated that the installation would be required to operate under an environmental permit issued by the Environment Agency which would include controls on such emissions
244. Concerns have been raised by Hitachi regarding the impact of the proposals upon its facility and that the air quality model does not take the facility or its employees into account. The applicant has responded to the concerns advising that, amongst other matters, although the Hitachi facility was not included as a specific receptor the impact of any location within 4km of the proposed development was assessed. No further correspondence has been received from Hitachi.

Odour

245. Potential sources of odour would be from waste reception, storage and handling and processing of the waste. However, waste would be contained in enclosed or sealed packaging and transported within appropriate vehicles. Reception, storage and handling of the waste would only take place within the waste reception hall of the main building and due to their nature would be only handled at the point that they are loaded onto the automated conveyor system for processing within the rotary kiln process. The incineration process would ensure that all materials are thermally treated and that all biodegradable elements are rendered inert post-treatment. All incoming clinical waste bins are then cleaned and disinfected using steam. The end product of the treatment process, ash, is an inert material and is not odorous. The application states that there is very little potential for odorous emissions from the exhaust stacks of the rotary kilns. Air from within the building would be extracted and used as combustion air within the kiln and therefore, thermally oxidised to destroy any malodorous compounds. The potential for odour release from the facility would be minimised by effective management procedures and is highly unlikely to be the cause of nuisance complaints from those living and working nearby.
246. An Environmental Permit would be required for the site and odour is a matter that would be covered by it. Odour impacts associated with the site would be effectively mitigated by the design of the installation and the implementation of an Odour Management Plan and be regulated by the Environment Agency to ensure a negligible impact. Objectors have raised concerns regarding the control the Environment Agency would have on the development, but they are, nonetheless, the regulator for such matters. Queries are also raised regarding real time monitoring of the site when operational. Although there may not be such a system that the Environment Agency can access, they are able to view such information when visiting the site or request it from the developer. Nevertheless, this is not a planning matter.
247. The ES concludes that odour impacts associated with the site would be effectively mitigated by the design of the installation and the implementation of an odour management plan and be regulated by the Environment Agency to ensure a negligible impact.
248. Environment, Health and Consumer Protection officers raise no concerns in relation to odour and do not request the submission of an odour management plan. It is, therefore,

considered that the development would not produce emissions that would have a detrimental impact on air quality or raise concerns relating to dust or odour in accordance with CDP Policies 31 and 61, Part 15 of the NPPF and Paragraph 7 of the NPPW in this respect.

Health

249. The applicant has provided a Human Health Risk Assessment as part of the Population and Human Health chapter of the ES. The Human Health Risk Assessment considers the effects on human exposure from emissions to air from the proposed development and supplements the submitted air quality assessment. Further information was submitted following queries from Environment, Health and Consumer Protection officers.
250. The Assessment uses the United States Environmental Protection Agency's Human Health Risk Assessment Protocol (HHRAP). A range of worst-case assumptions has been applied and thus the assessment is very precautionary. The assessment concludes that for the maximally exposed individual, exposure to dioxins, furans and dioxin-like PCBs is not significant.
251. The Population and Human Health chapter of the ES concludes that the potential effects on population as a result of the proposed development can be viewed in three areas, these being social, economic and human health. Socio-economic effects are deemed to be limited to a very minor or negligible positive effect due to the creation of jobs during both the construction and operational phase. An assessment has been carried out to determine the possible impacts on human health arising from dioxins and furans and dioxin like PCBs emitted from the proposed facility. The facility would be situated in a predominantly industrial location, with no immediate nearby sensitive receptors. Impacts have been assessed under the worst-case scenario and the impact of emissions on local sensitive receptors is considered to be not significant and the facility is deemed to have a negligible effect on human health.
252. Significant concerns have raised in relation to the emissions from the chimney stack with strong doubts that the emissions would be safe for the area. Objectors make reference to a number of studies regarding air quality and emissions. Reference is also made to the potential effects from incinerator emissions and have stated that it can release toxins and carcinogens with the potential to cause cancer, birth defects, reproductive dysfunction and neurological problems.
253. The health concerns raised by objectors are appreciated as well as the studies they refer to. PHE advises that modern, well run and regulated municipal waste incinerators are not a significant risk to public health. PHE further advises that while it is not possible to rule out adverse health effects from these incinerators completely, any potential effect for people living close by is likely to be very small. This view is based on detailed assessments of the effects of air pollutants on health and on the fact that these incinerators make only a very small contribution to local concentrations of air pollutants. Although the PHE refer to municipal waste incinerators it is considered that the principle would apply. It is, therefore, considered that an incinerator in any location would not add a significant burden onto the existing situation.
254. High temperature incineration processes are an identified treatment and disposal system for healthcare waste as identified in the Department for Health's Health Technical Memorandum 07-01: Safe management of healthcare waste. Healthcare waste incinerators are required to meet temperature and emission limits as set by the Waste Incineration Directive. An Environmental Permit would seek to ensure these are met.

255. Comments regarding the PHE Local Authority Health Profile 2018 for County Durham that Newton Aycliffe is in a deprived area and that a number of studies and reports advise that waste incinerators are three times more likely to be situated in such areas are noted. It may be the case that there is a correlation of areas of deprivation within or close to incinerators, but it is the case that the application site is land allocated for employment development and is located immediately adjacent one of the largest industrial estates in the North East of England.
256. As stated above, objectors have concerns that emissions from the facility would be harmful to health and that it may cause significant issues. Environment, Health and Consumer Protection officers and specialist consultants have scrutinised the Human Health Risk Assessment along with the supporting information and additional information submitted to deal with queries they had and agree with the conclusions that have been drawn. The assessment of the application has shown that there would be no significant impacts to human health. In addition, the facility would be subject to an Environmental Permit that would be monitored by the Environment Agency, and it is, therefore, considered that the proposal would accord with CDP Policy 31, Part 15 of the NPPF and Paragraph 7 of the NPPW in respect of health impacts.

Light

257. The proposal would operate 24 hours per day and the site would therefore have sufficient lighting for safe operation. External lighting would be required during delivery and export hours when light levels were low unless required for maintenance or emergency use. Deliveries to the site would not occur at night and there would not be additional light from HGVs at these times. Outside of delivery and export hours there would be a requirement for site safety lighting for staff. This would be no different from other developments on the larger Aycliffe Industrial Park.
258. Environment, Health and Consumer Protection officers raise no concerns in relation to lighting. Details of any external lights during construction and during the operation of the facility could be required by condition and then installed in accordance with an agreed scheme. It is therefore considered that the proposal would not create unacceptable light pollution in accordance with CDP Policy 31, Part 15 of the NPPF and Paragraph 7 of the NPPW.

Summary of Amenity Issues

259. There would be a requirement for a permit under the Environmental Permitting (England and Wales) Regulations 2016 (or A1 permit) for the proposed development, and an application would need to be made to and approved by the Environment Agency. The Environment Agency has advised that when assessing a Permit application it would consider areas of potential harm in terms of management, operations and emissions. The Environment Agency would then be responsible for monitoring the Permit. Paragraph 188 of the NPPF states that the focus of planning policies and decisions should be on whether proposed development is an acceptable use of land, rather than the control of processes or emissions (where these are subject to separate pollution control regimes). Planning decisions should assume that these regimes will operate effectively. Equally, where a planning decision has been made on a particular development, the planning issues should not be revisited through the permitting regimes operated by pollution control authorities.
260. The building to house the proposed facility would be designed to limit noise, odour, and visual intrusion and contain the incoming waste in accordance with the requirements of the Environmental Permit that would be required.

261. The Environment Agency has advised that the stack height of 30m is on the lower end of the spectrum for this type of installation and recommends the parallel tracking of the planning application and the Environmental Permit as there may be implications upon the proposed stack height and this could require revisions to the submitted planning application documents. This has understandably raised concerns amongst objectors to the application. However, the application that has been made to the Council is for a stack 30m in height. Should planning permission be granted and a Permit subsequently requires a higher stack then that would require a new planning application to be submitted and determined by the Council. The applicant would, therefore, take the risk of having to reapply for planning permission in relation to the stack height if the Environment Agency insist on having the height increased. Any permit application would also have to consider proposed abatement measures as well as stack height in relation to controlling pollution. The Council can only determine the application that has been made to it. It should be noted, however, that the Environment Agency does not say that the proposed height of the stack is unacceptable, but that it is at the lower end of the spectrum. The Environment Agency concerns are from a permitting perspective and, as such, are not concerns for determination of this planning application. Furthermore, it should be noted that the Environment Agency, Environment, Health and Consumer Protection and Public Health officers have no objection to the planning application. The information that has been assessed by officers would suggest that the proposal would not negatively impact upon air quality or human health.
262. Objectors have raised concerns regarding emissions from existing developments on the industrial estate and the potential for cumulative impacts with the proposed development. Existing developments are subject to appropriate controls and the cumulative impact of the proposed development is considered below. Any new facility would operate in accordance with modern standards and monitoring regimes.
263. Objectors have raised significant concerns relating to the potential amenity harm that may result from the operation of the proposed facility. The submitted information has been carefully considered by specialist consultants, taking into account all of the concerns that have been raised. It is considered that the applicant has adequately addressed all of the amenity and health issues and that the plant could operate without causing unacceptable harm to the amenity of local residents and that of the businesses within the vicinity of the site.
264. In addition to the environmental permit controlling the process, conditions could be imposed to restrict hours of construction activities, limit vehicle movements and ensure vehicles are clean prior to leaving the site along with appropriate control in relation to lighting, noise and dust. Subject to these conditions, it is considered that the proposal would accord with CDP Policies 31 and 61, Part 15 of the NPPF and Paragraph 7 of the NPPW. Furthermore, it is considered that the proposed development would not compromise the main use of the site for B class uses and would not be contrary to CDP Policy 2 in this regard.

Highway Safety and Access

265. Paragraph 110 of the NPPF states that safe and suitable access should be achieved for all people. In addition, Paragraph 111 of the NPPF states that development should only be refused on transport grounds where the residual cumulative impacts on development are severe. CDP Policy 21 states that the transport implications of development must be addressed as part of any planning application, where relevant this could include through Transport Assessments, Transport Statements and Travel Plans.

266. WLP Policy W29 requires that waste development incorporate measures to minimise transportation of waste. WLP Policy W31 states that waste development will only be permitted if traffic estimated to be generated by the development can be accommodated safely on the highway network, the amenity of roadside communities is protected, the strategic highway network can be safely and conveniently accessed, and the impact of traffic generated by the development on local and recreational amenity is otherwise acceptable. WLP Policy W32 states that in granting planning permission for waste development, planning conditions be imposed to cover, in addition to other issues, the prevention of the transfer of mud, dust, or litter onto the public highway by measures including the provision of wheel cleaning facilities, suitably metalled access roads and the sheeting of laden vehicles. WLP Policies W29 and W31 are considered to be consistent with the NPPF and can be afforded full weight in the determination of the application. WLP Policy W32 is only partially consistent as it does not fully reflect Regulation 122 of the CIL Regulations and therefore it can only be afforded limited weight in the decision-making process.
267. GANP Policy T1 seeks to ensure that development proposals that include a reliance on existing streets shall not be permitted where on-street parking would impact on the safety of road users or have an unacceptable adverse impact on the character of the area and adequate provision has not been made on-site for parking and access for deliveries, service vehicles, tradesmen working on-site, workers, social visitors and residents. The proposed development includes a parking area and would not rely upon street parking.
268. The site would be accessed from an existing roundabout spur from Heighington Lane (Road B6444). The planning application boundary includes the access from the spur down to the site, a length of approximately 220m. The access would be shared with other future users of the site. It is noted that construction is currently taking place at Plot 2 to the east of the proposed access, and this has opened up the previously closed spur. It is noted that the commencement of this permitted development raised concerns from local residents that the development subject to this application had commenced without the necessary permissions.
269. Traffic from the site can travel east along the B6444 to join with the A167 and the A1(M) or west to join with the A6072. On the basis of handling the maximum of 10,500 tonnes of inputs per year and circa 2,000 tonnes of outputs per year, it is estimated that HGV movements for the delivery of clinical and hazardous waste would equate to approximately 22 vehicle movements per day (11 in and 11 out). Additional HGV traffic associated with the facility would include delivery of reagent, collection of ash and pallet collections/consumable deliveries. The additional HGV traffic would amount to approximately 8 vehicle movements per day (4 in and 4 out) consisting of 2 (1 in and 1 out) delivery for reagent, 2 (1 in and 1 out) collection of ash (although it is expected that there would be ash collections approximately 3 times per week) and 4 (2 in and 2 out) pallet collections/consumable deliveries. These together would result in the total number of vehicle movements (including deliveries and exports) per weekday associated with the facility being 30 HGV movements. Smaller vehicles delivering waste would not be classed as HGVs and it is not envisaged more than a couple of vehicles a day on this basis. Where this occurred, they would directly replace an HGV. Highways officers consider that given it would be difficult to identify the lighter goods vehicles from the general traffic serving the estate this would be acceptable. Furthermore, the small number of LGVs would not create a severe impact on the highway network. Should planning permission be granted then a condition would be imposed limiting the total number of HGV vehicles delivering waste, delivering reagent, collecting ash and pallets and consumable deliveries to/from the site to not exceed a daily total of 30 (15 in and 15 out), as averaged over a period of a month. This would allow for peaks before and after a Bank Holiday weekend for example where no

deliveries occur such as around Christmas. The Highway Authority have no objection to this being an average and accept that it will allow for peaks and troughs and consider that the highway network should be able to cope with slight variations on this number on an ad-hoc basis.

270. In addition to the above, there would be a maximum of 46 (23 in and 23 out) car movements for the estimated 27 employees. It is anticipated that no more than two vehicles importing or exporting materials would visit the site on average per hour. Deliveries of waste are also proposed on Saturday mornings. No waste would be accepted on Sundays or Bank and Public Holidays.
271. Should planning permission be granted then a condition would be imposed limiting the total number of HGV vehicles delivering waste, delivering reagent, collecting ash and pallets and consumable deliveries to/from the site shall not exceed a daily total of 30 (15 in and 15 out), as averaged over a period of a month. This would allow for peaks before and after a Bank Holiday weekend for example where no deliveries occur such as around Christmas. Highway officers have no objection to this being an average and accept that it will allow for peaks and troughs and consider that the highway network should be able to cope with slight variations on this number on an ad-hoc basis.
272. A Transport Statement including a Durham County Council Transport Assessment Form has been submitted in support of the application and completed by an independent transport consultant. This considers the travel characteristics of the proposed development including proposed vehicle movements including shift patterns and HGV vehicle movements, the transport impacts of the development as well as measures to influence travel. It is noted that HGVs would be routed via main roads, avoiding all residential areas and that the site is on undeveloped land therefore all traffic on the network would be new. The assessment concludes the transport impact when including staff trips would be negligible and even during peak hours the volume of traffic would have a negligible effect on the surrounding transport network and total traffic generation would be less than daily variation on any part of the highway network and therefore imperceptible to other highway users. Details are also provided in respect of accessibility with options for public transport, walking and cycling set out.
273. Objectors have raised concerns about the volume of additional traffic that the development would generate both during construction and operation. Concerns are raised in respect of road safety and congestion. It should be noted that the application site is a site allocated for employment use and other developments may generate greater vehicle movements than that generated by the proposed development. In addition, other businesses on the surrounding industrial estates are unlikely to have planning conditions imposing a limit on vehicle movements, therefore, vehicle numbers, will be unregulated. Should planning permission be granted for the current proposal then a limit on the number of HGV movements during the operational phase would be imposed.
274. The County Durham freight map is a published map of roads in the County that are suitable for freight traffic and is available to view on the Council's website. The freight map shows the designated road network that the drivers of HGVs are expected to use to access destinations within the County. The purpose of the map is to ensure, as far as possible, that these vehicles travel on roads that are appropriate, thereby reducing environmental impact on less suitable routes. The B6444 road is identified by the freight map as being suitable for HGV traffic, as are the A167 and A6072.
275. It is noted that HGVs would be routed via main roads, avoiding all residential areas, and, that the site is undeveloped land, therefore all traffic generated on the network would be new. The site is located on land with an implemented planning permission for

a range of industrial, commercial and distribution uses occupying land that has been identified for a medium sized industrial building, of a size similar to that proposed. Any alternative user of the site would generate vehicle movements which would likely be far greater than those proposed. The applicant has stated that a routing agreement for HGVs would be acceptable. Through condition it is proposed to require that no vehicles carrying waste or HGVs associated with the development to travel through School Aycliffe or Aycliffe Village, other than when making a local collection in those villages.

276. National Highways (formerly Highways England) has no objection to the proposed development. The Council's Sustainable Travel officers have no objections but advises that a travel plan would be required for the development.
277. The Highway Authority have considered the proposals and raised no objections, subject to a condition that the building is not brought into use until the access has been constructed in accordance with details to be submitted and approved, as the expectation was that the access road was to be adopted as public highway, however it is now understood that the road would remain as a private road. Notwithstanding that the current application includes the access from the existing roundabout, a separate planning application (DM/21/02178/FPA) has been submitted for an access to Plot 1.2 but this has not yet been determined. The Highway Authority is content with a planning condition requiring no development to commence until details are provided of the road connection between the existing highway and the access to the site. In addition, the Highway Authority advise that an appropriate agreement under the Highways Act 1980 would be required.
278. During the construction phase appropriate measures can be put in place and secured through a construction management plan to prevent mud and debris being deposited on the highway. Condition limiting vehicle movements and regulating the route of waste delivery vehicles to the site would be imposed if planning permission were to be granted. Provision of cycle parking and electric vehicle charging points can be secured through condition as can a travel plan. It is considered that the highway impact of the proposal would be acceptable and would not amount to a severe residual cumulative impact. The proposal would not conflict with GANP Policy T1. Subject to the proposed conditions it is considered that the proposal would accord with CDP Policies 21 and 61, WLP Policies W29, W31 and W32 and Part 9 of the NPPF and Paragraph 7 of the NPPW.

Landscape and visual impact

279. CDP Policy 39 states that proposals for new development will be permitted where they would not cause unacceptable harm to the character, quality or distinctiveness of the landscape, or to important features or views. Proposals will be expected to incorporate appropriate measures to mitigate adverse landscape and visual effects. Development affecting Areas of Higher Landscape Value will only be permitted where it conserves, and where appropriate enhances, the special qualities of the landscape, unless the benefits of development in that location clearly outweigh the harm. CDP Policy 29 requires all development proposals to achieve well designed buildings and places and sets out criteria for development to be considered acceptable, including: making positive contribution to areas character, identity etc.; adaptable buildings; minimising greenhouse gas emissions and use of non-renewable resources; providing high standards of amenity and privacy; contributing to healthy neighbourhoods; and suitable landscape proposals. CDP Policy 31 states that buildings that would have an unacceptable impact through visual intrusion or visual dominance will not be permitted.
280. WLP Policy W6 states that new buildings for waste management uses should be carefully sited and designed to complement the location and existing topography. Landscape proposals should be incorporated as an integral part of the overall

development of the site. Where appropriate, the opportunity should be taken to illustrate best practice by incorporating sustainable design principles in new building, using recycled materials wherever possible. WLP Policy W6 is considered to be consistent with the NPPF and can be afforded significant weight in the determination of the application.

281. CDP Policy 40 does not permit development that would result in the loss of, or damage to, trees, hedges or woodland of high landscape, amenity or biodiversity value unless the benefits of the scheme clearly outweigh the harm. Proposals for new development will be expected to retain existing trees and hedges or provide suitable replacement planting. The loss or deterioration of ancient woodland will require wholly exceptional reasons and appropriate compensation.
282. GANP Policies E4 and E5 Policies E4 and E5 of the GANP seek to resist development proposals that would result in the loss of, or damage to, trees of high landscape, amenity or biodiversity value unless the need for, and benefits of, the proposal clearly outweigh the loss. Where tree removal is justified proposals will only be supported if there is a compensatory mitigation proposal which forms part of the submission. Proposals for new development will be expected to safeguard existing trees where appropriate and integrating them fully into the design and protecting them during construction having regard to their management requirements and growth potential.
283. The site is not within any national or local landscape designations. An Area of Higher Landscape Value (AHLV), as defined in the CDP is located approximately 1.8km to the east with other such designations more distant. There are no trees protected by Tree Protection Orders within or adjacent to the site.
284. The site lies in the Tees Lowlands Coalfield County Character Area which forms a broad, open plain dominated by the meandering lower reaches of the River Tees and its tributaries. It also lies in the Lowland Plain Broad Landscape Type. The site is generally level with earth embankments forming the south, east and western boundaries. To the north is mature tree planting screening the site from Heighington Road. To the east is a further area of undeveloped land beyond which lies Plot 2 which is currently being developed. Further to the east is a hedgerow and an open field, beyond which lies the Darlington to Bishop Auckland Railway. To the south lies an area of scrubland and a balancing pond, beyond which lies the Hitachi Rail manufacturing facility. To the west lies further undeveloped land.
285. A Landscape and Visual Appraisal (LVA) has been submitted with application. The LVA considers the baseline landscape and assesses the visual impacts that are likely to arise as a result of the proposed development and the effect on landscape and townscape character including impact upon cultural heritage. The LVA considers that in terms of landscape character, the site is an appropriate location for the type of facility proposed and that overall, the proposed development would have no significant adverse effects on visual amenity. In terms of townscape character, the LVA considers that the site is an appropriate location for the type of development proposed, and there would be no significant adverse impacts on the visual amenity of people in the area or the setting of heritage assets.
286. The LVA advises that the proposed development would not lie within the immediate setting of the Stockton and Darlington Railway Heritage Action Zone and that this stretch of the railway passes between the business park and the industrial areas and so its setting is already heavily influenced by twentieth century industrial development. The section of the railway which passes the site runs at grade but views into the site are restricted by tree cover, including that within the ecological zone. There is a glimpsed view into Merchant Park but the site is set back to the west, behind temporary spoil

heaps which would be replaced by buildings if intervening plots are developed. It is anticipated that the plot closest to the railway would include some mitigating screening if built out. The proposed building would not be visible from the ground level environs of the key listed heritage assets on this stretch of the line, Heighington Station and Signal Box, due to the woodland screening on the western boundary. It is likely that the tip of the chimney would be visible from the signal box control room, but it would be seen in the context of foreground lighting columns, signs and warehouse buildings and yards and the existing tall structures nearby. The proposed development would not be inter-visible with the listed buildings in the countryside to the west and would not lie within their historical setting. It is concluded that the proposed development would have a negligible adverse effect on the setting of historical assets.

287. The LVA notes that Merchant Park benefits from mature woodland screening on the north and west sides and Hitachi screens the site from views further south. While temporary spoil heaps screen the site from the east, if removed these would be replaced with developments as the park is built out, potentially providing greater screening. From the majority of the surrounding countryside the proposed building would be screened by the perimeter woodland and Cumby's Plantation. Only the tip of the chimney and occasionally the tallest part of the building, would be visible from a few viewpoints, where it would be seen rising above the trees. The LVA considers that these viewpoints are typically distant and so the visible part of the chimney would be a small part of a wider view. Residential areas lie a considerable distance from the site and the proposed development would be screened by either intervening industry or tree cover. The LVA concludes that, overall, the proposed development would have no significant adverse effects on visual amenity and it would not result in any significant adverse landscape or visual impacts.
288. The facility would be housed within a conventional industrial style portal building measuring 104m x 60m, the main eaves height being 12.04m, the main warehouse ridge height being 14.8m, with a penthouse height of 16.7m. The site lies within a wider industrial landscape where buildings are typically large industrial sheds. The proposed development would not be out of keeping with the Aycliffe Industrial Estate as a whole. Nor would it be out of keeping with the Merchant Park site with the Hitachi building being 13.5m high and the two new buildings being constructed to the east providing 2,607m² and 2,097m² of internal floorspace respectively and both being 7.4m to eaves and 8.9m to ridge in height. The 30m chimney with a diameter of 0.7m would be visible from certain views but the colour and materials and indeed the diameter would reduce the potential visual impact.
289. No trees would be lost as a result of the proposed development and the existing mature tree planting running along the northern boundary of the site and to the west and the building under construction to the east would provide screening to the development with the main visual impacts being from within the site and Footpath No. 5 (Aycliffe Parish) to the south.
290. Having regard to CDP Policy 40 and GANP Policies E4 and E5, the proposals would not entail the loss of hedges and trees. The proposed development is set back from the mature tree belt along the northern boundary. None of the trees are subject to tree preservation orders. The submitted arboricultural report confirms that the development would retain the strong focal groups of trees throughout the site successfully integrating them as the green feature of the development. A method statement has been produced to demonstrate that the scheme is feasible. No additional planting is proposed with the exception of planting for ecological purposes around the proposed SUDS pond to the south of the proposed building.

291. Landscape officers consider the findings of the LVA to be generally acceptable. They note that proposed access road has not been included as part of the Appraisal process and no mitigation planting has been proposed. The mitigation of visual impacts depends to large extent on the development of adjacent plots and growth of naturally colonising vegetation to mounds adjacent to public rights of way to the south of the site. While noted, officers advise that it is considered that this would not have a significant effect on the conclusions of the appraisal. The conclusions of the submitted arboricultural report are considered to be acceptable.
292. It is considered that the proposed development would not cause unacceptable harm to the character, quality or distinctiveness of the landscape or to important features or views. Nor is it considered that there would be adverse landscape and visual effects which would need to be mitigated.
293. The proposal would not conflict with CDP Policies 29, 31, 39 and 61, WLP Policy W6, GANP Policies CH1, E4 and E5 and Paragraph 130 of the NPPF and Paragraph 7 of the NPPW in terms of design.

Cultural heritage

294. In assessing the proposed development regard must be had to the statutory duty imposed on the Local Planning Authority under the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character and appearance of a conservation area. In addition, the Planning (Listed Buildings and Conservation Areas) Act 1990 also 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. If harm is found this gives rise to a strong (but rebuttable) statutory presumption against the grant of planning permission. Any such harm must be given considerable importance and weight by the decision-maker.
295. Part 16 of the NPPF requires clear and convincing justification if development proposals would lead to any harm to, or loss of, the significance of a designated heritage asset. NPPF Paragraph 195 states that local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. CDP Policy 44 seeks to ensure that developments should contribute positively to the built and historic environment and seek opportunities to enhance and, where appropriate, better reveal the significance and understanding of heritage assets.
296. No designated or non-designated heritage assets are located within the site. There are several designated heritage assets within the vicinity of the site, the nearest of which is the Grade II Listed Heighington Signal Box some 240m to the north east of the proposed access to the site. The Grade II Locomotion One Public House and East Platform is approximately 260m to the north east of the proposed access to the site. Some 1.4km to the south east in Aycliffe Village the Grade 1 Church of St Andrew, and 1.4km to the east are the Grade II Oakes Farmhouse, Grade II 14, High Street and Grade II 3, The Green. 1.3km to the north east in School Aycliffe are the Grade II Nurses' Teaching Centre, Wall and Gate Piers and Old Farm Cottage. Within Darlington Borough there are several listed buildings some 1.3km to west within Heighington. Aycliffe Village Conservation Area is approximately 1.3km to the east at the closest point. 1.2km to the west within Darlington Borough is Heighington Conservation Area. 2.4km to the south east is the Coatham Mundeville Conservation Area and Scheduled Monument of

Coatham Mundeville medieval village, fishpond and areas of rig and furrow also within Darlington Borough. A number of listed buildings lies within the Conservation Areas.

297. The Stockton to Darlington Railway Line is approximately 375m to the east of the site, and forms part of the Stockton and Darlington Railway Heritage Action Zone established, according to Historic England, to help rejuvenate and restore the 26 mile stretch of historic railway, and to help realise its potential to become a major heritage attraction and visitor destination in the build up to its 2025 bicentenary.
298. The ES considers the impact of the proposed development upon heritage and a Built Heritage Statement has been submitted in support of the application. This identifies heritage assets potentially affected by the development and assesses the potential impact of the development proposal upon the significance of heritage assets falling within the vicinity of the site and where appropriate, makes recommendations on measures to remove or reduce any harmful impacts identified. The assessment concludes that in the majority of cases, the proposed development would have no impact upon the significance of built heritage assets falling within the locality. Relatively minor impacts are identified upon the inter-related settings of the Heighington Station Signal Box and Locomotion One Public House, both Grade II listed buildings located to the east of the site. The impact upon the significance of these assets is assessed as being less than substantial in NPPF terms.
299. The ES concludes that the proposed development would not impact, through direct physical interaction, upon the significance of the assets identified. During the construction phase there would be a temporary residual impact of negligible to low magnitude upon the setting to a number of designated heritage assets although impact upon significance, as exhibited within these settings is assessed as minor adverse in extent and affect. Overall, the effects would be temporary in nature and subject to mitigation through implementation of a construction environmental management plan are considered insignificant in heritage terms. During the operational phase the development would have a residual impact of negligible to low magnitude upon the setting to a number of designated heritage assets. These impacts would primarily relate to the visual impact of the development and would give rise to minor adverse impacts upon the identified assets/receptors.
300. Archaeology officers advise that the proposal site was cleared as part of the previous development to the south so there is no need for any archaeological interventions.
301. The Friends of the Stockton & Darlington Railway have commented on the application noting that there was concern that the application made no reference to CDP Policy 46 or to the Historic Environment Audit of 2016 and it was unclear if the proposed development is compliant with that policy. It is also recommended that conditions be attached to a grant of permission to ensure noise, traffic, odour and light pollution are all minimised in their impact on the setting of the S&DR and the two listed buildings of the signal box and station. The Built Heritage Statement was subsequently updated to have regard to CDP Policy 46. Matters of noise, traffic, odour and light pollution are considered elsewhere in this report.
302. Design and Conservation officers raise no concerns with regard to the built heritage assessment and its conclusions. They note that the proposed development site lies within the setting of numerous designated heritage assets. The impact of the proposed development on the setting of those assets should be a primary consideration in the determination of the application.
303. As the conclusions identify less than substantial harm on the setting of the Grade II listed Heighington Signal Box and Locomotion Number One the harm should be

weighed against the public benefits of the proposal, in line with Paragraph 199 of the NPPF. It is noted that the applicant has referenced and assessed the impact of the development on the Stockton and Darlington Railway, Heighington Signal Box, and Locomotion One Public House and East Platform. Design and Conservation officers consider that the proposed development is not contrary to CDP Policy 46.

Assessment of Public Benefits

304. The application specifically addresses the need to demonstrate public benefits as required by Paragraph 202 of the NPPF. It is stated that the proposal is a facility for the treatment of wastes requiring high temperature disposal and because of the prescriptive nature of the legislation and regulation setting out how they are treated, cannot be moved higher up the waste hierarchy. Alongside carrying out these activities, the application advises that a number of substantial public benefits would also be provided. These being the local treatment of wastes, sustainable construction, local investment and employment, provision of a heat network and securing optimum viable use of assets. The applicant argues that, given the extent of these benefits and the less than substantial harm caused to the assets, which are at a substantial distance from the proposed development, that the public benefits significantly outweigh the minor harm, and that, as such, that the proposal is acceptable in this context.
305. In terms of the local treatment of wastes, one of the principal purposes of the facility is to provide a treatment facility for specialist wastes arising in the North East much closer to their point of origin than is currently available. At present these wastes are obliged, due to the lack of suitable waste management capacity in the North East, to be transported by road outside of the region, often as far afield as the south coast of England. This facility would mean that a high proportion of wastes generated in the region can be treated within it, dramatically reducing road haulage miles and their associated carbon emissions. It would also mean that the wastes can be treated promptly after collection. This aids local and regional self-sufficiency and provides a valuable nearby resource to sectors such as the NHS and wider healthcare. The applicant notes that the Council's Spatial Policy consultation response confirms this position.
306. With regard to sustainable construction, the application notes that the facility has been designed, within the limits imposed by the legal requirements for the treatment of the wastes that it would handle, to be as sustainable in its construction and operation as possible. These include self-sufficiency in heat generation, commitment to the building meeting BREEAM Very Good, a solar array on the south aligned roof, allowance for climate change in managing rainwater runoff, and a commitment to import only electricity sourced from renewable generation.
307. The application identifies that development would make a major capital investment in the area, with capital costs in excess of £20 million pounds, much of which would be invested in the local area. Where possible staff would be recruited locally for both the construction and operational phases. The project would provide long-term, high-quality employment as well as pay business rates to the local authority, as with any other commercial operation in this setting.
308. The provision of a heat network is cited as a public benefit and the application notes that the applicant has committed to providing a heat network for the distribution of heat within the Merchant Park site that it is located within. This heat network would allow waste heat from the proposed development to be used in neighbouring units. It is stated that this would act as a catalyst for bringing sustainability-conscious development to the site through provision of low cost and low carbon heat to their premises, displacing the need to consume fossil fuels to generate heat.

309. Finally, the application argues that, given the extent of these benefits and the less than substantial harm caused to the assets, which are at a substantial distance from the proposed development, that the public benefits significantly outweigh the minor harm, and that as such that the proposal is acceptable in this context.
310. The public benefits of the proposal as cited in the application are not disputed by officers although business rates are common to all developments. Other matters should also be considered.
311. The most effective way for heritage harm to be avoided in this case would be for the development not to be located on the proposed site. The ES considers alternatives, and these are considered within this report. Alternatives considered being no development, alternative locations, technologies, designs and layout. The proposal is for a specialist facility to incinerate up to 10,500 tonnes of clinical and hazardous which requires such treatment. It is a facility required to incinerate waste arising in County Durham, the North East and adjoining areas primarily Yorkshire and the Humber which cannot be managed at a higher level of the waste hierarchy and the incineration of cannot be met by existing operational facilities within County Durham or the North East. The assessment in the principle of the development above identifies a need for such a facility and is a public benefit of the proposal.
312. The anticipated creation of 27 full time equivalent jobs at the site would provide employment on a site where currently there is none. The proposal would accord with GANP Policy R3 which supports the development of employment activities, in suitable and appropriate locations, that diversify the current offer in Great Aycliffe and particularly those activities that will provide high quality jobs which can capitalise on and/or enhance the skills of the Great Aycliffe residents. It is noted that construction of the development would engage up to 75 direct and indirect employees for a temporary period of 15 months. A lesser number would be required during the 3 month commissioning period.
313. It is considered that, in most respects, the proposed development would have no impact to upon the significance of built heritage assets falling within the locality. However, the applicant and the Council's Design and Conservation officer agree that the proposal would result in less than substantial harm to the Grade II listed Heighington Station Signal Box and Locomotion One Public House located to the east of the site. Paragraph 202 of the NPPF advises that this harm should be weighed against the public benefits of the proposal. As discussed above, there are public benefits that would arise as a result of the proposed development, and these are considered to be sufficient to outweigh the identified less than substantial heritage harm. It should be noted that similar issues are likely to arise should any other development of a similar size be located on the site. It is, therefore, considered that the proposal would not conflict with CDP Policies 44, 46 and 61, GANP Policies CH4 and E3, Paragraph 202 of the NPPF and Paragraph 7 of the NPPW.

Ecology

314. Paragraph 180 of the NPPF sets out the Government's commitment to halt the overall decline in biodiversity by minimising impacts and providing net gains where possible and stating that development should be refused if significant harm to biodiversity cannot be avoided, mitigated or, as a last resort, compensated for. CDP Policy 41 reflects this guidance by stating that proposals for new development will not be permitted if significant harm to biodiversity or geodiversity resulting from the development cannot be avoided, or appropriately mitigated, or, as a last resort, compensated for. CDP Policy 43 states that development proposals that would adversely impact upon nationally

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

315. Cumby Pond Local Wildlife Site (LWS) is located approximately 450m to the south, Aycliffe Quarry LWS is located approximately 1.4km to the south east. The now mostly developed Snipe LWS is located approximately 930m to the north east. School Aycliffe Wetland LWS is located approximately 1.8km to the north west, 2km to the north east is Aycliffe Nature Park LWS.
316. Objectors have raised concerns that the development would negatively impact on wildlife including butterflies and protected species, namely, Great crested newts.
317. A Preliminary Ecological Appraisal (PEA) has been submitted in support of the application along with a Butterfly Survey Report as requested by the Council's Ecologist. The submitted PEA dated June 2020 covers the application site and the Plot 2 site. The assessment includes consideration of baseline conditions, a desktop study, field study, consideration of likely impacts without mitigation measures and recommendations including survey, avoidance measures and mitigation and compensation. The PEA concludes that there would not be significant impacts to statutory ecological designations and habitats. It is considered, with respect to net gains in biodiversity, that the amount of habitat creation that was undertaken as part of the original outline application is adequate to address the likely losses as identified as part of this development.
318. Natural England has been consulted on the proposed approach for the species although did not comment specifically on GCN on this application. The likely impacts on Great crested newts has been considered and there are no ponds or standing water within the proposed site, however a large man-made pond lies approximately 20m from the site boundary. The PEA states that the habitats within the application site (Plot 1) are considered to be sub-optimal for the species due to it being predominantly short perennial vegetation and bare ground. An eDNA survey of the large waterbody immediately adjacent the site was undertaken in June 2020. The test revealed a positive result for the presence of Great Crested Newt (GCN) within this pond, and the presence of eggs confirmed it is being used for breeding by the species. The PEA states due to the timing of the commission, no detailed population estimate could be made. The Ecological Consultant has approached Natural England licensing team directly, and it has been agreed that the proposals can proceed under protected species license policy 4 (reduced survey data requirements where the impacts of the development can be confidently predicted), due to the entire site previously being the subject of a development license for the species. The licence application would be submitted on the basis of reduced survey effort, and using existing mitigation habitat, as agreed with Natural England, following receipt of planning permission. Ecology officers are therefore satisfied with the proposed approach. Natural England has been consulted on the proposed approach for the species and although not commenting specifically on GCN in this application, having previously granted a licence for the site, are content that favourable conservation of the species can be maintained. A license would, therefore, need to be acquired prior to any works commencing on site, with all works thereafter being undertaken in strict accordance with the conditions of the license.
319. The presence of protected species is a material consideration in planning decisions as they are a protected species under the Wildlife and Countryside Act 1981 and the

European Union Habitats Directive and the Conservation of Habitats and Species Regulations 2017 (as amended). The Habitats Directive prohibits the deterioration, destruction or disturbance of breeding sites or resting places of protected species without a licence. Natural England has the statutory responsibility under the regulations to deal with any licence applications but there is also a duty on planning authorities when deciding whether to grant planning permission for a development which could harm a European Protected Species to apply three derogation tests contained in the Regulations in order to form a view on whether a licence might be granted. These state that the activity must be for imperative reasons of overriding public interest or for public health and safety, there must be no satisfactory alternative, and that the favourable conservation status of the species must be maintained. Brexit does not change the Council's responsibilities under the law.

320. In terms of the three derogation tests contained in the Regulations it is considered that there are imperative reasons of overriding public interest and for public health and safety. Provision of the proposed facility would provide a treatment facility for up to 10,500 tonnes of clinical and hazardous wastes per annum providing a local facility for waste which would otherwise travel a greater distance. Consideration of the need for the development is considered elsewhere in this report. There are likely to be no satisfactory or realistic site alternatives. The applicant has considered alternatives in terms of sites as well as technologies, designs and layouts, and these are considered above. However, in this case the site has been allocated as employment land and previously granted outline planning permission for such with the impacts on GCNs having previously been addressed and suitable mitigation agreed in the form of habitat creation, fencing and trapping. Furthermore, it is also the case that the Council can only consider the acceptability or otherwise of the application that has been made to it. It is also the case that the Council can only consider the acceptability or otherwise of the application that has been made to it. It is considered that there would not be a detrimental effect upon the conservation status of the newts given that mitigation is already in place to address any impact upon the species and any further mitigation would be identified and secured through a licence from Natural England. It is therefore considered that the tests are met, and it is likely that a licence from Natural England would be granted especially given that licences have previously been granted.
321. Natural England has no objection to the proposed development. Ecology officers have considered the proposals and raised no objections. Officers have requested planting of birds-foot trefoil for the benefit of butterflies to be secured through condition. They also comment upon lighting specifications which again can be covered by condition. Officers consider that it appears that a net gain has still been achieved over the whole site (taking into consideration the previous habitat surveys and recent updates) and this is satisfactory. Based on the submitted information in relation to ecology and air quality, it is considered that the proposal would not likely have an adverse impact on protected species or designated habitats.
322. The development would not have a likely adverse impact on protected species or habitats including nationally, and locally protected sites given the distance from such designations. Appropriate mitigation measures would be secured through condition in accordance with Ecology officer recommendations. It is, therefore considered, that the proposal would accord with CDP Policies 41, 43 and 61, Part 15 of the NPPF and Paragraph 7 of the NPPW.

Flooding and drainage

323. Part 14 of the NPPF directs Local Planning Authorities to guard against flooding and the damage it causes. Protection of the water environment is a material planning consideration and development proposals, including waste development, should ensure

that new development does not harm the water environment. Paragraph 174 of the NPPF advises that planning decisions should contribute to and enhance the natural and local environment by preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of water pollution. Development should, wherever possible, help to improve local environmental conditions such as water quality.

324. CDP Policy 35 states that all development proposals will be required to consider the effect of the proposed development on flood risk, both on-site and off-site, commensurate with the scale and impact of the development and taking into account the predicted impacts of climate change for the lifetime of the proposal. For major developments the management of water must be an intrinsic part of the overall development and for all new development there should be no net increase in surface water runoff for the lifetime of the development.
325. Policy 36 advocates a hierarchy of drainage options for the disposal of foul water. Applications involving the use of non-mains methods of drainage will not be permitted in areas where public sewerage exists. New sewage and waste water infrastructure will be approved unless the adverse impacts outweigh the benefits of the infrastructure. Proposals seeking to mitigate flooding in appropriate locations will be permitted though flood defence infrastructure will only be permitted where it is demonstrated as being the most sustainable response to the flood threat.
326. WLP Policy W26 states that proposals for waste development which does not involve landfill or landraise will not be permitted unless it can be demonstrated that there will be no significant adverse impact or significant deterioration to the quality of surface or groundwater resources and the flow of surface or groundwater at or in the vicinity of the site. WLP Policy W26 is considered to be consistent with the NPPF and can be afforded full weight in the decision making process.
327. National advice within the NPPF and PPG with regard to flood risk advises that a sequential approach to the location of development should be taken with the objective of steering new development to flood zone 1 (areas with the lowest probability of river or sea flooding). When determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere and only consider development appropriate in areas at risk of flooding where, informed by a site-specific flood risk assessment. Part 14 of the NPPF directs Local Planning Authorities to guard against flooding and the damage it causes. Part 15 of the NPPF takes account of the impact of any development upon the natural environment as does the locational criteria in Appendix B (criterion A) of the NPPW relating to protection of water quality and flood risk management.
328. The site is located entirely within Flood Risk Zone 1 and is, therefore, at lowest flood risk. Demon's Beck runs some 10m to 40m to the south of the site and identified as Flood Zone 2 and 3 with a balancing pond immediately to the south of it. The site lies within Groundwater Source Protection Zone 3 and a Groundwater Vulnerability Area as defined by the Environment Agency being located upon the Magnesian Limestone principal aquifer.
329. Water, quality, hydrology and flood risk have been considered in the ES. As the site area exceeds 1ha a Flood Risk Assessment and Drainage Management Strategy has been submitted, which also includes details of flood risk mitigation measures and site drainage. The document was updated during consideration of the application in response to queries from Drainage and Coastal Protection officers.

330. The site is considered to be at 'low risk' from all sources of flooding; fluvial, pluvial, tidal, sewer related, groundwater and artificial sources. The proposed drainage strategy is to restrict the proposed flow rate to ensure that the flood risk to the site and surrounding catchment is not increased by development. The ES considers that the proposed development would increase the overall impermeable area compared to the existing greenfield use; however, in line with current policy, the feasibility of a sustainable drainage system has been investigated, and surface water runoff would be managed to provide a negligible impact. The key potential effects during the construction phase would be the potential for contamination from general construction related activities and the operational phase is the contamination of controlled waters from routine site drainage. However, with the recommended mitigation measures in place it is concluded that the residual effects are considered to be negligible. Overall, the impacts of the proposed development are therefore considered to be negligible in terms of water quality, water resources, drainage and flood risk.
331. Surface water runoff from the building roof and yard area would be directed through gutter, rain water pipes and gullies or drainage channels to an attenuation pond to be located in the south western corner of the site. This would then discharge into existing SUDS arrangements within the wider Merchant Park. All handling and processing of waste would be carried out inside the processing building which would be equipped with a dedicated drainage system feeding into a tank located within the building. Foul sewerage from the site would connect to the public foul sewer to the existing infrastructure constructed as part of the site wide works which discharges to the public sewer to the rear of the Locomotion public house to the north-east via a pumped rising main.
332. Objectors have raised concerns in relation to drainage and potential contamination of watercourses and groundwater.
333. The Environment Agency has no objections to the proposal subject to a condition requiring submission and approval of a scheme to manage surface water through the proposed attenuation pond. The request for a condition is due to groundwater sensitives in the area, as the Agency considers the proposed SUDS attenuation pond presents a risk to groundwater resources. Objectors have noted that the requirement for a condition should planning permission be granted was included in both consultation responses from the Environment Agency and query why the applicant has not addressed this matter. The consultation response from the Environment Agency clearly states that the ES provides it with confidence that it would be possible to suitably manage the risks posed to groundwater resources by this development, however, further detailed information would be required before any development is undertaken. Furthermore, the Environment Agency states that in its opinion it would place an unreasonable burden on the developer to ask for more detailed information prior to the granting of planning permission, but respect that this is a decision for the local planning authority. Given the Environment Agency is the statutory consultee on such matters regard has been had to its advice and the suggested condition would be included in any grant of planning permission.
334. In addition, Northumbrian Water has no objection provided the development is approved and carried out in strict accordance with the Flood Risk Assessment and Drainage Management Strategy.
335. Drainage and Coastal Protection officers have assessed the design and capacity of the drainage system and consider it to be acceptable following the submission of additional information in relation to the disposal of surface water. The Environment Agency and Northumbrian Water have also considered the proposals and raise no objections. It is

therefore considered that the proposal would accord with CDP Policies 35, 36 and 61, WLP Policy W26, Part 15 of the NPPF and Paragraph 7 of the NPPW.

Cumulative Impact

336. Paragraph 185 of the NPPF advises that planning decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development.
337. CDP Policy 31 sets out that development will be permitted where it can be demonstrated that there will be no unacceptable impact, either individually or cumulatively, on health, living or working conditions or the natural environment. WLP Policy W35 states that when considering proposals for waste development the cumulative impact of existing waste development in the area, waste development with planning permission, including proposals not yet started, past waste development in the area, current planning applications for waste development in the area, and other non-waste activities in the area will be taken into account. 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 this Plan.
338. The key issues in relation to cumulative for the proposed development are considered to be air quality, traffic and water quality, hydrology and flood risk. The submitted technical assessments submitted in support of the application have considered the additional impact of the proposal.
339. Cumulative impacts from proposed or committed developments in the vicinity of the proposed development have been considered within the technical chapters of the ES. The ES states that there are no identified already constructed and established waste management or other technically similar facilities within close proximity to the site for which cumulative effects have been considered. In addition, the applicant has investigated the details of any other projects which could in combination with the proposed development, give rise to cumulative significant effects and no such other schemes have been identified. The assessment of cumulative impact concludes that no unacceptable successive or simultaneous effects are likely to occur as a result of the proposed development. In terms of the assessment of the combined and the cumulative effects from the proposed development on the site on the surrounding areas, the ES considers it has been determined that there are no likely significant such effects on these areas. Given that none of the individual environmental areas reach the threshold of unacceptable, the totality of these effects would not result in them being cumulatively unacceptable nor in combination.
340. With regards to human health the ES states that there are no proposed or consented facilities for the thermal treatment of waste in close proximity to the site and which have the potential to emit dioxins and furans to air, therefore, a cumulative assessment of human health impacts has not been undertaken.
341. A cumulative assessment for air emissions has been provided. It is recognised that there is the potential for cumulative effects during the construction and operational phases. During construction this could be from dust and particulate matter generated from onsite activities if there are two or more developments under construction at the same times and also with the effects of increased construction traffic if the same route is to be used. The ES recognises that there is the potential for developments to be constructed at the Merchant Park site at the same time but considers that the cumulative impact of the proposed development with other committed developments is considered

to remain negligible following the implementation of the relevant site-specific CEMP. Development of Plot 2 occurred following the submission of this planning application. Works commenced in July 2021. Should the current planning application be granted then the earliest works would commence would be in mid-2022 by which time the works on Plot 2 will have been completed. The ES states that it is understood that there are no new proposed or planned significant emissions to air in the immediate area that would need to be considered as part of a cumulative assessment.

342. Cumulative effects in terms of water quality, hydrology and flood risk are recognised but the ES notes that each development would need to satisfy requirements (whether through Environment Licence or planning conditions) for the control of surface runoff to reduce overall flood risk in the area and ensure measures are in place to protect water quality. The cumulative effects of new development on water supply and foul drainage infrastructure are managed at the regional level by the appropriate water companies in consultation with statutory bodies such as the Local Planning Authorities and the EA.
343. Objectors have raised concerns regarding the cumulative effect of pollutants over the whole of the industrial estate and if the combined emissions would be safe for residents at all times.
344. The application site is located an allocated site on the Merchant Park which is immediately adjacent to the long-established Newton Aycliffe Industrial Estate comprising Aycliffe South Business Park and Aycliffe North Business Park and the developing Forest Park. Additional traffic movements would result from the proposal during construction and operational phases, but the site is an allocated employment site on an existing industrial estate. Given the allocations in the CDP development of the land is expected in combination with existing occupiers and future occupants. Appropriate technical assessments have been undertaken and conditions can be used to mitigate impacts of the development where appropriate. It is noted that construction is currently taking place at Plot 2 to the east of the proposed access, construction works are likely to be completed by the time the proposed facility was under construction. It is considered that the proposal would not result in an adverse cumulative impact exceeding that of a single, acceptable site in accordance with CDP Policy 31, WLP Policy W35 and Paragraph 5 of the NPPW.

Sustainability and Climate Change

345. In 2019 Durham County Council declared a climate emergency and pledged to 1.) reduce carbon emissions from Durham County Council's operations by 80% from 2008/09 levels by 2030, making significant progress towards making Durham County Council and County Durham as a whole carbon neutral; and 2.) investigate what further actions are necessary to make County Durham Carbon Neutral by 2050 and pledge to achieve this. A Climate Emergency Response Plan (CERP) was approved by the Council on 12 February 2020.
346. The CDP and NPPF promote and encourage sustainable and low carbon development. In terms of waste management proposals, relevant policies do not specifically set out carbon reduction objectives, however, the overarching principle of waste management is to move waste up the waste hierarchy and avoid disposal without recovery. In this case the proposed development would provide a facility which is required to incinerate waste which cannot be managed at a higher level of the waste hierarchy and would not conflict with the waste hierarchy. Whilst the proposed development is a type of waste disposal, the intention is to achieve best value from waste that cannot otherwise be reused or recycled. In this case that would be generation of heat.

347. The application has considered climate change as part of the ES. The development of the proposed project of a regional HTI facility would deliver carbon benefits over the current management method (baseline scenario) involving the out of area incineration of hazardous and clinical wastes. It would provide a 70% reduction in overall vehicle transport miles and associated carbon emissions delivering a carbon equivalent savings of 1280.83 tonnes under normal operating conditions (assuming no offsite heat export). In the event that the proposed development exports the available 5MWth of heat to the neighbouring industrial sites, then the potential carbon equivalent saving that can be delivered by the development has been calculated as being 9,598 tonnes per annum. The conclusion of the ES is that the proposed development has a positive benefit in terms of carbon and climate change and provides a moderate beneficial and meaningful reduction of carbon emissions when compared to the baseline.
348. The location of the site is discussed in the principle of development section above, in summary; the site is located on land allocated for employment use with connection to the freight network. The site would be located within acceptable proximity to sources of clinical and hazardous waste within primarily a 2-hour catchment area. Delivering to the site would result in a reduced distance that waste would travel as set out above.
349. In terms of the sustainability of the buildings forming the facility CDP Policy 29 states that all major new non-residential development will be required to achieve Building Research Establishment Environmental Assessment Method (BREEAM) minimum rating of 'very good'. WLP Policy W6 states that where appropriate, the opportunity should be taken to illustrate best practice by incorporating sustainable design principles in new building, using recycled materials wherever possible. Generally, the purpose of BREEAM is encourage sustainable construction and to produce energy efficient buildings.
350. A number of low and zero carbon measures have been incorporated into the design of the plant. These include the fitting of a high efficiency heat recovery boiler to convert and capture more than 80% of the available waste heat energy as hot water steam to be both used on site and exported to the surrounding industrial park; developing of district heat network for the surrounding area providing low carbon heat energy and providing the necessary underground district heat network infrastructure beyond the site, waste heat would be used within the facility, solar panels would be fitted to the roof and the developer has committed to meeting a minimum of BREEAM very good and a Building Energy Performance Certificate (EPC) 'A' Rating. Water conservation features would also be included.
351. CDP Policy 33 advises that renewable and low carbon energy development in appropriate locations will be supported. In determining planning applications for such projects significant weight will be given to the achievement of wider social, environmental and economic benefits. While the proposal is an incineration plant it also proposes the recovery of heat for use in the plant and for neighbouring users (should this be commercially and practically viable) and the generation of electricity from solar panels. GANP Policy EE3 seeks to promote business energy efficiency and initiatives which would enable local businesses to develop renewable and low carbon energy. The heat generated from the proposed development would benefit the operator of the facility and there is the potential for existing and future businesses to be benefit from a future district heating system.
352. Incorporation of low and zero carbon measures into the design of the plant can be secured through condition and thus secure sustainable design. In addition, the applicant has committed to achieve a BREEAM 'very good' rating and this can be secured through condition.

353. Objectors have raised concerns regarding the distances that waste would travel, along with the general impact the proposal would have upon climate change. Very few developments are carbon neutral. It is not a term recognised by the NPPF. The role of the planning system in tackling climate change is set out in Paragraphs 152 and 153 of the NPPF in that it should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; and advises also how new development should be planned. The proposed development would provide a facility to treat clinical and hazardous waste for which there is no alternative at a location closer to the source of the waste, as well as allowing value to be recovered from the waste via heat for both uses within the building and for export to other users. Subject to market considerations the provision of a facility in the North East would enable large quantities of hazardous and clinical and healthcare waste to be managed in the region in which it arises.
354. Low Carbon Economy officers do not object to the development. Whilst they do not support the incineration of plastics due to the impact on CO₂ emissions, it is accepted that there is no alternative option currently available, other than transportation to an existing facility. In terms of transport emissions, any CO₂ benefit from shorter distances would be offset in 10 years, when HGVs become electrified. If permission is granted, a heat network must be part of the solution and be developed alongside that of the facility. In terms of heat production, the applicant has stated that the incineration process would be fitted with a high efficiency heat recovery boiler to convert and capture more than 80% of the available waste heat energy as hot water steam which would be both used on site and exported to the surrounding industrial park. Furthermore, all regulated energy use of the proposed facility would be provided through the utilisation of waste heat, as opposed to the use of any gas or electrical heating. The applicant has made a formal commitment to develop the necessary underground district heat network infrastructure beyond their site and would accept this as a condition of planning. Such a commitment can be secured through planning condition as recommended by the Council's Low Carbon Economy Team, but it is recognised that there remains significant risk that this would not go forward. Given the location there is the potential for this to be a benefit to others on the Merchant Park Estate. Such a scheme can be required through planning condition, but in any event significant weight is not being attached to this element.
355. Incorporation of low and zero carbon measures into the design of the plant and the commitment of the applicant to meeting a BREEAM 'very good' rating can be secured through condition and thus secure sustainable design. Provision of the proposed facility would result in a reduction in the number of miles travelled to dispose of the waste which would be a benefit given there is a need to dispose of hazardous and clinical waste by incineration. It is, therefore, considered that the proposal would not conflict with CDP Policies 29 and 33, WLP Policy W6, GANP Policy EE3 and Parts 12 and 14 of the NPPF.

Recreational amenity

356. CDP Policy 26 states that development will be expected to maintain or improve the permeability of the built environment and access to the countryside for pedestrians, cyclists and horse riders. Proposals that would result in the loss of, or deterioration in the quality of, existing Public Rights of Way (PROWs) will not be permitted unless equivalent alternative provision of a suitable standard is made. Where diversions are required, new routes should be direct, convenient and attractive, and must not have a detrimental impact on environmental or heritage assets. Paragraph 100 of Part 8 of the NPPF states that planning decision should protect and enhance public rights of way and

access, including taking opportunities to provide better facilities for users, for example by adding links to existing rights of way.

357. There are no public rights of way within the site. The nearest is Public Footpath No. 5 (Great Aycliffe Parish) which starts on Long Tens Lane and runs west, across the railway line, then to the south of the balancing pond before crossing the County boundary and continuing west as a public footpath within Darlington Borough. It then recommences as Footpath No 5 and connecting to other public footpaths within Darlington, providing connections to Heighington and other villages. The legal route of Public Footpath No. 5 (Great Aycliffe Parish) would not be affected by the proposed development.
358. Access and Rights of Way officers have raised no objections noting that there are no public rights of way affected by the proposal and are not aware of any desire lines or informal public access over the site.
359. Objectors have referred to a track running through the proposed site. Access and Rights of Way officers note that this is not a recorded public right of way and appears to have only been there on the alignment for a few years after some ground works on the site. It is possible for public rights of way to be acquired if there is good historical documentary evidence of their public status, or if people have used the same route freely for in excess of 20 years. Officers consider that it is unlikely that public rights have been acquired on a consistent route for the required period of time. Notwithstanding this, if there is strong evidence that public rights exist across the development site then an application can be made to have a path added to the Definitive Map.
360. There would be no loss or deterioration in the quality of existing public rights of way given Footpath No. 5 (Great Aycliffe Parish) would not be directly affected by the proposed development. During construction conditions would be imposed seeking to control noise and dust emissions. Given the distance from the public right of way and the relatively short construction period it is considered that footpath users would not be adversely affected for the duration that they are on the footpath either during the construction or operational phase. The proposals would not, therefore, conflict with CDP Policy 26 and Part 8 of the NPPF.

Accidents and natural disasters

361. The ES includes an assessment of the likely significant effects arising from the vulnerability of the proposed development to major accidents or disasters that are relevant to the site. Individual topic chapters contain, where relevant, such an assessment for example, flood risk, traffic accidents, emissions releases and fire. Consideration is given to design, fire, flooding, neighbouring facilities with specific consideration is given to the Prefere Resins facility some 70m to the north of the site. Despite the Prefere Resins site being highly regulated and, therefore, presenting a low probability of incident occurrence, in the event of a major incident the effects still present a medium risk to the proposed facility, necessitating a controlled shutdown and safe evacuation of the facility.
362. The ES concludes that in the unlikely event of any onsite incidents, the volumes of substances (i.e. fuel, waste etc) are small and the nature of materials are not highly toxic. As such, they are not highly vulnerable to a major disaster. There are no further anticipated significant risks associated with the development in regard to accidents and natural disasters. It is concluded, therefore, that the proposals are not particularly vulnerable to accident or disaster, and that day to day management measures, enforced by the Environmental Permit, would ensure that these are effective. Although it is recognised that the nearby Prefere Resin plant presents significant offsite

environmental risk, the high degree of regulation of the facility under the COMAH Regulations adequately mitigates the risk to an acceptable level. Therefore, the construction and operation of the proposed development present a negligible increase in the risk of the locality in terms of accidents and natural disasters.

363. Objectors have raised concerns with regard to health and natural disaster, for example earthquakes or Funnel Clouds. It is queried what systems for protection of the local population would be in place should this happen. It is the case that any development would be subject to such an event should a natural disaster occur. Safe operating practices would be in place and as previously stated the facility would be regulated by an Environmental Permit.

Waste management

364. The ES considers waste management associated with the proposed development and identifies that there would be wastes that would be generated during the construction phase and once operational there would be routine wastes associated with the activities of the proposed development.
365. During the construction phase demolition rubble and excavated soils will be generated. Sustainable solutions would be implemented to enable, as far as applicable, the re-use of waste materials and avoidance of landfill disposal. All site waste management activities would be controlled through a Site Waste Management Plan as part of a wider Construction Environmental Management Plan.
366. During the operational phase the facility would receive hazardous and clinical wastes which are required by law to be disposed through high temperature incineration in a highly controlled and secured manner. The largest waste stream as an output (estimated at circa 2,000 tonnes per annum based on input of 10,500 tonnes per annum) would be ash and air pollution control residues (APCR). Any ash produced by the plant would be used off site as a secondary aggregate material (i.e. recycled) where possible. All other residues would be removed off-site for either recovery, recycling, or to undergo chemical treatment and stabilisation before landfilling. The main wastewater stream once the site is operational would be sanitary, and site washdown water from the bin cleaning facilities. Any liquids that are arising that cannot be disposed to sewer will be removed by specialist contractor and treated off site. As part of the Environmental Permit application process, the Environment Agency would require the operator to demonstrate that all wastes generated will be re-cycled, as far as is practicable, and that wastes are handled in accordance with best available techniques (BAT). In addition, it would be necessary for the operator to satisfy the Environment Agency that their proposed techniques for collecting, handling and storing waste materials will be adequately controlled.
367. During the lifecycle (25 years) of the proposed development the facility would be able to process approximately 250,000 tonnes of clinical and hazardous wastes which are currently being exported from the North East and treated out of the North East. The impacts of the proposed development are considered to be negligible in terms of waste management.

Mineral safeguarding

368. Paragraph 210 of the NPPF which requires that mineral planning authorities safeguard mineral resources, so that known locations of specific minerals resources of local and national importance were not sterilised by non-mineral development and also to encourage the prior extraction of minerals, where practical and environmentally feasible, if it is necessary for non-mineral development to take place. Paragraph 212 of

the NPPF states that local planning authorities should not normally permit other development proposals in Mineral Safeguarding Areas if it might constrain potential future use for mineral working.

369. In line with the NPPF, CDP Policy 56 seeks safeguard mineral resources by not granting planning permission for non-mineral development that would lead to the sterilisation of mineral resources within a Mineral Safeguarding Area unless certain policy criteria are met.
370. The site overlies a Mineral Safeguarding Area for magnesian limestone. In this instance it is considered that CDP Policy 56 criterion d applies as the site is an allocated site and mineral assessment is not required. Policy 56 criterion d) refers to an overriding need for the non-minerals development which outweighs the need to safeguard the mineral. Whilst Policy 56 seeks to encourage the prior extraction of safeguarded minerals where it is necessary for non-mineral development to occur, the Council recognises that for certain minerals such as magnesian limestone that prior extraction is not realistic given it is a hard rock. It is, therefore, considered that there is not a policy requirement to consider prior extraction. The proposal would not, therefore, conflict with CDP Policy 56 and Part 17 of the NPPF.

Other Matters

371. Paragraph 45 of the NPPF advises that local planning authorities should consult the appropriate bodies when considering applications for the siting of, or changes to, major hazard sites, installations or pipelines, or for development around them. CDP Policy 28 advises that within safeguarded areas development will be subject to consultation with the relevant authority and will be permitted within the defined consultation zones of the Major Hazard Sites and Major Hazard Pipelines, where it can be demonstrated that it would not prejudice current or future public safety.
372. A Health Safety Executive (HSE) Major Hazard Site consultation zone lies to the north east of the application site. The Health and Safety Executive has no objection to the proposed development advising that it does not advise on safety grounds against the granting of planning permission in this case. It is, therefore, considered that the proposal would not conflict with CDP Policy 28 and Part 4 of the NPPF.
373. Teesside International Airport has no aerodrome safeguarding objection to the proposal. Should planning permission be granted then an informative advising that any crane activity during construction phase would require a crane permit from the airport. The Ministry of Defence and National Air Traffic Services also have no safeguarding objections. In addition, Network Rail has no objections to the proposal.
374. Part 15 of the NPPF (Paragraphs 120, 174, 183 and 184) requires the planning system to consider remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land where appropriate. Noting that where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner. CDP Policy 32 requires that where development involves such land, any necessary mitigation measures to make the site safe for local communities and the environment are undertaken prior to the construction or occupation of the proposed development and that all necessary assessments are undertaken by a suitably qualified person. Environmental Health and Consumer Protection (Contaminated Land) officers raise no objections to the proposals considering that there is no requirement for ground gas protection measures and no requirement for a contaminated land condition. An informative would accompany any grant of planning permission if any unforeseen contamination is encountered. It is considered that the proposals would not conflict with CDP Policy 32 and Part 15 of the NPPF.

Other Issues

375. A number of questions have been raised by objectors and the applicant has sought to address these. It is not possible to include all questions raised within this report, but all representations are available to view on the Council's website. Material planning considerations raised, and which are not dealt with above are considered below.
376. Objectors have stated that the application contains inaccuracies and inadequate information. It is also stated that the application does not provide an adequate assessment against other existing development in the area. It is considered that, for the purposes of planning assessment, sufficient information has been provided.
377. Objectors have stated that there was a lack of public consultation at the pre application stage. The application sets out details of the pre-application publicity that was undertaken by the applicant, with notifications sent to local councillors and properties which the applicant considered would be affected by the proposed development. Although objectors consider that the pre-application stage was lacking in public consultation, it is the case that the application process allows all interested parties the opportunity to comment on the planning application,
378. A number of comments have been made regarding the adequacy of publicity of the application and that they were not sent a letter about the application or not otherwise made aware of it and that there has been a lack of community involvement in the planning process. The application was advertised in the press and via site notice as per statutory requirements. Site notices were posted in a number of locations within the vicinity of the application site and within School Aycliffe, although the number of notices has been questioned. In addition, neighbour notification letters were sent to addresses within 1km of the application, this included local business and residential properties within Darlington Borough. Letters were sent in two batches as the Council does not hold addresses for properties outside of the County and so a request was made to Darlington Borough Council. Following receipt of additional information in support of the application all those who had made representations were notified (regardless of whether they were originally notified), but the standard notification letter caused some confusion for residents as it refers to previous correspondence from the Council. It is always difficult in terms of where to draw the line for neighbour notifications on planning applications but given the controversial nature of the application the consultation was extended in August to all residents of School Aycliffe and Aycliffe Village. Whilst some people with an interest in the development may not have received a direct notification it is considered that the application was appropriately advertised in accordance with the Councils Statement of Community Involvement (SCI) and statutory planning requirements and local residents have been prejudiced by not receiving a neighbour notification directly.
379. It had been requested that a public meeting be arranged to discuss the proposal. The applicant along with Paul Howell MP met with local residents on 14 and 15 June 2021 to explain the proposals and allow an opportunity for local residents to raise their concerns. Objectors have raised concerns as to the accuracy of the applicant's recording of the meeting and to discrepancies in statements made following the meetings, however it is not considered that anything turns on this in the assessment of the application.
380. Objectors, including local businesses have raised concerns regarding the environmental impacts of the proposed development and the impact upon Aycliffe Industrial Estate as well as stating that approval of the development may result in the business either relocating or not expanding. Although there may be a perception that

the development would not be appropriate for this location, the environmental impacts of the proposal have been considered and assessed by technical specialists. Environmental impacts considered being residential amenity (noise and vibration, air quality and dust, odour and health), highway safety and access, landscape and visual impact, cultural heritage, ecology, flooding and drainage, sustainability and climate change, accidents and natural disasters and waste management). It is concluded that with appropriately worded conditions, in accordance with CDP Policy 25, the proposed development would be acceptable and would not conflict with CDP Policies 2, 21, 26, 29, 31, 33, 35, 39, 41, 43, 44, 46, 61, WLP Policies W6, W26, W29, W31, W32, W35, GANP Policies CH1, CH4, E3, E4, E5, EE3, T1, Parts 9, 12, 14, 15 and 17 of the NPPF and Paragraph 7 of the NPPW. Furthermore, the development would be regulated by an Environmental Permit.

381. It has been questioned who the operator of the proposed development would be. The experience that the applicant has in operating an incinerator has also been questioned. As planning is about land use, it is not the function of the planning system to assess the suitability of the applicant. Accordingly, the identity of the applicant is not material to the planning merits of the proposal. However, the applicant is Fornax Environmental Solutions Ltd. who is set up to operate the facility. Gresham House is the investor and Helios would construct the facility. Should planning permission be granted it is intended that Fornax Environmental Solutions Ltd. would operate the facility. In the event that planning permission is granted, the development would have to operate in accordance with an Environmental Permit. The Permit requires that certain criteria is met if an operator wishes to apply for and keep an environmental permit. This includes being the legal operator of the facility and being a competent operator as well as having the finances to carry out the operations and meet the permit conditions.
382. The difference between the number of full-time jobs that would be created by the proposed development (27) and those which were proposed to be created by the incinerator proposed at Hownsgill, Consett has been queried. The applicant has advised that the number of jobs that would be created is consistent with other clinical/hazardous facilities. The number allows for several shifts plus administrative and management staff.
383. With regard to the need undertake soils samples, Environment, Health and Consumer Protection officers advise that the development would be required to apply for, and hold, a Part A1 environmental permit which would control emissions to land, air and water; that is there should be no emissions from the site operations that should contaminate the environment, beyond that which may be considered acceptable. However, any such permit would be regulated by the Environment Agency. During the application stage for the permit the Agency may very well seek soil samples to be provided by the applicant in order to produce a baseline report, this is used to compare with any Surrender application in the future, as well as ascertaining if there have been any pollution incidents; it is not something that the Council's Environment, Health and Consumer Protection officers would consider in relation to whether the site should or should not be granted planning permission as there is another regulatory regime which would provide adequate controls. The design of the facility should ensure that no hazardous material is capable of entering the land, the emissions to air should also be controlled, thereby preventing any accumulation of hazardous material on the land, again though this would be regulated by the Environment Agency.
384. Objectors have queried what would happen to the heat if it was not used on or off site. It is the case that the heat would go unused and be released from the facility. It has also been queried how much of the facility's needs would be met by the proposed solar panels. This is not known at this stage. The applicant has stated that any electricity contract would be for renewable energy.

385. Reference is made to the incinerator built to burn the domestic waste of the four local authorities of Middlesbrough, Stockton, Redcar and Hartlepool. It is stated that this was claimed to be an environmentally friendly answer to waste management on Teesside, but Middlesbrough suffered for many years with the noxious odour which emanated from it and that the potential capacity to generate electricity was never met. The proposed develop would to modern standards and would be regulated by an Environmental Permit. The failures of old technology and monitoring should not be a reason to resist new technology that would have to operate in accordance with modern standards and monitoring regimes.
386. Objectors have stated that the proposal would have a negative impact on property values. Property values are affected by many factors and cannot be taken into account as a material consideration in the determination of a planning application.

CONCLUSION

387. The proposed development is located on an allocated employment site previously granted planning permission for employment uses. The development would provide a treatment facility for up to 10,500 tonnes of clinical and hazardous wastes per annum providing a local facility for waste which would otherwise travel a greater distance. It is considered that treating waste which arises in the North East within the region would accord with the proximity principle, reduce vehicle miles and contribute to both County Durham and regional net self-sufficiency. The proposal would increase the capacity and capability of the County's network of waste management facilities to recover value from waste materials and has been designed to recover heat for its own use, with the capacity to export approximately 5MWth of heat to neighbouring industrial users and occupiers of the business units nearby. The development would also provide 27 full time jobs and up to 75 direct and indirect jobs during the construction phase.
388. The proposal would not prejudice the movement of waste up the waste heierachy given certain clincial and hazardous wastes require high temperature incineration for complete destruction. On the basis of the information received it is considered that there has been a significant quantity of hazardous and healthcare/clinical waste which arises in the North East and which is incincerated outside of the North East. This is indicative that the incineraton of this waste cannot be met by existing operational facilities within County Durham or the North East.
389. The development has been carefully assessed in terms of its location, operation and appearance. The environmental impacts on residential amenity (noise and vibration, air quality and dust, odour and health), highway safety and access, have been considered. The site is not subject to landscape designations, and it is considered that there would not be an unacceptable visual impact, with mature planting screening the development from most vantage points, and although the associated stack would be visible again it is not unacceptable. The site is not subject to active nature conservation designations, and it is considered that there would not be an adverse impact on designations close by, a view endorsed by the ecological consultees. Nor is it considered that there would be an adverse impact upon flora or fauna, including protected species.
390. Consideration has also been given to the impact of the proposals upon recreational amenity, flooding and drainage, highway safety and access, landscape and visual impact, ecology, flooding and drainage, sustainability and climate change, accidents and natural disasters, waste management, mineral safeguarding and other matters and,

subject to appropriate conditions where appropriate, the impacts are considered to be acceptable.

391. With regard to cultural heritage, there would be less than substantial harm upon the setting of two designated heritage assets (the Grade II listed Heighington Signal Box and Locomotion Number One), but it is considered that the tangible public benefits of the proposal are sufficient to outweigh the heritage harm that would result from the development being approved.
392. The proposal has generated significant public interest with representations reflecting the issues and concerns of local residents and businesses in the local area. Representations received have been weighed along with other responses including those of statutory consultees that have raised no objections to the scheme based on the submitted details and assessments. Whilst mindful of the nature and weight of public concerns it is considered that these are not sufficient to outweigh the planning judgement in favour of the proposed development.
393. The potential harm to health from emissions has been one of the key concerns raised by objectors and this, amongst the other matters raised, has been carefully examined with the conclusion that, should planning permission be granted, the development could operate safely. In this regard, it is important to note that an Environmental Permit would be required and, that Paragraph 188 of the NPPF advises that the focus of planning policies and decisions should be on whether proposed development is an acceptable use of land, rather than the control of processes or emissions (where these are subject to separate pollution control regimes). Planning decisions should assume that these regimes will operate effectively.
394. It is considered that the proposed development accords with relevant CDP, WLP, GANP policies and relevant parts of the NPPF and NPPW.

RECOMMENDATION

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

1. The development hereby permitted shall be begun before 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 Local Planning Authority shall be given at least seven days prior written notification of the date of commencement of the development

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

3. The development hereby approved shall be carried out in strict accordance with the approved plans listed below.

Plan	Drawing No.	Date Received
Site Location Plan	P01	27/04/21
Existing Site Plan	P02	27/04/21
Proposed Site Layout Plan	P03	27/04/21
Proposed Basement Layout	P04	27/04/21
Proposed Ground Floor Layout	P05	27/04/21
Proposed Mezzanine Layout	P06	27/04/21
Proposed Roof Layout	P07	27/04/21
Proposed Elevations (Sheet 1 of 2)	P08	27/04/21
Proposed Elevations (Sheet 2 of 2)	P09	27/04/21
Proposed Sections (Sheet 1 of 2)	P10	27/04/21
Proposed Sections (Sheet 2 of 2)	P11	27/04/21
Preliminary Proposed Levels	P2	27/04/21
Arboricultural Layout		03/08/21
Arboricultural Report	June 2021	03/08/21

Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with Policies 2, 21, 25, 26, 28, 29, 31, 32, 33, 35, 36, 39, 40, 41, 43, 44, 46, 47, 56, 60, 61 of the County Durham Plan, Policies W6, W26, W29, W31, W33 and W35 of the County Durham Waste Plan, Policies CH1, CH4, E3, E4, E5, EE3, E3, R3 and T1 of the Great Aycliffe Neighbourhood Plan, Parts 2, 4, 6, 8, 9, 12, 14, 15, 16 and 17 of the National Planning Policy Framework and Paragraph 7 of the National Planning Policy for Waste.

4. No development shall commence until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Construction Management Plan shall be prepared by a competent person and shall consider the potential environmental impacts (noise, vibration, dust, & light) that the development may have upon any nearby sensitive receptors and shall detail mitigation proposed, as a minimum this should include, but not necessarily be restricted to, the following:
1. A Dust Action Plan including measures to control the emission of dust and dirt during construction taking into account relevant guidance such as the Institute of Air Quality Management "Guidance on the assessment of dust from demolition and construction" February 2014.
 2. Details of methods and means of noise reduction/suppression.
 3. Where construction involves penetrative piling, details of methods for piling of foundations including measures to suppress any associated noise and vibration.
 4. Details of measures to prevent mud and other such material migrating onto the highway from all vehicles entering and leaving the site.
 5. Designation, layout and design of construction access and egress points.
 6. Details for the provision of directional signage (on and off site).
 7. Details of contractors' compounds, materials storage and other storage arrangements, including cranes and plant, equipment and related temporary infrastructure.

8. Details of provision for all site operatives for the loading and unloading of plant, machinery and materials.
9. Details of provision for all site operatives, including visitors and construction vehicles for parking and turning within the site during the construction period.
10. Routing agreements for construction traffic.
11. Details of the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate.
12. Waste audit and scheme for waste minimisation and recycling/disposing of waste resulting from demolition and construction works.
13. Management measures for the control of pest species as a result of demolition and/or construction works.
14. Detail of measures for liaison with the local community and procedures to deal with any complaints received.

The management strategy shall have regard to BS 5228 "Noise and Vibration Control on Construction and Open Sites" during the planning and implementation of site activities and operations.

The approved Construction Management Plan shall also be adhered to throughout the construction period and the approved measures shall be retained for the duration of the construction works.

Reason: To protect the residential amenity of existing and future residents from the development in accordance with Policy 31 of the County Durham Plan and Part 15 of the National Planning Policy Framework. Required to be pre commencement to ensure that the whole construction phase is undertaken in an acceptable way.

5. No construction work shall take place, nor any site cabins, materials or machinery be brought on site until all trees and hedges, indicated on the approved Arboricultural Layout are protected by the erection of fencing as shown in the Arboricultural Report referred to in Condition 3.

No operations whatsoever, no alterations of ground levels, and no storage of any materials are to take place inside the fences, and no work is to be done such as to affect any tree.

No removal of limbs of trees or other tree work shall be carried out.

No underground services trenches or service runs shall be laid out in root protection areas, as defined on the Arboricultural Layout.

Reason: In the interests of the visual amenity of the area and to comply with Policies 29 and 40 of the County Durham Plan and Parts 12 and 15 of the National Planning Policy Framework and Paragraph 7 of the National Planning Policy for Waste.

6. No development shall commence until plans showing full engineering details of the proposed estate road have been submitted to and approved by the Local Planning Authority. Once approved the details shall be implemented in full and to the satisfaction of the Local Planning Authority.

Reason: In the interests of highway safety in accordance with Policy 21 of the County Durham Plan, Policies W29, W31 and W32 of the County Durham Waste Plan, Policy T1 of the Great Aycliffe Neighbourhood Plan, Part 9 of the National Planning Policy Framework and Paragraph 7 of the National Planning Policy for Waste. Required to be pre commencement to ensure a satisfactory access to the site is provided.

7. No development shall commence until final details of the design and layout of the car park and external yard area, including fencing and CCTV, have been submitted to and approved by the Local Planning Authority. Such details should include details of cycle parking and electric charging points. Once approved the details shall be implemented in full and to the satisfaction of the Local Planning Authority.

Reason: In the interests of visual amenity in accordance with Policy 31 of the County Durham Plan and Part 15 of the National Planning Policy Framework and Paragraph 7 of the National Planning Policy for Waste. Required to be pre commencement in order to inform the development of the site.

8. No development shall commence until final details of the proposed building, including confirmation of low and zero carbon measures, and plant (the scope of which is set out in the approved documents in Condition 3) have been submitted to and approved by the Local Planning Authority. Once approved the details shall be implemented in full and to the satisfaction of the Local Planning Authority.

Reason: In the interests of the appearance of the area and in the interests of good design in accordance with Policies 29 and 33 of the County Durham Plan, Policy W6 of the County Durham Waste Plan, Parts 12 and 14 of the National Planning Policy Framework and Paragraph 7 of the National Planning Policy for Waste. Required to be pre commencement in order to inform the development of the site.

9. Prior to finalisation of the detailed scheme design a detailed noise impact assessment and scheme of sound attenuation measures shall be submitted to and approved in writing by the local planning authority. The scheme of attenuation measures shall ensure that the rating level of noise emitted from plant and machinery involved in the proposed commercial process on the site shall not exceed the background (LA90) by more than 5dB LAeq (1 hour) between 07.00-23.00 and 0dB LAeq (15 mins) between 23.00-07.00 as measured at the nearest noise sensitive receptors. The measurement and assessment shall be made according to BS 4142: 2014+A1: 2019.

Reason: In the interests of the amenity of surrounding residents and occupiers in accordance with Policy 31 of the County Durham Plan, Part 15 of the National Planning Policy Framework and Paragraph 7 of the National Planning Policy for Waste.

10. No development shall commence until details of the make, colour and texture of all walling and roofing materials and the stack have been submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the approved details.

Reason: In the interests of the appearance of the area and to comply with Policy 29 of the County Durham Plan, Policy W6 of the County Durham Waste Local Plan, Part 12 of the National Planning Policy Framework and Paragraph 7 of the National Planning Policy for Waste. Required to be pre commencement in order to inform the development of the site.

11. No development shall commence until details of the district heat network infrastructure to be installed have been submitted to and approved by the Local Planning Authority. Such details shall include a timetable for provision of the

infrastructure. Once approved the details shall be implemented in full and to the satisfaction of the Local Planning Authority.

Reason: To ensure that the heat generated by the proposed development is put to beneficial use in accordance with Policy 33 of the County Durham Plan, Policy EE3 of the Great Aycliffe Neighbourhood Plan, Part 14 of the National Planning Policy Framework and Paragraph 7 of the National Planning Policy for Waste. Required to be pre commencement to ensure the benefits are realised.

12. No development shall commence until a scheme to manage surface water through the proposed attenuation pond has been submitted to, and approved in writing by, the Local Planning Authority. The scheme shall be implemented as approved.

Reason: To ensure that the proposed attenuation pond does not harm groundwater resources in line with Paragraph 170 of the National Planning Policy Framework and Position Statement G13 of the 'The Environment Agency's approach to groundwater protection'. Also, in accordance with Policy 35 of the County Durham Plan, of the County Durham Plan, Policy W26 of the County Durham Waste Plan, Part 15 of the National Planning Policy Framework and Paragraph 7 of the National Planning Policy for Waste. Required to be pre commencement to ensure a suitable scheme is agreed to ensure no harm to groundwater.

13. No development shall commence until details of proposed hard (including retaining walls) and soft landscaping details have been submitted to and approved by the Local Planning Authority. This scheme shall include the provision of birds-foot trefoil and include details of planting species, sizes, layout, densities, numbers, timeframe for implementation of the landscaping scheme, the establishment maintenance regime, including the replacement of vegetation which die, fail to flourish. The approved scheme shall be maintained for the life of the development.

Reason: In the interests of local landscape an ecology and to comply with County Durham Plan Policies 39, 41 and 43, Part 15 of the National Planning Policy Framework and Paragraph 7 of the National Planning Policy for Waste. Required to be pre commencement in order to inform the development of the site.

14. Details of any external lighting shall be submitted to and approved in writing by the Local Planning Authority prior to the development hereby permitted being brought into use. The detail provided shall demonstrate adherence to the ILP guidance notes for the reduction of intrusive light. The external lighting shall be erected and maintained in accordance with the approved details thereafter.

Reason: In order to minimise light spillage and glare and minimise impact upon ecological interests, in accordance with Policies 31 and 41 of the County Durham Plan and Local Plan, Part 15 of the National Planning Policy Framework. and Paragraph 7 of the National Planning Policy for Waste.

15. Prior to the plant being operational, a Travel Plan (conforming to the National Specification for Workplace Travel Plans, PAS 500:2008, Bronze level) comprising immediate, continuing or long-term measure to promote and encourage alternatives to single occupancy car use shall be submitted to and approved in writing by the Local Planning Authority. The submitted details shall include mechanisms for monitoring and review over the life of the development and timescales for implementation. The Approved Travel Plan shall thereafter be implemented, monitored and reviewed in accordance with the approved details.

Reason: To reduce reliance on the private motor car and to promote sustainable transport methods in accordance with Policy 21 of the County Durham Plan and Part 9 of the National Planning Policy Framework.

16. The development shall be implemented in line with the recommendations contained within the submitted document entitled "Preliminary Ecological Appraisal Heighington Lane" dated "June 2021".

Reason: Reason: In the interests of nature conservation and to conserve protected species and their habitat in accordance with Policies 41 and 43 of the County Durham Plan, Part 15 of the National Planning Policy Framework and Paragraph 7 of the National Planning Policy for Waste.

17. The development shall be implemented in line with the drainage scheme contained within the submitted document entitled "Flood Risk Assessment and Drainage Management Strategy" dated "27/07/2021". The drainage scheme shall ensure that foul flows discharge to the foul sewer at manhole 3902 and ensure that surface water discharges to the existing watercourse.

Reason: To ensure surface and foul water are adequately disposed of , in accordance with Policies 35, 36 and 61 of the County Durham Plan, Policy W26 of the County Durham Waste Local Plan, Parts 14 and 15 of the National Planning Policy Framework and Paragraph 7 of the National Planning Policy for Waste.

18. The proposed building shall be designed so as to achieve a BREEAM score of 'very good' and evidence of this shall be provided in writing to the Local Planning Authority prior to its construction.

Reason: In the interests of sustainable development in accordance with Policy 29 of the County Durham Plan and Parts 12 and 14 of the National Planning Policy Framework.

19. The stack shall not exceed 30m in height.

Reason: In the interests of the appearance of the area and to comply with Policies 29 and 39 of the County Durham Plan, Policy W6 of the County Durham Waste Local Plan, Policy CH1 of the Great Aycliffe Neighbourhood Plan, Parts 12 and 15 of the National Planning Policy Framework and Paragraph 7 of the National Planning Policy for Waste.

20. Only hazardous and clinical waste, as defined in the Environmental Permit issued by the Environment Agency shall be imported to the site. The site shall not be used as a treatment facility for household, commercial, industrial and municipal wastes.

Reason: In order to control the waste types accepted at the site and in the interests of local amenity in accordance with Policy 31 of the County Durham Plan, Part 15 of the National Planning Policy Framework and Paragraph 7 of the National Planning Policy for Waste.

21. External civil operations shall only take place between 06:00 and 22:00 hours Monday to Friday and 07:00 and 13:00 hours on Saturdays with no external works on Sundays, Bank or Public Holidays. Internal works to install and commission the plant and equipment for the facility may take place outside these hours as required.

Reason: In the interests of residential amenity in accordance with Policy 31 of the County Durham Plan, Part 15 of the National Planning Policy Framework and Paragraph 7 of the National Planning Policy for Waste.

22. Delivery of waste and export of residues shall only take place between the hours of 06:00 – 22:00 Monday to Friday and 07:00 – 13:00 on Saturdays. No deliveries shall take place on Sundays or Bank and Public Holidays.

Reason: In the interests of residential amenity in accordance with Policy 31 of the County Durham Plan, Part 15 of the National Planning Policy Framework and Paragraph 7 of the National Planning Policy for Waste.

23. The total number of all HGV vehicles delivering waste, delivering reagent, collecting ash and pallets and consumable deliveries to/from the site shall not exceed a daily total of 30 (15 in and 15 out), as averaged over a period of a month. A record of all vehicles entering and leaving the site shall be maintained by the operator and a copy of this record shall be afforded to the Waste Planning Authority within 2 working days of such a request.

Reason: To protect residential amenity and ensure highway safety in accordance with Policy 31 of the County Durham Plan, Policy W31 of the County Durham Waste Local Plan, Parts 9 and 15 of the National Planning Policy Framework and Paragraph 7 of the National Planning Policy for Waste.

24. Measures shall be taken to ensure that mud, dirt, and waste is not transferred onto the public highway, including sheeting of vehicles as may be appropriate to the material. At such time these measures are not sufficient to prevent the transfer of any material onto the public highway, vehicle movements shall cease until adequate cleaning measures are employed which prove effective or weather and/or ground conditions improve with the effect of stopping the transfer.

Reason: In the interests of highway safety and to accord with Policies W31 and W32 of the County Durham Waste Local Plan, Part 9 of the National Planning Policy Framework and Paragraph 7 of the National Planning Policy for Waste.

25. No vehicles carrying waste or HGVs associated with the development shall travel through School Aycliffe or Aycliffe Village, other than when making a local collection in those villages.

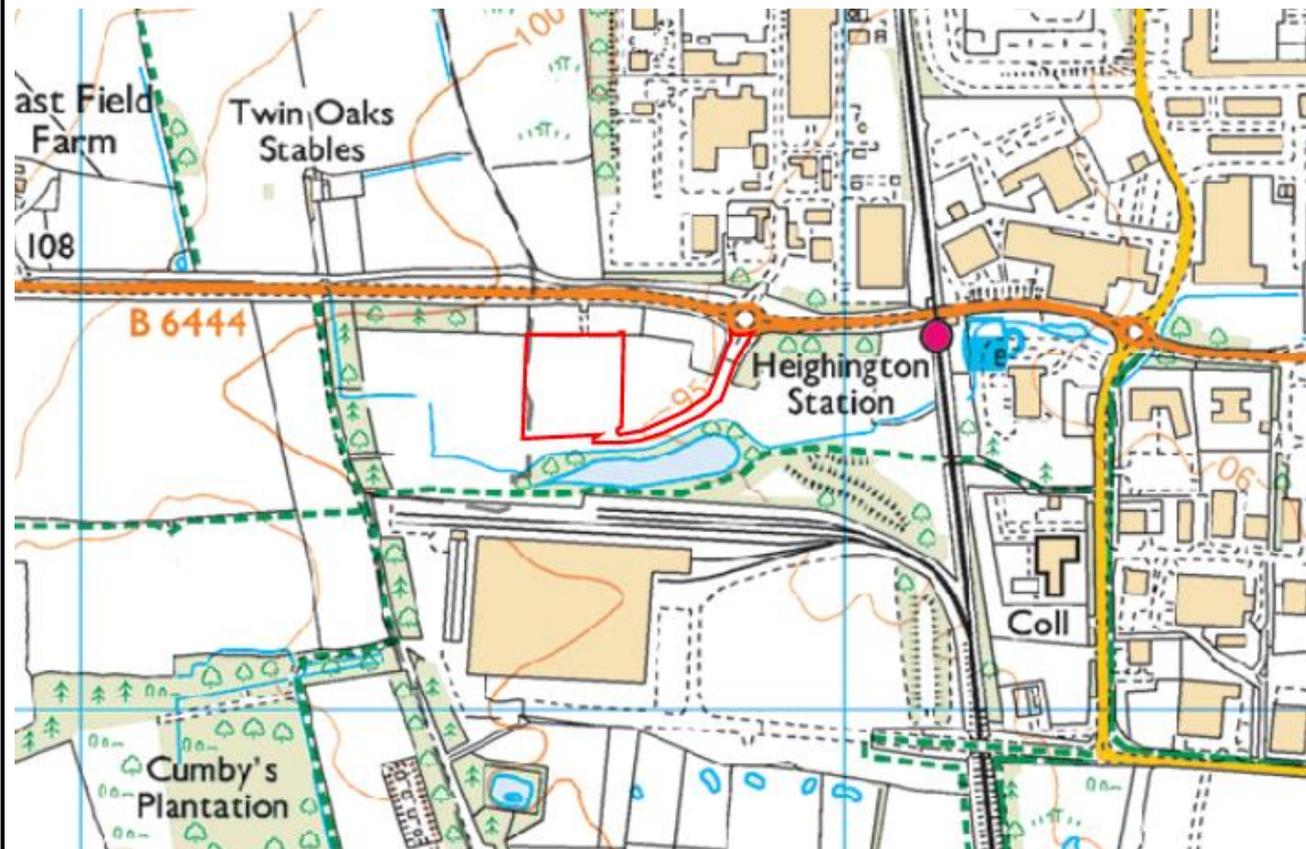
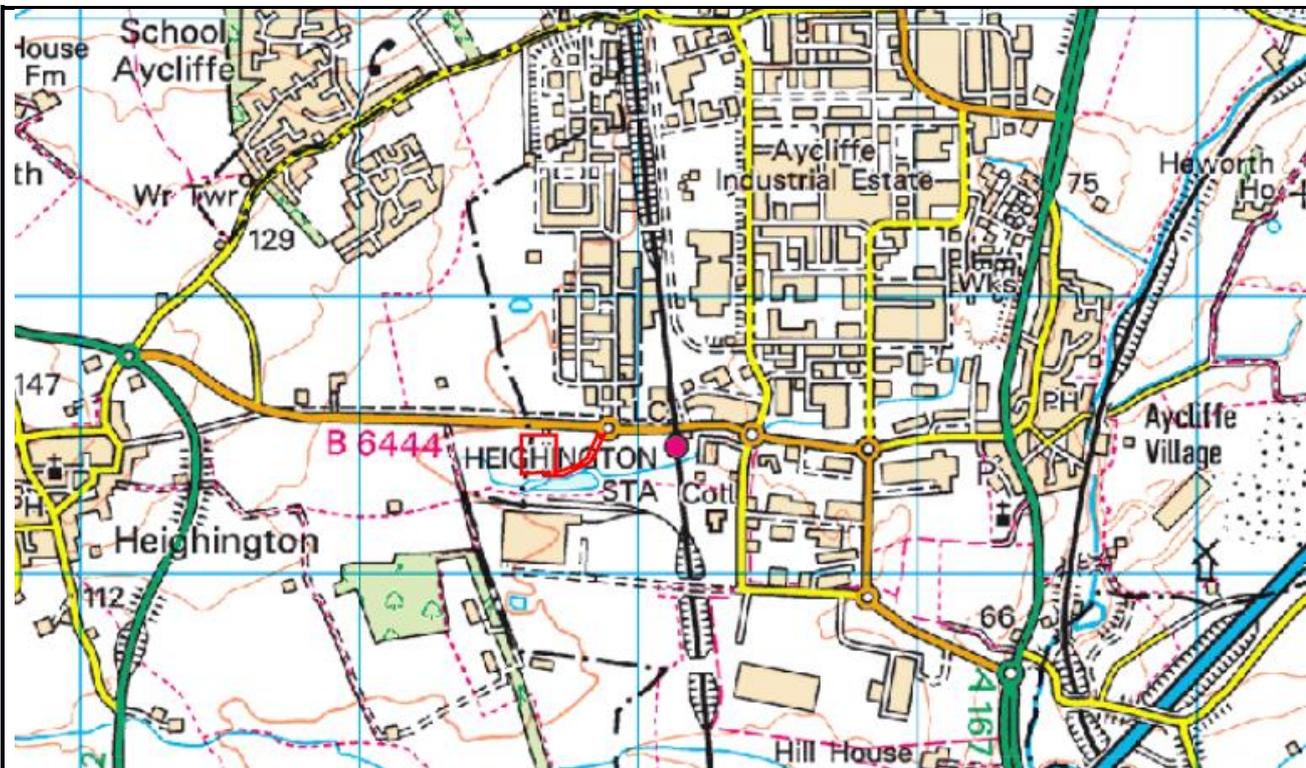
Reason: To protect residential amenity in accordance with Policy 31 of the County Durham Plan, Policies W31 and W32 of the County Durham Waste Local Plan, Part 9 of the National Planning Policy Framework and Paragraph 7 of the National Planning Policy for Waste.

STATEMENT OF PROACTIVE ENGAGEMENT

In accordance with Article 35(2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015, the Local Planning Authority 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.

BACKGROUND PAPERS

- Submitted application form, plans, supporting documents, Environmental Statement, and subsequent information provided by the applicant.
- The National Planning Policy Framework (2021)
- National Planning Policy for Waste
- National Planning Practice Guidance notes
- County Durham Plan
- County Durham Waste Local Plan
- Great Aycliffe Neighbourhood Plan
- Statutory, internal and public consultation response



Planning Services

DM/21/01500/WAS

Construction and operation of a high temperature thermal treatment facility for clinical and hazardous wastes - Land North Of Hitachi Rail Europe Ltd Millennium Way Aycliffe Business Park DL5 6UG

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Comments

Date November 2021

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COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	1) DM/20/03722/FPA & 2) DM/21/02333/FPA
FULL APPLICATION DESCRIPTION:	1) Installation and operation of a Solar Farm together with all associated works, equipment and necessary infrastructure, & 2) Construction of underground electricity cables, and associated infrastructure to connect to the proposed Sheraton Hall Solar Farm
NAME OF APPLICANT:	Lightsource BP
ADDRESS:	Sheraton Hall Farm, Sheraton, Hartlepool, TS27 4RD
ELECTORAL DIVISION:	Blackhalls
CASE OFFICER:	Chris Shields Senior Planning Officer 03000 261394 chris.shields@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

Site

1. This report seeks to assess a proposed solar farm and the underground electricity cable that would provide the grid connection from the solar farm. The two elements of the project were applied for separately but as they are intrinsically linked, they are being considered together. The proposed solar farm lies entirely within County Durham. The application boundary for the proposed electricity cable straddles the administrative boundaries of Durham County Council and Hartlepool Borough Council hence the need for two planning applications, but the majority of the site lies within Hartlepool Borough.

Proposed solar farm site

2. The site of the proposed solar farm occupies an area of approximately 77 hectares (ha) within an essentially rural landscape, which is predominantly in use for agriculture. The landscape is largely rolling agricultural land, with scattered villages and farmsteads nearby interspersed by areas of plantation woodland or woodland belts. The A19 dual carriageway is located adjacent to the eastern site boundary and a number of roads traverse areas of the site. The A19 trunk road is a major feature in the local area. The settlement of Sheraton is positioned approximately 460m east of the north-eastern site boundary, Hutton Henry lies over 1km to the north-west of the site, with all other settlements including Station Town, Castle Eden/Eden Vale, Hesleden, Hart and Elwick all located beyond 2km of the site. Sheraton Hall Farm is positioned adjacent to the northern site boundary.

3. The northern parcels of land comprising the solar farm are defined by the A19 to the east, the B1280 to the south and an unnamed minor road to the north which links the properties within the western part of Sheraton with the A19 and B1280. To the south of the B1280, two separate arable fields are located adjacent to Roper's Wood, a plantation woodland, with Hurworth Burn Road also providing some physical separation between the individual fields. Public right of way FP7 (Sheraton with Hulam) runs along the western edge of the northern most field of the two. Coal Lane runs along the southernmost boundary of the site.
4. The steading area of Sheraton Hall Farm is situated to the north of the application site and includes the farmhouse which has an open aspect looking both north and south over the adjacent agricultural fields.
5. The northern parcels of land within the solar proposed development would be accessed via the unnamed minor road to the north of these parcels. The two parcels of land to the south of the B1280 would be accessed from two separate points along Hurworth Burn Road.
6. Pike Whin Bog Site of Special Scientific Interest (SSSI) is located approximately 380m west of the southern parcel of land. Hart Bog SSSI is positioned approximately 1.3km north-east of the eastern site boundary. The Teesmouth and Cleveland Coast Special Protection Area (SPA), SSSI and Ramsar are located approximately 5km to the east. The Durham Coast Special Area of Conservation (SAC) is located approximately 5.8km to the north. Castle Eden Walkway Local Nature Reserve (LNR) is positioned approximately 950m west of the southern parcel of land. The southernmost parcel of land is positioned adjacent to the Groundwork North East Community Forest. The site is entirely within Flood Zone 1 as well as within a Groundwater Source Protection Zone 3 and Groundwater Vulnerability Area as defined by the Environment Agency.
7. The Cowpen Bewley to Warden Law High Pressure Gas Pipeline passes through the site on the western boundary
8. There are no designated heritage assets within the solar farm application boundary. The Grade II listed Sheraton Hall and Sheraton Hall Cottage are located within the nearby settlement of Sheraton. A Scheduled Monument (Sheraton medieval settlement and open field system) is positioned to the east of the A19 and approximately 60m east of the site at its closest point.
9. There are public rights of way in the vicinity of the proposed solar farm site, however, following amendments to the application, there are none with the area of the site to be developed. Footpath No. 11 (Sheraton with Hulam Parish) runs east to west approximately 300m to the north of the site; Footpath No. 7 (Sheraton with Hulam Parish) runs north to south on the western boundary of the site; footpath No. 8 (Sheraton with Hulam Parish) runs north to south approximately 20m from the western boundary and footpath No. 53 (Sedgefield Parish) runs north to south approximately 30m from the western boundary. Footpath No's. 4 and 5 (Sheraton with Hulam Parish) are located in excess of 400m to the south and east of the site boundary but these routes potentially have views of the site.
10. The nearest residential properties, to the proposed solar farm, beyond those within the Sheraton Hall farmstead lie in close proximity to the site adjacent to the junction of Hurworth Burn Road with the B1280 (Ivy Cottage and Hawthorn Cottage). The village of Sheraton lies approximately 460m east of the north-eastern site boundary. Residential properties are also positioned approximately 540m to the west at Wood Close Farm, 550m east at Pudding Poke Farm, 570m south-east at Sheraton Grange

Farm, approximately 800m south-east at Sheraton West Grange and approximately 800m north at Fleet Shot Farm.

Proposed underground electricity cables, and associated infrastructure site

11. As stated above the proposed cable route is mainly located within the Hartlepool Local Authority area and only enters County Durham when it crosses beneath the A19 immediately south of the junction with the A179 and B1280 roads. The length of the cable route within County Durham would be approximately 500m. The maximum length of the cable route within Hartlepool would be approximately 3.7km. The are 2 route options included as part of the application; after passing under the A19, route 1 follows the A179 road for approximately 1.3km before terminating at the proposed substation location. Route 2 would follow the same path as route 1 but would continue north and then west for a further 2km before terminating at another potential substation site. Route 2 would pass under Bridleway No.20 (Sheraton with Hulam Parish) at the point at which it would re-enter County Durham.
12. The proposed cable route would be within any ecological designations. Hart Bog SSSI is located approximately 210m to the south, Hesledon Dene LWS and Thrope Bulmer Dene Ancient Woodland is located immediately to the north of the point at which route 2 would re-enter County Durham. The point at which route 2 would re-enter County Durham is also within an Area of Higher Landscape Value.
13. The substation that route 2 would connect to formed part of a separate planning application (DM/21)02336/FPA). The substation has now been removed from that planning application and therefore route 2 is now highly unlikely to progress but it must still be considered as part of this report.

Proposal

Proposed solar farm

14. The proposed development comprises solar panels arranged into linear arrays facing to the south. The solar panels would be composed of photovoltaic cells which are designed to maximise the absorbency of the sun's rays and to minimise solar glare. Since being submitted the scheme has been amended to reduce the size of the development by approximately 20 hectares from the northern and north-western areas to reduce the visual impact.

The development would consist of solar panels fitted on metal framework to form arrays with a maximum height of 3m, 7 switchgear substations spaced around the adjoining the internal access roads, 14 inverters and 14 transformers adjoining the switchgear substations. Within the northern part of the site there would be a compound area including a Distribution Network Operator (DNO) substation, a customer substation, an auxiliary transformer, storage building, monitoring and communications building with associated weather station and communications equipment and a composting toilet. The site would have crushed aggregate internal access tracks.

15. The solar panels would be set back from the site boundaries to allow for perimeter security fencing, CCTV coverage and maintenance access. The solar panels would be mounted on a metal framework supported by pile driven foundations, without the need for concrete foundations. Between each line of solar panels there would be a gap of approximately 3.6m to avoid overshadowing from one solar panel to another. The solar panels would be tilted at 20 degrees from the horizontal axis and orientated south. The height of the solar panels would be to a maximum height of 3 metres above

ground level, with the lower edge of the solar panel elevated to 1.4 metres off ground level.

16. The solar PV installation would require supporting infrastructure including gravel maintenance tracks, transformers, switchgear substations and security systems. The cabling that links the solar panels and inverters to the substation would be connected via a network of shallow trenches which would be backfilled. The arrays would be set within a 2m high timber & post / deer stock fence around the application site. The stock fence is fitted with small mammal gates fitted at appropriate points near the bottom of the fence to enable free access. CCTV cameras will be positioned to cover the site access points in order to provide security to the site and prevent unauthorised access by members of the public. The proposal would also include additional native tree planting and native hedgerows.
17. The solar PV installation would result in a reduction in carbon emissions associated with energy generation equating to approximately 9,771 tonnes of CO₂ per annum which is the equivalent of the removal of approximately 5,338 standard family cars from the road each year. The proposed solar PV installation of 34MW is the equivalent to providing for the energy needs of approximately 9,444 homes within the UK.

Proposed underground electricity cables, and associated infrastructure

18. The underground cable route that would connect the proposed solar farm to the grid would run from the field adjacent to the junction of the A19 with the B1280 and would be tunnelled below the A19 and would then travel through Hartlepool to the designated substation. Two route options have been included as part of the application and both are to be assessed. Only one of the cable routes would be implemented. The route of the cable would be entirely underground.
19. The application for the solar farm is being reported the County Planning Committee at the request of the Local Member. The application for the underground cable is being reported with the solar farm as the projects are intrinsically linked.

PLANNING HISTORY

20. No previous planning applications have been submitted on the application site.

PLANNING POLICY

NATIONAL POLICY

21. A revised National Planning Policy Framework (NPPF) was published in July 2021. The overriding message continues to be that new development that is sustainable should go ahead without delay. It defines the role of planning in achieving sustainable development under three overarching objectives – economic, social and environmental, which are interdependent and need to be pursued in mutually supportive ways.
22. In accordance with Paragraph 219 of the National Planning Policy Framework, existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with the Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).

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.

23. *NPPF Part 2 Achieving Sustainable Development* - The purpose of the planning system is to contribute to the achievement of sustainable development and therefore at the heart of the NPPF is a presumption in favour of sustainable development. It defines the role of planning in achieving sustainable development under three overarching objectives - economic, social and environmental, which are interdependent and need to be pursued in mutually supportive ways. The application of the presumption in favour of sustainable development for plan-making and decision-taking is outlined.
24. *NPPF Part 6 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.
25. *NPPF Part 8 Promoting Healthy and Safe Communities* - The planning system can play an important role in facilitating social interaction and creating healthy, inclusive and safe communities. Local Planning Authorities should plan positively for the provision and use of shared space and community facilities. An integrated approach to considering the location of housing, economic uses and community facilities and services should be adopted.
26. *NPPF Part 9 Promoting Sustainable Transport* - Encouragement should be given to solutions which support reductions in greenhouse gas emissions and reduce congestion.
27. *NPPF Part 14 Meeting the Challenge of Climate Change, Flooding and Coastal Change* - The planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.
28. *NPPF Part 15 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, sites of biodiversity or geological conservation interests, recognising the wider benefits of ecosystems, minimising the impacts on biodiversity, preventing both new and existing development from contributing to or being put at unacceptable risk from pollution and land stability and remediating contaminated or other degraded land where appropriate.
29. *NPPF Part 16 Conserving and Enhancing the Historic Environment* - Heritage assets range from sites and buildings of local historic value to those of the highest significance, such as World Heritage Sites which are internationally recognised to be of Outstanding Universal Value. These assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations.

<https://www.gov.uk/government/publications/national-planning-policy-framework--2>

30. 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 to this application is the practice guidance with regards to; listed air quality; climate change; determining a planning application; flood risk and coastal change; healthy and safe communities; historic environment; light pollution; natural environment; noise; planning obligations; renewable and low carbon energy; travel plans, transport assessments and statements; use of planning conditions; water supply, wastewater and water quality

<https://www.gov.uk/government/collections/planning-practice-guidance>

31. Other material considerations include EN:1 Overarching National Policy Statement for Energy (published in July 2011) and EN-3 National Policy Statement for Renewable Energy Infrastructure (published in July 2011). Both National Policy Statements are currently under review and the Draft Overarching National Policy Statement for Energy (EN-1) (September 2021) and Draft National Policy Statement for Renewable Energy Infrastructure (EN-3) (September 2021) are currently out for consultation. Draft EN-3 states that electricity generation from renewable sources of energy is an essential element of the transition to net zero). EN-3 reflects the important role that renewable will play in developing a low carbon economy and meeting the Government's targets of net zero

LOCAL PLAN POLICY:

The County Durham Plan (October 2020)

32. *Policy 10 – Development in the Countryside* – States that development in the countryside will not be permitted unless allowed for by specific policies within the Plan or within an adopted neighbourhood plan relating to the application site or where the proposed development relates to the stated exceptions.
33. *Policy 14 – Best and Most Versatile Agricultural Land and Soil Resources* – States that development of the best and most versatile agricultural land, will be permitted where it is demonstrated that the benefits of the development outweigh the harm, taking into account economic and other benefits. Development proposals relating to previously undeveloped land must demonstrate that soil resources will be managed and conserved in a viable condition and used sustainably in line with accepted best practice.
34. *Policy 21 – Delivering Sustainable Transport* – Requires planning applications to address the transport implications of the proposed development. All development shall deliver sustainable transport by delivering, accommodating and facilitating investment in sustainable modes of transport; providing appropriate, well designed, permeable and direct routes for all modes of transport; ensuring that any vehicular traffic generated by new development can be safely accommodated; creating new or improvements to existing routes and assessing potential increase in risk resulting from new development in vicinity of level crossings.
35. *Policy 25 – Developer Contributions* – States that developers will be required to enter into Planning Obligations which are directly related to the development and fairly and reasonably related in scale and kind to the development, in order to secure the mitigation that is necessary for a development to be acceptable in planning terms
36. *Policy 25 – Developer Contributions* – advises that any mitigation necessary to make the development acceptable in planning terms will be secured through appropriate planning conditions or planning obligations. Planning conditions will be imposed where they are necessary, relevant to planning and to the development to be

permitted, enforceable, precise and reasonable in all other respects. Planning obligations must be directly related to the development and fairly and reasonably related in scale and kind to the development.

37. *Policy 26 – Green Infrastructure* – States that development will be expected to maintain and protect, and where appropriate improve, the County’s green infrastructure network. Advice is provided on the circumstances in which existing green infrastructure may be lost to development, the requirements of new provision within development proposals and advice in regard to public rights of way.
38. *Policy 28 – Safeguarded Areas* – Within safeguarded areas development will be subject to consultation with the relevant authority and will be permitted within the defined consultation zones of the Major Hazard Sites and Major Hazard Pipelines, where it can be demonstrated that it would not prejudice current or future public safety. The Policy also requires that development would not prejudice the safety of air traffic and air traffic services, that there would be no unacceptable adverse impacts upon the operation of High Moorsley Meteorological Officer radar and the operation of Fishburn Airfield, Shotton Airfield and Peterlee Parachute Drop Zone Safeguarding Areas.
39. *Policy 31 – Amenity and Pollution* - Sets out that development will be permitted where it can be demonstrated that there will be no unacceptable impact, either individually or cumulatively, on health, living or working conditions or the natural environment and that the development can be effectively integrated with any existing business and community facilities. Development will not be permitted where inappropriate odours, noise, vibration and other sources of pollution cannot be suitably mitigated against, as well as where light pollution is not suitably minimised to an acceptable level.
40. *Policy 32 – Despoiled, Degraded, Derelict, Contaminated and Unstable Land* – requires that where development involves such land, any necessary mitigation measures to make the site safe for local communities and the environment are undertaken prior to the construction or occupation of the proposed development and that all necessary assessments are undertaken by a suitably qualified person.
41. *Policy 33 – Renewable and Low Carbon Energy* – States that renewable and low carbon energy development in appropriate locations will be supported. In determining planning applications for such projects significant weight will be given to the achievement of wider social, environmental and economic benefits. Proposals should include details of associate developments including access roads, transmission lines, pylons and other ancillary buildings. Where relevant, planning applications will also need to include a satisfactory scheme to restore the site to a quality of at least its original condition once operations have ceased. Where necessary, this will be secured by bond, legal agreement or condition.
42. *Policy 35 – Water Management* – Requires all development proposals to consider the effect of the proposed development on flood risk, both on-site and off-site, commensurate with the scale and impact of the development and taking into account the predicted impacts of climate change for the lifetime of the proposal. All new development must ensure there is no net increase in surface water runoff for the lifetime of the development.
43. *Policy 39 – Landscape* – States that proposals for new development will only be permitted where they would not cause unacceptable harm to the character, quality or distinctiveness of the landscape, or to important features or views. Proposals are expected to incorporate appropriate mitigation measures where adverse landscape and visual impacts occur. Development affecting Areas of Higher landscape Value will only be permitted where it conserves and enhances the special qualities of the

landscape, unless the benefits of the development clearly outweigh its impacts. Development proposals should have regard to the County Durham Landscape Character Assessment and County Durham Landscape Strategy and contribute, where possible, to the conservation or enhancement of the local landscape.

44. *Policy 40 – Trees, Woodlands and Hedges* – States that proposals for new development will not be permitted that would result in the loss of, or damage to, trees, hedges or woodland of high landscape, amenity or biodiversity value unless the benefits of the scheme clearly outweigh the harm. Proposals for new development will be expected to retain existing trees and hedges. Where trees are lost, suitable replacement planting, including appropriate provision for maintenance and management, will be required within the site or the locality.
45. *Policy 41 – Biodiversity and Geodiversity* – Restricts development that would result in significant harm to biodiversity or geodiversity and cannot be mitigated or compensated. The retention and enhancement of existing biodiversity assets and features is required as well as biodiversity net gains. Proposals are expected to protect geological features and have regard to Geodiversity Action Plans and the Durham Geodiversity Audit and where appropriate promote public access, appreciation and interpretation of geodiversity. Development proposals which are likely to result in the loss or deterioration of irreplaceable habitat(s) will not be permitted unless there are wholly exceptional reasons and a suitable compensation strategy exists.
46. *Policy 43 – Protected Species and Nationally and Locally Protected Sites* – States that development proposals that would adversely impact upon nationally protected sites will only be permitted where the benefits clearly outweigh the impacts whilst adverse impacts. Appropriate mitigation or, as a last resort, compensation must be provided where adverse impacts are expected. In relation to protected species and their habitats, all development likely to have an adverse impact on the species' abilities to survive and maintain their distribution will not be permitted unless appropriate mitigation is provided, or the proposal meets licensing criteria in relation to European protected species.
47. *Policy 44 – Historic Environment* – Requires development proposals to contribute positively to the built and historic environment. Development should seek opportunities to enhance and where appropriate better reveal the significance and understanding of heritage assets.
48. *Policy 56 – Safeguarding Mineral Resources* – states that planning permission will not be granted for non-mineral development that would lead to the sterilisation of mineral resources within a Mineral Safeguarding Area. This is unless it can be demonstrated that the mineral in the location concerned is no longer of any current or potential value, provision can be made for the mineral to be extracted satisfactorily prior to the non-minerals development taking place without unacceptable adverse impact, the non-minerals development is of a temporary nature that does not inhibit extraction or there is an overriding need for the non-minerals development which outweighs the need to safeguard the mineral or it constitutes exempt development as set out in the Plan. Unless the proposal is exempt development or temporary in nature, all planning applications for non-mineral development within a Mineral Safeguarding Area must be accompanied by a Mineral Assessment of the effect of the proposed development on the mineral resource beneath or adjacent to the site of the proposed development.

49. *Policy CC2 – Reducing and Mitigating Flood Risk* - Confirms that development proposals need to demonstrate how they will minimise flood risk to infrastructure, property and people.
50. *Policy CC5 – Large Scale Photovoltaic Developments* – States that proposals for large scale (over 0.5MW) ground based solar photovoltaic developments which contribute towards the achievement of national renewable energy targets and the reduction of CO2 emissions will be supported subject to consideration of various acceptability criteria. Details should also be provided for the site would be restored at the end of it's operational life.
51. *Policy QP4 – Layout and Design of Development* - Sets out a series of design measures which should be considered in all developments to ensure that proposals are designed to a high quality and positively enhance their setting and location.
52. *Policy RUR1 – Development in the Rural Area* – States that the Borough Council will seek to ensure the rural area is protected and enhanced to ensure that its natural habitat, cultural and built heritage and rural landscape character are not lost. Development outside the development limits will be strictly controlled.
53. *Policy NE1 – Natural Environment* - Confirms that Hartlepool's natural environment will be protected, managed and enhanced
54. *Policy NE4 – Ecological Networks* - Confirms that Hartlepool Borough Council will seek to enhance and maintain the ecological networks identified throughout the Borough. Four priority sections of the ecological network are identified in Policy NE4.
55. *Policy HE1 – Heritage Assets* – States that the Borough Council will seek to preserve, protect and positively enhance all heritage assets. Proposals which will achieve this or better reveal the significance of the asset will be supported.
56. *Policy HE2 – Archaeology* – States that the Borough Council will seek to protect, enhance and promote Hartlepool's archaeological heritage and, where appropriate, encourage improved interpretation and presentation to the public.

NEIGHBOURHOOD PLAN:

57. There is no Neighbourhood Plan for this area.

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/3266/Development-Plan-for-County-Durham> (Adopted County Durham Plan) The Hartlepool Local Plan can be accessed at: https://www.hartlepool.gov.uk/info/20209/local_plan/312/local_plan_planning_policy

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

58. *Sheraton with Hulam Parish* – Raises the following concerns with regard to the proposed solar farm: classification of the proposed land, landscape and visual impact, glare, effects on wildlife, security, access down the West Lane, land drainage and flooding.
59. *Hartlepool Borough Council* – has stated that it has no comments to make on the solar farm application and has not responded to the cable route proposal.

60. *National Highways (formerly Highways England)* – has raised no objections to the proposed solar farm and cable route. In relation to the proposed solar farm conditions have been recommended to require submission of a Construction Traffic Management Plan and mitigation plan to avoid glint and glare prior to the commencement of development. In relation to the proposed cable route it is recommended that conditions be imposed to control routing of vehicles on to the A19.
61. *Highway Authority* – has raised no objections to both proposals. In relation to the solar farm officers have requested amendments to the Construction Traffic Management Plan in relation to site compound access, vehicle holding, routing and accident prevention. Officers have agreed that this can be dealt with by condition. In relation to the proposed cable route officers have stated that the junction of the A19, B1280 & A179 Sheraton Interchange is a busy signalised junction, particularly at peak periods. The peak periods must be avoided to minimise the impact on traffic flows and avoid the possibility of traffic backing onto the A19 which would otherwise create a significant road safety issue.
62. *Natural England* - Has raised no objections to the proposed solar farm. Based on the plans submitted it is stated that the proposed development would not have significant adverse impacts on designated sites or landscapes and has no objection.
63. *Historic England* - Advises it has no comments to make on either of the applications. Suggests views of specialist conservation and archaeological advisers are sought as relevant.
64. *Lead Local Flood Authority (Drainage and Coastal Protection)* – has raised no objections in relation to the proposed solar farm and cable route. Officers have provided standard guidance that applications conform with.
65. *Health and Safety Executive* – As the proposed solar farm site currently lies within the consultation distance at least one major hazard site and/or major accident hazard pipeline (12548_2741 Northern Gas Networks), HSE needs to be consulted on any developments on this site. The HSE does not advise, on safety grounds, against the granting of planning permission in this case. As the proposed development is within the Consultation Distance of a major hazard pipeline the HSE advises that the pipeline operator is contacted before determination.
66. *Northern Gas Networks* – has issued a holding objection to the proposed solar farm application.

INTERNAL CONSULTEE RESPONSES:

67. *Archaeology* – has raised no objections to both proposals subject to investigation works being carried out. Officers initially requested that trial trenching be carried out pre-determination but subsequently agreed that the trial trenching could be carried out prior to commencement and conditions are recommended to secure this for both proposals.
68. *Design and Conservation* – has raised no objections to both proposals. Officers considered the submitted Settings Impact Assessment and found the methodology and conclusions to be acceptable.
69. *Ecology* – has raised no objections to both proposals. Officers initially requested to see a wintering bird survey for the solar farm, which was subsequently submitted and found to be acceptable. Officers noted the biodiversity net gain that would be generated by the proposal and have requested that a biodiversity management plan

is secured by a Section 39 agreement (Wildlife and Countryside Act). In relation to the cable route officers have stated that their preference is for option 1 that would connect to Hart Moor Substation. Officers have stated that trenching should be carried out in accordance with the supplied Arboricultural Impact Assessment.

70. *Environmental, Health and Consumer Protection (Contaminated Land)* – has raised no objections in relation to the proposed solar farm. Officers have stated that there is no requirement for a contaminated land condition but have suggested an informative relating to the potential for ground contamination.
71. *Environmental, Health and Consumer Protection (Air Quality)* – has raised no objections to both proposals. Officers have confirmed that the developments would not lead to an adverse impact on air quality. In relation to the proposed cable route officers have raised the potential issue of cumulative construction traffic arising if both the solar farm and cable route had cumulative peak daily traffic flows of more than 500 LGV's or 100 HGV's. The applicant has confirmed that peak daily traffic flows would be approximately 30 HGV's in total and therefore there is no further action required in terms of air quality assessment.
72. *Environment, Health and Consumer Protection (Nuisance Action)* – has raised no objections to both proposals. In relation to the proposed solar officers have confirmed that given the positioning of relevant receptors and the inverters it is unlikely this noise level would have a significant impact. Following the receipts of comments from local residents, an additional review of the submitted Glint and Glare assessment was commissioned by specialist consultants. Whilst some minor issues were noted in the methodology of the submitted assessment, the overall conclusion was accepted and no further work was requested. In relation to both the solar farm and cable route it is recommended that a condition be imposed to control construction hours to limit noise nuisance.
73. *Landscape* – has raised no objections to both proposals. Officers have commented that changes to the layout and landscaping around the proposed northern area of the solar farm have reduced the visual prominence of the site although it is noted that due to the open character of the area and the time it takes for tree planting to establish the solar arrays would still be a notable feature during development and for several years afterwards. Officers have stated that there are certain parts of the site where the residual landscape harm could not be mitigated and would remain prominent. Officers conclude that the solar array would be prominent, but part of wider panoramic views and whilst some views from these properties would be altered significantly, none of the properties would be dominated by the array to the extent that there would be an unpleasant overbearing impact. Officers have requested that the hedgerow planting specification in the Biodiversity Management Plan be altered to state that all infill gapping up should at 4 plants per linear metre. This can be updated as part of the recommended Section 39 Legal Agreement. In relation to the proposed cable route officers have stated that only a short section of the cable is located in County Durham. Officers have stated that given the temporary nature of the works for the cable route and the impacts only arising during the construction phase of the proposed works, subject to the remedial work on completion, the proposal is unlikely to have significant landscape and visual effects. Officers also raised concern relating to a potential new substation but that is the subject of a different application that would be resolved separately.
74. *Public Rights of Way* - has raised no objections to both proposals. Officers raised some concern in relation to the public rights of way that would be affected by the construction and operation of the solar farm development. A subsequent amendment to the development removed the solar panels away from public rights of way in the

north of the site. A remaining concern was that Footpath No.7 (Sheraton with Hulam Parish) would be impacted by glare from the adjacent array. However, officers were satisfied that there is a sufficient landscape buffer between this path and the site for users to not be adversely impacted. In relation to the proposed cable route officers have stated that Bridleway 20 (Sheraton with Hulam Parish) may be temporarily affected by construction and it may be necessary to apply for a temporary closure of the public right of way.

75. *Spatial Policy* – has raised no objections to the proposed solar farm. Officers identified the key planning policies and their current status relevant to the consideration of this proposal. Comments also highlight any policy related material considerations relevant to the consideration of this proposal in terms of national policy, guidance and locally derived evidence bases. Key determining factors will be the renewable energy and economic benefits of the proposals balanced against potential harm to the countryside, and possible surface water issues that could result from the development.

PUBLIC RESPONSES:

Proposed solar farm

76. The solar farm application has been advertised in the local press and by site notice as part of planning procedures. In addition, neighbour notification letters were sent to neighbouring properties.

Objection

77. 19 letters of objection have been received raising the issues of landscape harm, loss of open countryside, visual impacts, impacts on PRow, property values, residential amenity, glint and glare, traffic impacts, scale of development, impacts on the village of Sheraton, green infrastructure, habitat degradation, harm to wildlife, approach to public consultation, cumulative impacts, loss of agricultural land, agricultural land quality, health risks associated with panels and contamination, nearby heritage assets, flood risk and water quality. Some responses also express concerns that there will be no direct benefits to the community directly.

Support

78. 12 letters of support have been received stating the benefits of the development in terms of meeting renewable energy targets and reducing our dependence on fossil fuels. Solar generation is clean energy which will not give rise to noise issues. Benefits of the proposal in respect of biodiversity enhancements (biodiversity net gain), tree planting and non-intrusive grazing. The economic benefits have been noted. A further benefit includes eliminating the more intrusive activities of chemical and fertiliser application that is currently in place on the site growing crops. It is noted that the land on which the proposed development takes place requires pesticides and fertilisers to produce viable crops. One supporter has raised the educational opportunities to provide information about local wildlife as well as the benefits of renewable energy. One supporter has asked the Applicant to consider the fencing proposed, noting that the field to the west of the area is an important area for deer to pass between the woodland to the north and south of this field and has requested contingency plans for a deer passage are submitted. This letter of support has also requested that the Applicant outlines any funding which may be available for local groups.
79. Durham Bird Club has taken a neutral stance on the solar farm application but has raised some concerns. Consideration should be given to Hurworth Burn Reservoir and the areas that birds use for foraging. It has been noted there is no bird survey for the

application site and the Ecological Assessment Report states that a winter survey is ongoing. Considered that this application cannot be determined until this survey has been completed. Functional links between the coast and Hurworth Burn Reservoir should be addressed when coming to a decision on the application. Biodiversity net gain noted, but the needs of the species identified should be considered. The site has the potential to be "functionally linked" to the coast and Hurworth Barn Reservoir. Consider 10 nest boxes for a development of this size as inadequate. If the site is grazed by sheep, the potential impact of this on ground nesting birds needs to be assessed.

80. *The Council for the Protection of Rural England (CPRE)* – object to the solar farm application. The scheme is fragmented over a number of fields, with the most south-westerly field in an Area of Higher Landscape Value (AHLV). CPRE note that the site will be highly visible from a number of locations and views are available into the parts of the site within the AHLV due to topography plus lower hedges and significant gaps. It is noted that gapping up of hedges will take time and the photomontages (after 5 years) are dependent on successful planting which will take time to be established. CPRE sympathise with comments which note that the screening may be oppressive. The minor single track road from the B1280 to the A19 at Sheraton is in a poor state of repair and there are clear signs of flooding. Should the application be approved CPRE request that the access to the eastern parcels is clarified. CPRE are unsure if the footpath to the north will be screened. Concern has been raised regarding the proximity to the Hulam solar farm site and it is considered that the sequential cumulative impact is an important factor. The development will involve the loss, for 40 years, of arable land which is of Grade 3b and is still productive (CPRE recognise that this is not best and most versatile agricultural land). It is considered that sheep grazing is less valuable than arable land. The application is not in an "appropriate location", from a visual point of view, and CPRE consider that it will have a detrimental environmental impact, whatever the social or economic impacts may be. The development does not conserve and does not enhance the AHLV. It is noted that there is no evidence that the locality, as opposed to the general public, will benefit from this development and so represent that any benefit does not outweigh the harm.

Proposed underground electricity cables, and associated infrastructure

81. The cable route application has been advertised in the local press and by site notice as part of planning procedures. In addition, neighbour notification letters were sent to neighbouring properties.
82. 9 letters of objection have been received. Most of the objections reiterate points made in relation to the solar farm and some have stated that they oppose any application related to the solar farm. It has also been stated that the initial publicity for the application was insufficient, however, it should be noted that additional letters were sent to a total of 355 properties.
83. Objectors have stated that whilst it is claimed that the cables would be tunnelled under the highway they believe that it would not be possible and that the development would involve road closures.

The above is not intended to repeat every point made and 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=QLH3JWGDKZE00&documentOrdering.orderBy=documentType&documentOrdering.orderDirection=ascending>

APPLICANTS STATEMENT:

84. Lightsource bp is a global leader in the development and management of solar energy projects. Lightsource bp work closely with local businesses and communities to supply clean, dependable and competitively priced energy, and are dedicated to securing a low-carbon future, in the UK and worldwide.
85. The proposed solar farm will make a significant positive contribution to increasing renewable energy generation and reducing carbon emissions in the context of a nationally and locally declared Climate Emergency.
86. This project supports the Government's policy for the UK's transition to achieving a low carbon economy and will also assist in meeting the pressing need for the deployment of renewable energy generation in the UK. It will help deliver on the Government's Net Zero commitments and obligations which were set out in October 2021 in the 'Net Zero Strategy: Build Back Greener'. Amongst a number of initiatives, it brings forward a key target so that, by 2035, all our electricity will need to come from low carbon sources.
87. The Sheraton Hall Solar Farm will deliver a significant amount of renewable energy along side a range of other benefits:
 - 9,771 tonnes of carbon emissions avoided every year,
 - enough clean solar energy to power the equivalent of 9,444 homes,
 - the equivalent of taking 5,388 family cars off the road,
 - enabling agricultural co-use of the site with grazing opportunities,
 - contributing to the future and long-term viability of farming at Sheraton Hall Farm,
 - planting of 2,510 linear metres of new hedgerow,
 - infilling of 448 linear metres of fragmented hedgerow,
 - 6,571 square metres of new woodland planting, and
 - securing a range of ecological enhancements including a 22% biodiversity net gain.
88. Solar is a tried and tested passive technology which doesn't produce any harmful by-products and importantly the application seeks planning permission for a temporary period. At the end of the projects operational period the land can be returned to its current agricultural use with panels and associated components removed and recycled.
89. Lightsource bp held an online community information event in November 2020, and met with the Parish Meeting representative, interested local residents and Ward Councillors in May 2021 to talk through the project. Following this feedback from the local community and Council officers the layout has been amended to remove approximately 50 acres of the project.
90. The NPPF is clear that planning has a key role in supporting renewable energy. Paragraph 152 sets out the planning system should support the transition to a low carbon future. This is reflected in the County Durham Local Plan with Policy 33 for renewable energy development, stating that these benefits will be given great weight in the decision-making process.
91. There will remain parts of the site that are visible, within a very localised area. It is considered that the residual landscape changes would be significantly and demonstrably outweighed by the significant benefits of the development in terms of

energy supply and security, support for renewable energy and biodiversity enhancement and accordingly, planning permission should be granted.

PLANNING CONSIDERATIONS AND ASSESSMENT

92. 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 advice within 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, landscape, access and traffic, residential amenity, flooding and drainage, ecology, recreational amenity, cultural heritage, agricultural land and other matters.

Principle of Development

93. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF is a material planning consideration. The County Durham Plan (CDP) and Hartlepool Local Plan (HLP) are the statutory development plan and is the starting point for determining applications as set out in the Planning Act and reinforced at Paragraph 12 of the NPPF. The CDP was adopted in October 2020 and provides the policy framework for the County up until 2035. The Hartlepool Local Plan was adopted in 2018.
94. Paragraph 11 of the NPPF establishes a presumption in favour of sustainable development. For decision taking this means:
- c) approving development proposals that accord with an up-to-date development plan without delay; or
 - d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out of date, granting permission unless:
 - i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed, or
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the Policies in this Framework taken as a whole.
95. The key policy for the determination of the solar farm and cable route applications is CDP Policy 33 relating to renewable and low carbon energy. This Policy supports renewable and low carbon energy development in appropriate locations, including transmission lines. The Policy advises that significant weight will be given to the achievement of wider social, environmental and economic benefits. The Policy also advises that proposals should include details of associated developments including access roads, transmission lines, pylons and other ancillary buildings. Where relevant, planning applications will also need to include a satisfactory scheme to restore the site to a quality of at least its original condition once operations have ceased. Where necessary, this will be secured by bond, legal agreement or condition.

Due to the cross-boundary nature of the cable route HLP Policy CC5 relating to large scale photovoltaic developments is also relevant.

96. The opening paragraph of CDP Policy 10 states that development in the countryside will not be permitted unless allowed for by specific policies in the Plan. These specific policies are set out in footnote 56 (of the CDP) and includes all applicable policies relating to low carbon and renewables. As this is a renewable energy development it is considered that CDP Policy 10 is not a relevant policy for the assessment of this proposal.
97. Paragraph 158 of the NPPF states that when determining planning applications for renewable and low carbon development, local planning authorities should:
 - a) not require applicants to demonstrate the overall need for renewable or low carbon energy, and recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions; and
 - b) approve the application if its impacts are (or can be made) acceptable. Once suitable areas for renewable and low carbon energy have been identified in plans, local planning authorities should expect subsequent applications for commercial scale projects outside these areas to demonstrate that the proposed location meets the criteria used in identifying suitable areas.
98. It should be noted that the CDP has identified areas suitable for wind turbine development but not for solar.
99. The purpose of the proposed development is to generate renewable energy on a large scale. The location affords the space requirement without significant constraints that would limit energy generation. CDP Policy 33 is permissive towards solar farm development, and it is therefore considered that the proposal is acceptable in principle. The social, environmental and economic benefits of the proposal are considered in the sections below. The acceptability of the development in relation to the issues set out below will assist in determining if the location of the development is appropriate in the context of CDP Policy 33.
100. Paragraph 45 of the NPPF states that Local planning authorities should consult the appropriate bodies when considering applications for the siting of, or changes to, major hazard sites, installations or pipelines, or for development around them. CDP Policy 28 requires that within safeguarded areas development will be subject to consultation with the relevant authority and will be permitted where it can be demonstrated that it would unacceptably adversely affect public safety, air traffic safety, the operation of High Moorsely Meteorological Officer radar. Of relevance to this development is criteria a) which states that development will be permitted within the defined consultation zones of the Major Hazard Sites and Major Hazard Pipelines, where it can be demonstrated that it would not prejudice current or future public safety. The Policy goes on to say that when considering relevant planning applications within the defined safeguarded areas the Council will ensure that developers always consider both potential individual and cumulative impacts. Where demonstrated to be necessary mitigation will always be sought to either remove or reduce the potential impact upon each safeguarded area to acceptable levels.
101. A high pressure gas pipeline (Cowpen Bewley to Warden Law) owned by Northern Gas Networks goes through part of the western side of the proposed solar farm. A greater part of the site is covered by the 250m high pressure gas pipeline zones. As the proposed development site currently lies within the consultation distance at least one major hazard site and/or major accident hazard pipeline (12548_2741 Northern Gas Networks), HSE needs to be consulted on any developments on this site. The HSE does not advise, on safety grounds, against the granting of planning permission

in this case. As the proposed development is within the Consultation Distance of a major hazard pipeline the HSE advises that the pipeline operator is contacted before determination. The applicant has advised that consultation has been undertaken with Northern Gas Networks and has amended the scheme to include an easement corridor where no works are permitted. Northern Gas Networks has lodged a holding objection to the proposal. However, it is understood that the applicant has been working with Northern Gas Networks to avoid conflict with the gas pipeline. Subject to avoidance of the gas pipeline, in accordance with the submitted site layout plan, it is considered that there would not be a conflict with CDP Policy 28 or Part 4 of the NPPF. At the time of writing this report confirmation from Northern Gas Networks is awaited.

102. CDP Policy 56 states that planning permission will not be granted for non-mineral development that would lead to the sterilisation of mineral resources within a Mineral Safeguarding Area. This is unless it can be demonstrated that the mineral in the location concerned is no longer of any current or potential value, provision can be made for the mineral to be extracted satisfactorily prior to the non-minerals development taking place without unacceptable adverse impact, the non-minerals development is of a temporary nature that does not inhibit extraction or there is an overriding need for the non-minerals development which outweighs the need to safeguard the mineral or it constitutes exempt development as set out in the Plan.
103. The central section of the proposed solar farm lies above a mineral safeguarding area for sand and gravel. However, as the solar farm is time limited for a period of 40 years the mineral reserve would not be permanently sterilised and could be extracted at a future date. It is therefore considered that the proposed solar farm would not conflict with CDP Policy 56.

Landscape

104. Paragraph 174 of the NPPF states that decisions should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes in a manner commensurate with their statutory status or identified quality in the development plan.
105. CDP Policy 39 states that proposals for new development will be permitted where they would not cause unacceptable harm to the character, quality or distinctiveness of the landscape, or to important features or views. Proposals will be expected to incorporate appropriate measures to mitigate adverse landscape and visual effects. Development affecting Areas of Higher Landscape Value will only be permitted where it conserves, and where appropriate enhances, the special qualities of the landscape, unless the benefits of development in that location clearly outweigh the harm.
106. CDP Policy 40 states that proposals for new development will not be permitted that would result in the loss of, or damage to, trees of high landscape, amenity or biodiversity value unless the benefits of the proposal clearly outweigh the harm. Where development would involve the loss of ancient or veteran trees it will be refused unless there are wholly exceptional reasons, and a suitable compensation strategy exists. Proposals for new development will not be permitted that would result in the loss of hedges of high landscape, heritage, amenity or biodiversity value unless the benefits of the proposal clearly outweigh the harm. Proposals for new development will not be permitted that would result in the loss of, or damage to, woodland unless the benefits of the proposal clearly outweigh the impact and suitable replacement woodland planting, either within or beyond the site boundary, can be undertaken.

107. HLP Policy QP4 sets out a series of design measures which should be considered in all developments to ensure that proposals are designed to a high quality and positively enhance their setting and location. HLP Policy CC5 states that proposals for large scale (over 0.5MW) ground based solar photovoltaic developments which contribute towards the achievement of national renewable energy targets and the reduction of CO2 emissions will be supported subject to consideration of various acceptability criteria. Details should also be provided for the site would be restored at the end of its operational life.
108. The solar farm site is an existing agricultural holding within the open countryside. It lies in the East Durham Limestone Plateau County Character Area which forms part of the larger East Durham Magnesian Limestone Plateau National Character Area. It lies in the Sheraton Broad Character Area which belongs to the Coastal Limestone Plateau Broad Landscape Type. The surrounding countryside is for the most part gently undulating, though strongly undulating in places, forming discrete low knolls. It is a predominantly arable landscape with old pre-enclosure hedgerow networks, locally heavily fragmented. There are occasional small broadleaved copses with larger tracks of ancient woodlands in the incised denes. Part of the site lies in an Area of Higher Landscape Value.
109. Landscape officers raised initial concerns about the impact of parts of the northern section of the solar farm site, particularly the most northerly field where the development would be elevated and the western section that would be exposed to views from the B1280 road. These concerns were also raised by members of the public objecting to the application.
110. The applicant has sought to address some of the concerns previously raised and this has led to the solar farm scheme being reduced in site with the fields to the north of the lane leading from the B1280 to Sheraton being removed and the scheme been offset from the B1280 in the field to the south of the lane. This would help reduce the visual prominence of the scheme for those travelling along the B1280, particularly those travelling eastwards towards the A19 /Hartlepool, the approach to Sheraton village and the collection of PROWs to the north of the site by creating a landscape buffer between visual receptors and the proposal. Improvements to the landscape planting plan and the long-term management of both established and proposed landscaping would further help reduce the visual prominence and provide better long-term visual enclosure of these areas of the scheme, however at the time of development and for several years afterwards (the length of time depending on the design, quality and performance of the planting), given the current open character of the site, the solar arrays would still be a notable feature.
111. Landscape officers have stated that, given the undulating character of parts of the site and its immediate environs, the solar panels, as notable man-made structures with an industrial appearance, would not readily assimilate into the open countryside context and it is considered that there would still be residual landscape harm to the character, quality and distinctiveness of the landscape as a consequence of the fragmented nature of the development and visual prominence of parts of the site, particularly the central section of the site which cannot be adequately mitigated for.
112. This residual harm from the solar farm would be most evident in views from Footpath No's 4 and 5 (Sheraton with Hulam Parish) to the southeast of the central section of the site (north of Hurworth Burn Road). Due to the undulating topography, the viewers on the Public Rights of Way (PROW) would have direct, open views of this area and the solar arrays would form a homogenous mass of toughened glass surfaces which would appear as a prominent and visually intrusive features in part due to the colour and contrast of these features to their surrounds. These effects however are largely

restricted to the sections of PROW on locally elevated land around Sheraton Grange Farm and are part of wider panoramic views. These PROWs would also afford some views, of the south-western part of the site but due to the visual enclosure by intervening hedgerows this area will be more filtered in these views.

113. Residential properties at Sheraton Grange Farm and Sheraton West Grange would experience similar views of this central section of the solar farm site primarily available from gardens or in oblique views from principal habitable rooms. The solar array would be prominent, but part of wider panoramic views and whilst some views from these properties would be altered significantly, none of the properties would be dominated by the array to the extent that there would be an unpleasant overbearing impact.
114. CPRE has objected to the solar farm proposal on the basis of landscape harm, although it should be noted that this comment was made prior to the scheme being amended and reduced in scale.
115. It is clear from both objectors and the comments of Landscape officers that the solar farm proposal would have a significant impact and cause landscape harm. However, this harm is not considered to be overbearing and would not result in the total loss of green space in the area around Sheraton. Views from the majority of properties in the vicinity of the site would be unaffected by the development and where properties do have a view this would be from a distance in excess of 500m. Whilst there would be an impact it is considered that the proposal would not cause unacceptable harm to the character, quality or distinctiveness of the landscape, or to important features and views. The proposal would not negatively impact on the adjacent Area of Higher Landscape Value and the proposals would not lead to the loss of trees, hedgerows or woodland. Additional planting is proposed with the boundaries of the solar farm to assist screening and add biodiversity value. It is considered that the benefits of the proposal in terms of renewable energy production and biodiversity enhancement would outweigh any residual landscape impact and it is therefore considered that proposed solar farm would not conflict with CDP Policies 39 and 40, and Part 15 of the NPPF.
116. The proposed cable route would be underground for the full length. Whilst there may be some visual intrusion during construction this would be for a temporary period and would be remediated as part of the construction works. The limited intrusion into the Area of Higher Landscape Value would be temporary and would not cause permanent harm. The benefits of the scheme in terms of facilitating a renewable energy project would outweigh the temporary harm. It is therefore considered that the proposed cable route would not conflict with CDP Policies 39 and 40, HLP Policies CC5, RUR1 and QP4 and Part 15 of the NPPF.

Access and Traffic

117. Paragraph 110 of the NPPF states that safe and suitable access should be achieved for all users. In addition, Paragraph 111 of the NPPF states that development should only be refused on transport grounds where the residual cumulative impacts on development are severe. CDP Policy 21 states that the transport implications of development must be addressed as part of any planning application, where relevant this could include through Transport Assessments, Transport Statements and Travel Plans.
118. The northern parcels of land within the proposed development would be accessed via the unnamed minor road to the north of these parcels. The two parcels of land to the south of the B1280 would be accessed from two separate points along Hurworth Burn Road.

119. A Transport Statement (TS) has been submitted in support of the solar farm application. The TS has identified that the construction period for the development would be approximately 5 to 6 months with a typical maximum number of HGV deliveries being 15 per day (15 in and 15 out). There would be a total of approximately 1240 deliveries to the site during the 5-6 month construction period. This is likely to be similar for the decommissioning of the site. During the operational period the site would only need to be visited 10-20 times per annum by a car or van. The TS advises that a condition would be accepted for a Construction Traffic Management Plan.
120. Concerns have been raised by local residents in respect of the impact to highway safety from the proposed solar farm development with additional traffic making the road through Sheraton dangerous for residents and also that the road itself would be damaged by construction traffic.
121. Highways officers have considered the proposal and find the access arrangements for both the construction and operational periods to be acceptable. Officers note the reference to a construction traffic management plan in the TS and request that this is secured by condition.
122. Whilst the proposed solar farm would generate a degree of construction traffic for the 5-6 month construction period it would not be unacceptable in this location due to good access and existing highway capacity. Following construction, the solar farm would be automated and would only be attended for monitoring and maintenance purposes. A further condition is recommended to ensure that vehicles accessing the site are adequately cleaned before leaving to ensure that debris is not carried onto the public highway. No objection is raised by the Council as Highways Authority or National Highways subject to appropriate conditions. It is considered that the proposals have been appropriately assessed through a Transport Statement and would not result in harm to the safety of the local or strategic highway network and would not cause an unacceptable increase in congestion or air pollution. Subject to the condition set out above both developments would not conflict with CDP Policy 21 and Part 9 of the NPPF.
123. Objectors have raised concerns that the cable route application would require road closures to allow for installation. This is not the case, and the cable can be routed using directional drilling below the carriageway without disturbance. The installation of the cable route would involve minimal vehicle movements during construction and there would be no requirement for regular access or maintenance in the future. No objection is raised by the Council as Highways Authority or National Highways subject to appropriate conditions including a condition to control routing of vehicles onto the A19. It is therefore considered that the proposed cable route would not conflict with CDP Policy 21 or Part 9 of the NPPF.

Residential Amenity

124. Paragraph 174 of the NPPF states that planning decisions should contribute to and enhance the natural and local environment by preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of air or noise pollution. Development should, wherever possible, help to improve local environmental conditions such as air quality and water quality. Paragraph 185 of the NPPF states that planning decisions should ensure that new development is appropriate for its location taking into account the likely effects of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. Paragraph 186 of the NPPF advises that planning

decisions should sustain and contribute towards compliance with relevant limit values or national objectives for pollutants. Opportunities to improve air quality or mitigate impacts should be identified, such as through traffic and travel management, and green infrastructure provision and enhancement. Paragraph 187 of the NPPF advises that planning decisions should ensure that new development can be integrated effectively with existing businesses and community facilities (such as places of worship, pubs, music venues and sports clubs).

125. CDP Policy 31 sets out that development will be permitted where it can be demonstrated that there will be no unacceptable impact, either individually or cumulatively, on health, living or working conditions or the natural environment and that can be integrated effectively with any existing business and community facilities. Development will not be permitted where inappropriate odours, noise, vibration and other sources of pollution cannot be suitably mitigated against, as well as where light pollution is not suitably minimised. Permission will not be granted for locating of sensitive land uses near to potentially polluting development. Similarly, potentially polluting development will not be permitted near sensitive uses unless the effects can be mitigated.
126. Part 15 of the NPPF (Paragraphs 120, 174, 183 and 184) requires the planning system to consider remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land where appropriate. Noting that where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner. CDP Policy 32 requires that where development involves such land, any necessary mitigation measures to make the site safe for local communities and the environment are undertaken prior to the construction or occupation of the proposed development and that all necessary assessments are undertaken by a suitably qualified person.
127. The nearest residential properties beyond those within the Sheraton Hall farmstead lie in close proximity to the proposed solar farm site adjacent to the junction of Hurworth Burn Road with the B1280 (Ivy Cottage and Hawthorn Cottage). The village of Sheraton lies approximately 460m east of the north-eastern site boundary. Residential properties are also positioned approximately 540m to the west at Wood Close Farm, 550m east at Pudding Poke Farm, 570m south-east at Sheraton Grange Farm, approximately 800m south-east at Sheraton West Grange and approximately 800m north at Fleet Shot Farm.
128. Given the low population density of the area surrounding the site, the level of public objection is relatively high. Objectors have raised the issues of landscape harm, loss of open countryside, visual impacts, impacts on public rights of way, a decrease in property values, glint and glare from the panels, traffic impacts and the scale of development being excessive.
129. Landscape impact has been assessed in the section above, but it is acknowledged that those people living near to the site experience landscape harm as a constant rather than passing impact. Objectors have stated that the development would have significant landscape harm and would be harmful to their use of recreational routes along lanes and public rights of way. Whilst traffic impacts during the operational life of the site would be very low there would be a busy period during the 5-6 month construction of the site where objectors believe traffic would be harmful and would cause damage to roads. It has also been stated that the scale of the development would be excessive. An issue relating to glint and glare has been raised by objectors to the south of the site where there has been a concern that the array on the hillside will have a significant impact at certain times of the day.

130. Many of the public comments were received prior to amendments to the solar farm scheme being submitted and whilst none of the objectors have written to withdraw their objections it is considered that the reduction in the scale of the development and removal of much of the northern element has gone some way towards addressing the concerns that have been raised in respect of landscape harm and impact to recreational routes. For clarity, several of the objectors reiterated their earlier objections following the amendments to the scheme and do not want the solar farm at any scale.
131. Following the issue raised in respect of glint and glare some points of clarification were added to the glint and glare assessment provided by the applicant and the Council's Environmental Health and Consumer Protection officers had this scrutinised by specialist consultants. It was considered that whilst the assessment methodology could have been clearer the overall conclusion that the impact would not be significant was accepted. Objectors remain concerned that there would be a residual glint and glare impact that could not be mitigated. In response the applicant has agreed that solar panels to be used on the site would have non-reflective coating to reduce the glare potential. Given the distance of the site from receptors and the use of a non-reflective coating it is considered that glint and glare would have a significantly harmful effect.
132. The proposed solar farm has very limited potential to create any noise, dust or light pollution impacts. The panels themselves would be of the static variety that are silent in operation. Environmental Health and Consumer Protection officers have considered the proposals and raise no objections in respect of potential nuisance, air pollution or land contamination. An informative has been suggested to provide advice in the event that ground contamination is discovered during the construction process. Officers note that the construction phase is the only time where noise may be an issue and have requested that hours of operation be conditioned. In accordance with standard practice it is proposed that through condition a Construction Management Plan is submitted to ensure that dust, noise, access, routeing and community liaison amongst other matters.
133. It is considered that the proposed solar farm and cable route would not create an unacceptable impact on health, living or working conditions or the natural environment. The proposals would not result in unacceptable noise, odour, vibration or light pollution and, subject to the imposition of the conditions recommended above, it is considered that the proposals would provide an acceptable standard of residential amenity in accordance with CDP Policies 31 and 32 and Part 15 of the NPPF.

Flooding and Drainage

134. Part 14 of the NPPF directs Local Planning Authorities to guard against flooding and the damage it causes. Protection of the water environment is a material planning consideration and development proposals, including waste development, should ensure that new development does not harm the water environment. Paragraph 174 of the NPPF advises that planning decisions should contribute to and enhance the natural and local environment by preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of water pollution. Development should, wherever possible, help to improve local environmental conditions such as water quality.
135. CDP Policy 35 requires all development proposals to consider the effect of the proposed development on flood risk, both on-site and off-site, commensurate with the scale and impact of the development and taking into account the predicted impacts of climate change for the lifetime of the proposal. All new development must ensure

there is no net increase in surface water runoff for the lifetime of the development. Amongst its advice, the policy advocates the use of SuDS and aims to protect the quality of water.

136. HLP Policy CC2 confirms that development proposals need to demonstrate how they will minimise flood risk to infrastructure, property and people.
137. Both applications are accompanied by a flood risk assessment (FRA) which identifies that the application site is located entirely within Flood Zone 1 and would not increase the risk of flooding. There are no watercourses within, or within the vicinity of the site. A sustainable drainage strategy, involving the implementation of SuDS in the form of swales, is proposed for managing the disposal of surface water runoff from the proposed development on the site. Swales are proposed at the low points of the application site to intercept extreme flows which may already run offsite. It is emphasised that the swales do not form part of a formal drainage scheme for the development but are provided as a form of 'betterment'. The volume of storage provided within the proposed swales (201.3 m³) is greater than the additional runoff generated as a result of the extreme 1 in 100 year storm event, including an allowance for climate change (110.7m³).
138. Drainage and Coastal Protection officers have provided general guidance in relation to flood risk in but have not specifically commented on the information provided in the solar farm and cable route applications. Notwithstanding this, it is considered that submitted FRA and flood mitigation measures would meet with policy requirements. It is therefore considered that the proposed solar farm and cable route development would not lead to increased flood risk, both on and off site, and through the use of SUDs would ensure there is no net increase in surface water runoff for the lifetime of the development. It is therefore considered that the proposals would not conflict with CDP Policy 35, HLP Policy CC2 and Part 14 of the NPPF.

Ecology

139. Paragraph 180 of the NPPF sets out the Government's commitment to halt the overall decline in biodiversity by minimising impacts and providing net gains where possible and stating that development should be refused if significant harm to biodiversity cannot be avoided, mitigated or, as a last resort, compensated for. CDP Policy 41 reflects this guidance by stating that proposals for new development will not be permitted if significant harm to biodiversity or geodiversity resulting from the development cannot be avoided, or appropriately mitigated, or, as a last resort, compensated for. CDP Policy 43 states that development proposals that would adversely impact upon nationally protected sites will only be permitted where the benefits clearly outweigh the impacts whilst adverse impacts upon locally designated sites will only be permitted where the benefits outweigh the adverse impacts.
140. HLP Policy NE1 confirms that Hartlepool's natural environment will be protected, managed and enhanced. HLP Policy NE4 states that Hartlepool Borough Council will seek to enhance and maintain the ecological networks identified throughout the Borough.
141. The presence of protected species is a material consideration in planning decisions as they are a protected species under the Wildlife and Countryside Act 1981 and the European Union Habitats Directive and the Conservation of Habitats and Species Regulations 2017 (as amended). The Habitats Directive prohibits the deterioration, destruction or disturbance of breeding sites or resting places of protected species. Natural England has the statutory responsibility under the regulations to deal with any licence applications but there is also a duty on planning authorities when deciding

whether to grant planning permission for a development which could harm a European Protected Species to apply three tests contained in the Regulations. These state that the activity must be for imperative reasons of overriding public interest or for public health and safety, there must be no satisfactory alternative, and that the favourable conservation status of the species must be maintained. Brexit does not change the Council's responsibilities under the law.

142. Pike Whin Bog Site of Special Scientific Interest (SSSI) is located approximately 380m west of the southern parcel of the solar farm. Hart Bog SSSI is positioned approximately 1.3km north-east of the eastern site boundary. The Teesmouth and Cleveland Coast Special Protection Area (SPA), SSSI and Ramsar are located approximately 5km to the east. The Durham Coast Special Area of Conservation (SAC) is located approximately 5.8km to the north. Castle Eden Walkway Local Nature Reserve (LNR) is positioned approximately 950m west of the southern parcel of land. The southernmost parcel of land is positioned adjacent to the Groundwork North East Community Forest.
143. The proposed cable route would be within any ecological designations. Hart Bog SSSI is located approximately 210m to the south, Hesledon Dene LWS and Thrope Bulmer Dene Ancient Woodland is located immediately to the north of the point at which route 2 would re-enter County Durham.
144. An Ecological Assessment Report with overwintering bird survey and Biodiversity Management Plan have been submitted in support of the solar farm application. The Ecological Assessment Report provides a baseline study of the site including the proximity of designated sites, habitats and constraints within the site and includes an extended Phase 1 habitat survey and wintering bird survey. The potential impacts to protected species has been considered, including birds, bats, badger, otter, water vole, amphibians and reptiles. The assessment notes that there are records of brown hare and also the invasive grey squirrel.
145. The site does not contain any buildings or structures and a limited number of trees were identified as being suitable for bats. All trees on the site would be retained as part of the development and bat boxes would be provided. Badger have been recorded in the vicinity of the site and a single tunnel entrance was noted close to the site boundary, however, there were no signs to indicate active badger presence. Perimeter fences would have mammal gaps to allow for access and egress by badger and other mammal species, should they return.
146. The site is considered to have very low suitability for otter and water vole and no evidence of either species was noted during the assessment. The site contains limited habitat potential for reptiles and amphibians, although there are potentially more suitable habitats on adjoining land including the 6 ponds that are within 250m of the site boundary. The assessment survey concluded that the accessible ponds were unlikely to support Great Crested Newts.
147. The Ecological Assessment concludes that proposed solar farm development would have no direct effects on neighbouring waterbodies including ponds with historic confirmed GCN presence. Similarly, with standard good practice pollution prevention and runoff control measures in place during construction and operation, off-site ponds and the species they support would be suitably protected from the risk of adverse effects during the construction phase. As a result of habitat enhancements, including the creation of structurally diverse grasslands under and around the panels and new hedgerow planting, the completed solar farm would provide higher value and better connected terrestrial habitat for amphibians (and reptiles if present) than is currently present. As a result, the proposed development and associated new habitat creation

is considered likely to have a positive effect on the favourable conservation status of the local GCN population and reptiles if present. As there is no anticipated disturbance of a European Protected Species, there is no need to apply the derogation tests which are relevant to whether a licence may be granted.

148. A Biodiversity Management Plan has been submitted setting out the ecological baseline for the site, provides mitigation measures and ecological enhancement and also includes a monitoring and management schedule. The plan states that no designated sites would be affected by the development and measures would be put in place, including perimeter fencing, to prevent encroachment of works beyond the site boundary.
149. Biodiversity enhancement for the site would include approximately 1475m of new, mixed native species hedgerows and 0.66ha of new woodland planting. There would also be the creation of species rich grassland on land occupied by the solar arrays and installation of at least 10 bird boxes and 10 bat boxes of different varieties to suit different species. These enhancements are all set out in the Biodiversity Management Plan.
150. Durham Bird Club has commented on the solar farm proposal and, whilst not objecting, have advised that the wintering bird survey should be taken into account in the determination of the application. It is also advised that given the functional link that has been previously established between the coast (particularly Teesmouth) and Hurworth Burn Reservoir itself, birds may be confused, particularly at night or in poor visibility, by arrays of solar panels situated on intervening land, such as this site and that this should be addressed.
151. The wintering bird survey shows that no target species were recorded in the site and very limited numbers were noted in the wider study area. It is therefore considered that the impact of the development on the application site and wider area on target bird species is low. The limited bird populations flying over the solar farm site would significantly reduce the risk of birds being confused by the solar panels.
152. Objectors to the scheme have stated the proposal would harm wildlife on the site and would particularly restrict movement of deer across the site. The site is split into 4 distinct sections that would be separately fenced with deer fencing. Deer fencing is used to prevent damage to the panels from deer, however, mammal gates would be installed to allow smaller mammals such as badger and hare to move freely. Smaller mammals such as hedgehog and rabbit would not be able to move freely through any part of the fencing. Whilst deer would not be able to move through the solar arrays, they would still be able to move around the separate sections.
153. The proposals offer a significant net increase in biodiversity value to the site without direct or indirect harm to any ecological designation. Natural England has raised no objections. Ecology officers have considered the proposals and comments and raised no objections subject Biodiversity Management Plan being secured by legal agreement. Officers have requested the installation of additional bird and bat boxes, which can be negotiated as part of the proposed legal agreement. It is considered that the comments from Durham Bird Club have been addressed where possible, with the scheme amended to improve the offering in respect of nest boxes. Whilst the additional surveys requested have not been carried out, the proposal has been assessed on the basis that there are populations of ground nesting birds using the site and compensatory areas would be left undeveloped in appropriate locations where birds would not be at risk from predatory species.

154. It is recommended that the biodiversity enhancement would be secured through a Section 39 Agreement under the Wildlife and Countryside Act 1981. Section 39 of the Wildlife and Countryside Act 1981 enables local authorities to enter into management agreements with the owner of land for its conservation (and for other related purposes) and is regarded as a suitable mechanism for securing long term land management in relation to biodiversity net gain. A condition is not regarded as a suitable mechanism due to the 40 year timescale of the solar farm development and a Section 39 is more suited to ensuring long term management.
155. The proposed solar farm would provide biodiversity enhancement to the site and, whilst there may be temporary displacement of wildlife during the construction process, the net increase in biodiversity value would adequately mitigate any residual harm. It is considered that the proposed solar farm would not impact upon any nationally or locally protected sites. Suitable mitigation would be secured through Section 39 agreement. The proposed cable route would have minimal impact to biodiversity provided that works are carried out outside of tree root protection areas. It is therefore considered that both proposals would not conflict with CDP Policies 25, 41 and 43, HLP Policies NE1 and NE4 and Part 15 of the NPPF in respect of avoiding and mitigating harm to biodiversity.

Recreational Amenity

156. Part 8 of the NPPF seeks to promote healthy communities with a key reference being towards the protection and enhancement of public rights of way and access. CDP Policy 26 states that development will be expected to maintain or improve the permeability of the built environment and access to the countryside for pedestrians, cyclists and horse riders. Proposals that would result in the loss of, or deterioration in the quality of, existing Public Rights of Way (PROWs) will not be permitted unless equivalent alternative provision of a suitable standard is made. Where diversions are required, new routes should be direct, convenient and attractive, and must not have a detrimental impact on environmental or heritage assets.
157. There are public rights of way in the vicinity of the solar farm site, however, following amendments to the application, there are none with the area of the site to be developed. Footpath No. 11 (Sheraton with Hulam Parish) runs east to west approximately 300m to the north of the site; Footpath No. 7 (Sheraton with Hulam Parish) runs north to south on the western boundary of the site; footpath No. 8 (Sheraton with Hulam Parish) runs north to south approximately 20m from the western boundary and footpath No. 53 (Sedgefield Parish) runs north to south approximately 30m from the western boundary. Footpath No's. 4 and 5 are located in excess of 400m to the south and east of the site boundary but these routes potentially have views of the site.
158. There are no public rights of way that would be physically impacted by the solar farm development following the revision to the site layout that removed solar panels from the northern area. Footpath No. 7 would be the closest to any of the solar panels but due to the existing hedgerow that would be retained it is unlikely that there would be an adverse impact to users of this route. Objectors to the proposals have stated that views from recreational routes (not specifically public rights of way) would be harmed by the development. It is accepted that users of the public rights of way in the vicinity of the site would have views of solar panels, but it is considered that this would not be overbearing and would not have a significant adverse effect.
159. In relation to the proposed cable route officers have stated that Bridleway 20 (Sheraton with Hulam Parish) may be temporarily affected by construction and it may be

necessary to apply for a temporary closure of the public right of way during the construction period.

160. Access and Rights of Way officers have raised no objections to the solar farm and cable route proposals. Initial concerns raised by officers in relation to the effect of the development to rights of way in the northern part of the solar farm site were eliminated when that part of the site was removed and the concern about potential glare for users of Footpath No.7 (Sheraton with Hulam Parish) were addressed by the hedgerow planting that would be retained. Temporary impacts to Bridleway No. 20 (Sheraton with Hulam Parish) can be mitigated through a diversion of temporary closure of the right of way. It is therefore considered that both the proposals would not conflict with CDP Policy 26 and Part 8 of the NPPF.

Cultural Heritage

161. In assessing the proposed development regard must be had to the statutory duty imposed on the Local Planning Authority under the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character and appearance of a conservation area. In addition, the Planning (Listed Buildings and Conservation Areas) Act 1990 also 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. If harm is found this gives rise to a strong (but rebuttable) statutory presumption against the grant of planning permission. Any such harm must be given considerable importance and weight by the decision-maker.
162. Part 16 of the NPPF requires clear and convincing justification if development proposals would lead to any harm to, or loss of, the significance of a designated heritage asset. CDP Policy 44 seeks to ensure that developments should contribute positively to the built and historic environment and seek opportunities to enhance and, where appropriate, better reveal the significance and understanding of heritage assets.
163. HLP Policy HE1 states that the Borough Council will seek to preserve, protect and positively enhance all heritage assets. Proposals which will achieve this or better reveal the significance of the asset will be supported. HLP Policy HE2 states that the Borough Council will seek to protect, enhance and promote Hartlepool's archaeological heritage and, where appropriate, encourage improved interpretation and presentation to the public.
164. There are no designated heritage assets within the redline boundaries of the solar farm or cable route. The Grade II Sheraton Hall and Sheraton Hall Cottage are located within the nearby settlement of Sheraton. A Scheduled Monument (Sheraton medieval settlement and open field system) is positioned to the east of the A19 and approximately 60m east of the solar farm at its closest point. There are no Conservation Areas in the vicinity of the proposed solar farm or cable route.
165. A Settings Impact Assessment has been submitted in support of the application. This assessment identifies the significance of heritage assets within and close to the application site. The assessment concludes that that due to the presence of considerable screening, distance and the nature of the local topography, the proposed development would not harm the significance of the heritage assets in the wider area. Design and Conservation officers have advised that the scope and methodology of the setting impact assessment are considered acceptable. Five Grade II* and Grade I

assets have been identified at some distance from the application site and the assessment has concluded that there is no intervisibility between them and as such there is no impact. This conclusion is considered reasonable. Grade II listed buildings have been assessed at a radius of 2km. Having reviewed this conclusion and taking into consideration the experience of the setting this is considered to be a reasonable statement. Overall, setting, impact and magnitude are well considered from a range of points which in totality address these assets. The setting of Sheraton Medieval Settlement is identified as potentially being affected. The setting assessment rightly concludes that especially during construction and the early years of operation there would be an impact, but this is appreciated in the context of the activity and noise of the adjacent A19 trunk road.

166. An Archaeological Desk Based Assessment has also been submitted in support of both applications. This assessment shows that based on available evidence the study site is considered to have low potential for significant archaeological remains of all periods. However, fragmentary evidence of prehistoric to Roman date and of Local Significance cannot be ruled out entirely. There is also potential for sub-surface evidence associated with medieval and post-medieval agricultural practices and 19th century structure in the north of the study site. The assessment goes on to state that significant effects to archaeology are not expected due to the likely significance of the archaeological resource, the limited physical impact of the proposed development and the solar array's capacity to include mitigation measures, such as concrete foundations, in the event of unexpected archaeological remains being present. The assessment recommends a programme of recording and targeted trial trenching as a post determination condition.
167. Following discussions with the Council's Archaeology officers it has been agreed that the geophysical survey and trial trenching can be carried out post determination of the application as a pre-commencement planning condition.
168. Design & Conservation and Archaeology officers have raised no objections either proposal subject to conditions to secure archaeological fieldwork. It is considered that the proposal would not cause harm to the Sheraton Medieval Settlement or any designated heritage assets and controls would be in place to record and protect any archaeological remains. Historic England have stated that they do not wish to comment on either of the applications. It is therefore considered that the proposed solar farm and cable route would not conflict with CDP Policy 44 and HLP Policies HE1 and HE2 and would cause no harm to heritage assets in accordance with Part 16 of the NPPF.

Agricultural Land

169. Paragraph 174 of the NPPF seeks to protect best and most versatile land. CDP Policy 14 states that development of the best and most versatile agricultural land will be permitted where it is demonstrated that the benefits of the development outweigh the harm, taking into account economic and other benefits.
170. The proposed solar farm development would occupy approximately 77 hectares of agricultural land. An Agricultural Land Classification (ALC) assessment has been carried out for the site. The assessment includes a desktop study and fieldwork analysis with the conclusion that all of the soils on the site are Grade 3b. The site is therefore not comprised of best and most versatile land. Although the development would temporarily remove a significant portion of land from arable use it would still be available for low intensity grazing. The proposed cable route would be underground following roads and field boundaries and would therefore not result in a loss of

agricultural land. The proposed solar farm and cable route would not conflict with CDP Policy 14 or Part 15 of the NPPF in this respect.

Cumulative Impact

171. Paragraph 185 of the NPPF advises that planning decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. CDP Policy 31 sets out that development will be permitted where it can be demonstrated that there will be no unacceptable impact, either individually or cumulatively, on health, living or working conditions or the natural environment.
172. The proposed solar farm development is split into 3 distinctly separate sections with sufficient distance between them to appear as if they 3 separate sites. In addition, planning permission has been previously granted for a large solar development at Hulam Farm approximately 1.5km to the north east and a similarly sized solar farm at Worset Lane approximately 2km to the east. Objectors have raised the issue of cumulative impact and that the area around the proposed solar farm has already accepted enough.
173. The proposed solar farm, and those that have been previously approved cover very large areas and the only way to see them in conjunction would be from the air. Due to the solar arrays being no more than 3m tall the separate sites would not be intervisible and, at a human scale, are quite significant distances apart.
174. Residents of properties to the south east of the proposed solar farm would potentially have views of each separate section and would see it as such. However, these views would be part of a wider panorama and would be broken up by undeveloped countryside. It is therefore considered that whilst there would be a cumulative impact, this would not be unacceptable or overbearing. It is therefore considered that the solar farm proposal would not conflict with CDP Policy 31 and Part 15 of the NPPF.

Other Matters

175. Objectors have raised concerns that the proposed solar panels would potentially have health risks to local residents from the production of direct current electricity and subsequent conversion to alternating current electricity. There is no evidence to indicate that solar energy is dangerous to health and many homes and other buildings have solar panels installed on their roofs to no ill effect.
176. Objectors have raised the issue of impact to house values as a result of the solar farm proposal. This is not a material planning consideration and cannot be taken into account in the determination of either application.
177. It has been stated that the development would not benefit the local community. There are no direct benefits, however, the proposal would bring significant biodiversity enhancement to the site, which also benefits the wider area.

CONCLUSION

178. The proposed solar farm development would provide a significant renewable energy source using solar power sufficient to provide clean energy for approximately 9,444 homes whilst also reducing dependence on fossil fuel power stations. Further benefits

of the scheme include significant biodiversity and landscape improvements to the site and direct employment to the construction industry. The proposed cable route development would provide an underground connection between the proposed solar farm and the nearest available substation for connection to the grid. The proposed solar farm and cable route would not cause unacceptable harm to the site or wider environment and would therefore be appropriately located in accordance with CDP Policy 33.

179. Although changes have been made to the solar farm during the course of consideration of the application, proposal would still constitute development in the countryside resulting in a degree of landscape harm. Efforts have been made to screen the solar arrays and from many public viewpoints the arrays would be obscured by vegetation or topography. In more open views the solar arrays would be seen as a developed feature within a semi-rural landscape that could not be mitigated by screening but it is considered that they would not be overbearing. All other material considerations have been taken into account in the determination of the solar farm application and found to be acceptable.
180. Whilst it is accepted that the proposed solar farm would have an impact to the landscape, and the Area of Higher Landscape Value, it is considered that the harm would not be unacceptable and that the benefits of the development in terms of energy supply and security, support for renewable energy and biodiversity enhancement would outweigh that harm, planning permission should be granted.
181. The proposed cable route, once constructed, would have negligible environmental impact as it would be entirely underground. The temporary impact to the Area of Higher Landscape Value during the construction phase would be time limited and any potential amenity and highway safety impacts would be controlled by conditions. The proposed cable route would have the benefit of facilitating the generation of renewable energy from the proposed solar farm.
182. The proposed solar farm and cable route have generated some public interest, with letters of objection and support having been received. Concerns expressed regarding the proposal have been taken into account, and carefully balanced against the scheme's wider social, economic and public benefits.
183. The solar farm proposal is considered to broadly accord with the relevant policies of the County Durham Plan, Hartlepool Local Plan and relevant sections of the NPPF.
184. The cable route application is considered to broadly accord with the relevant policies of the County Durham Plan, Hartlepool Local Plan and relevant sections of the NPPF.

RECOMMENDATION

DM/20/03722/FPA - Installation and operation of a Solar Farm together with all associated works, equipment and necessary infrastructure.

185. That application no. DM/20/03722/FPA for the installation and operation of a solar farm together with all associated works, equipment and necessary infrastructure be **APPROVED** subject to the following conditions and completion of a planning obligation under Section 39 of The Wildlife and Countryside Act 1981:
 1. The development hereby permitted shall be begun before 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 Local Planning Authority shall be given at least seven days prior written notification of the date of commencement of the development

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

3. This consent is granted for a period of 40 years from the date of this permission when the buildings, structures and infrastructure works hereby approved shall be removed and the land restored to its former condition in accordance with details to be submitted to and approved by the Local Planning Authority. The approved details shall then be implemented in full within 6 months of approval of those details.

Reason: In the interests of visual amenity, pollution prevention and reinstatement of agricultural land in accordance with County Durham Plan Policies 14, 31 and 39 and Part 15 of the National Planning Policy Framework.

4. The development hereby approved shall be carried out in strict accordance with the following approved plans:

LANDSCAPE PROPOSALS SHEET 1 OF 2	P20-2238.005C	10/08/21
LANDSCAPE PROPOSALS SHEET 2 OF 2	P20-2238.006C	10/08/21
PANEL ELEVATION 3 LANDSCAPE 20/20	PNL_3L_20/20	17/12/20
SHERATON HALL FARM LAYOUT	SRT_01	10/08/21
UK EPD AUXILIARY TRANSFORMER 00	UK_EPD_AUX	17/12/20
UK EPD CCTV CAMERA 00	UK_EPD_CAM	17/12/20
UK EPD CUSTOMER SUBSTATION 00	UK_EPD_CSS	17/12/20
UK EPD DNO SUBSTATION 00	UK_EPD_DNO	17/12/20
UK EPD FENCE 00	UK_EPD_FNC	17/12/20
UK EPD GATE 00	UK_EPD_GNC	17/12/20
UK EPD INVERTER 00	UK_EPD_INV	17/12/20
UK EPD MONITORING HOUSE/COMMUNICATION BUILDING 00	UK_EPD_MH/CB	17/12/20
UK EPD GRP CABINET-DNO METER 00	UK_EPD_MTR	17/12/20
UK EPD ROAD CROSS SECTION 00	UK_EPD_RCS	17/12/20
UK EPD STORAGE 40 CONTAINER 00	UK_EPD_S40	17/12/20
UK EPD SWITCHGEAR 00	UK_EPD_SWG	17/12/20
UK EPD TRANSFORMER 00	UK_EPD_TFM	17/12/20
UK EPD TOILET	UK_EPD_TLT	17/12/20
	SRT_SLP_00	17/12/20

Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with Policies 21, 31, 33, 39 and 41 of the County Durham Plan and Parts 9, 14 and 15 of the National Planning Policy Framework.

5. No development shall take place until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Construction Management Plan shall include as a minimum but not necessarily be restricted to the following:

-A Dust Action Plan including measures to control the emission of dust and dirt during construction taking into account relevant guidance such as the Institute of Air Quality Management "Guidance on the assessment of dust from demolition and construction" February 2014;

- Details of methods and means of noise reduction;
- Where construction involves penetrative piling, details of methods for piling of foundations including measures to suppress any associated noise and vibration;
- Details of whether there will be any crushing/screening of materials on site using a mobile crusher/screen and the measures that will be taken to minimise any environmental impact.
- Details of measures to prevent mud and other such material migrating onto the highway from construction vehicles;
- Designation, layout and design of construction access and egress points;
- Details for the provision of directional signage (on and off site);
- Details of contractors' compounds, materials storage and other storage arrangements, including cranes and plant, equipment and related temporary infrastructure;
- Details of provision for all site operations for the loading and unloading of plant, machinery and materials;
- Details of provision for all site operations, including visitors and construction vehicles for parking and turning within the site during the construction period;
- Routing agreements for construction traffic;
- Details of the erection and maintenance of security hoarding;
- Details of construction and decommissioning working hours;
- Waste audit and scheme for waste minimisation and recycling/disposing of waste resulting from demolition and construction works; and
- Detail of measures for liaison with the local community and procedures to deal with any complaints received.

The Construction Management Plan shall have regard to BS 5228 "Noise and Vibration Control on Construction and Open Sites" during the planning and implementation of site activities and operations.

The approved Construction Management Plan shall also be adhered to throughout the construction period and the approved measures shall be retained for the duration of the construction works.

Reason: In the interests of protecting the amenity of neighbouring site occupiers and users from the impacts of the construction phases of the development having regards to Policies 21 and 31 of the County Durham Plan and Part 15 of the National Planning Policy Framework. Required to be a pre-commencement condition and the details of the construction management statement must be agreed before works on site commence.

6. Construction operations shall only take place within the following hours:
 - 07.30 to 19.00 Monday to Friday
 - 07.30 to 12.00 Saturday

No operations including the maintenance of vehicles and plant shall take place outside of these hours or at any time on Bank, or other Public Holidays, save in cases of emergency when life, limb, or property are in danger. The Local Planning Authority shall be notified as soon as is practicable after the occurrence of any such operations or working.

Reason: In the interests of residential amenity and highway safety in accordance with the County Durham Plan Policy 21 and Part 15 of the National Planning Policy Framework.

7. The development shall be carried out in accordance with the submitted flood risk assessment (L491-DOC03 FRA: December 2020) The mitigation measures detailed

with the flood risk assessment shall be fully implemented prior to development being brought into use. These measures shall be retained and maintained thereafter throughout the lifetime of the development.

Reason: To reduce the risk of flooding to the proposed development and future occupants and to ensure there is no increase of flood risk elsewhere as a result of this development in accordance with Policy 35 of the County Durham Plan and Part 14 of the National Planning Policy Framework.

8. All vehicles leaving the site shall be sufficiently cleaned in order to ensure that mud, dirt, and treated or untreated waste is not transferred onto the public highway.

Reason: In the interests of residential amenity and highway safety in accordance with the County Durham Plan Policy 21 and Part 15 of the National Planning Policy Framework.

9. Prior to the commencement of development, Construction Traffic Management Plan shall be submitted to the Local Planning Authority for approval in writing in consultation with Highways England.

Reason: In the interests of highway safety in accordance with County Durham Plan Policy 21 and Part 9 of the National Planning Policy Framework. Required to be pre-commencement to agree traffic movements ahead of any development.

10. Prior to the commencement of development, a mitigation plan to avoid 'Glint and Glare' shall be submitted to the Local Planning Authority for approval in writing in consultation with Highways England.

Reason: In the interests of highway safety in accordance with County Durham Plan Policy 21 and Part 9 of the National Planning Policy Framework. Required to be pre-commencement to agree traffic movements ahead of any development.

11. Prior to the commencement of development precise details of the colours and finishes for all buildings, fixed plant and machinery shall be agreed in writing with the Local Planning Authority and the development carried out in accordance with agreed details.

Reason: To ensure the development is carried out in accordance with the approved documents and in the interests of visual amenity in accordance with Easington District Local Plan Policy and Part 15 of the National Planning Policy Framework. Required to be pre-commencement in order to assess the appearance of the development.

12. Prior to the commencement of development, a written scheme of investigation setting out a phased programme of archaeological work in accordance with 'Standards For All Archaeological Work In County Durham And Darlington' shall be submitted to the Local Planning Authority for approval in writing. The programme of archaeological work will then be carried out in accordance with the approved scheme of works.

Reason: To safeguard any Archaeological Interest in the site in accordance with County Durham Plan Policy 44 and Part 16 of the National Planning Policy Framework. Required to be a pre-commencement condition as the archaeological investigation/mitigation must be devised prior to the development being implemented.

13. No part of an individual phase of the development as set out in the agreed programme of archaeological works shall be occupied until the post investigation assessment has been completed in accordance with the approved Written Scheme of Investigation. The provision made for analysis, publication and dissemination of results, and archive

deposition, should be confirmed in writing to, and approved by, the Local Planning Authority.

Reason: To safeguard any Archaeological Interest in the site in accordance with County Durham Plan Policy 44 and Part 16 of the National Planning Policy Framework.

14. In the event that the solar farm is inoperative for a period of 6 months or longer, a scheme for the restoration of the site, including the buildings, structures and infrastructure works, dismantling and removal of all elements, shall be submitted to and be approved in writing by the Local Planning Authority not later than 12 months following the last export of electricity from the site. The approved scheme shall be carried out and completed within 6 months of approval of the scheme.

Reason: In the interests of visual amenity, pollution prevention and reinstatement of agricultural land in accordance with County Durham Plan Policies 14, 31 and 39 and Part 15 of the National Planning Policy Framework.

DM/21/02333/FPA - Construction of underground electricity cables, and associated infrastructure to connect to the proposed Sheraton Hall Solar Farm (DM/20/03722/FPA) to the primary proposed substation.

186. That application no. DM/21/02333/FPA for the construction of underground electricity cables, and associated infrastructure to connect to the proposed Sheraton Hall Solar Farm be **Approved** subject to the following conditions:

1. The development hereby permitted shall be begun before 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 Local Planning Authority shall be given at least seven days prior written notification of the date of commencement of the development

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

3. This consent is granted for a period of 40 years from the date of this permission when the buildings, structures and infrastructure works hereby approved shall be removed and the land restored to its former condition in accordance with details to be submitted to and approved by the Local Planning Authority. The approved details shall then be implemented in full within 6 months of approval of those details.

Reason: In the interests of visual amenity, pollution prevention and reinstatement of agricultural land in accordance with County Durham Plan Policies 14, 31 and 39 and Part 15 of the National Planning Policy Framework.

4. The development hereby approved shall be carried out in strict accordance with the following approved plans:

Block Plan	P20-2110_08	05/08/21
Site Location Plan	P20-2110_05	05/08/21
Tree Survey and Constraints Plan	BHA_1073_01	29/06/21
Tree Survey and Constraints Plan 2	BHA_1073_01	29/06/21
Tree Survey and Constraints Plan 3	BHA_1073_01	29/06/21
Tree Survey and Constraints Plan 4	BHA_1073_01	29/06/21
Tree Survey and Constraints Plan 5	BHA_1073_01	29/06/21
Tree Retention, Removal and Protection Plan	BHA_1073_05	29/06/21
Site Location Plan	P20-2110_06	29/06/21
Cable Route	PR0027_38	29/06/21
Cable Route	PR0027_39	29/06/21
Cable Route	PR0027_40	29/06/21
Cable Route	PR0027_41	29/06/21
Cable Route	PR0027_42	29/06/21
Cable Route	PR0027_43	29/06/21
Cable Route	PR0027_44	29/06/21
Cable Route	PR0027_45	29/06/21
Cable Route	PR0027_46	29/06/21
Cable Route	PR0027_47	29/06/21
Cable Route	PR0027_48	29/06/21
Cable Route	PR0027_49	29/06/21
Cable Route	PR0027_50	29/06/21
Cable Route	PR0027_51	29/06/21
Initial Design Layout	UK_SRT-CR_LP1-IDL	29/06/21

Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with Policies 21, 31, 33, 39 and 41 of the County Durham Plan and Parts 9, 14 and 15 of the National Planning Policy Framework.

5. No development shall take place until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Construction Management Plan shall include as a minimum but not necessarily be restricted to the following:

- A Dust Action Plan including measures to control the emission of dust and dirt during construction taking into account relevant guidance such as the Institute of Air Quality Management "Guidance on the assessment of dust from demolition and construction" February 2014;
- Details of methods and means of noise reduction;
- Where construction involves penetrative piling, details of methods for piling of foundations including measures to suppress any associated noise and vibration;
- Details of whether there will be any crushing/screening of materials on site using a mobile crusher/screen and the measures that will be taken to minimise any environmental impact.
- Details of measures to prevent mud and other such material migrating onto the highway from construction vehicles;
- Designation, layout and design of construction access and egress points;
- Details for the provision of directional signage (on and off site);
- Details of contractors' compounds, materials storage and other storage arrangements, including cranes and plant, equipment and related temporary infrastructure;
- Details of provision for all site operations for the loading and unloading of plant, machinery and materials;

- Details of provision for all site operations, including visitors and construction vehicles for parking and turning within the site during the construction period;
- Routing agreements for construction traffic;
- Details of the erection and maintenance of security hoarding;
- Details of construction and decommissioning working hours;
- Waste audit and scheme for waste minimisation and recycling/disposing of waste resulting from demolition and construction works; and
- Detail of measures for liaison with the local community and procedures to deal with any complaints received.

The Construction Management Plan shall have regard to BS 5228 "Noise and Vibration Control on Construction and Open Sites" during the planning and implementation of site activities and operations.

The approved Construction Management Plan shall also be adhered to throughout the construction period and the approved measures shall be retained for the duration of the construction works.

Reason: In the interests of protecting the amenity of neighbouring site occupiers and users from the impacts of the construction phases of the development having regards to Policies 21 and 31 of the County Durham Plan and Part 15 of the National Planning Policy Framework. Required to be a pre-commencement condition and the details of the construction management statement must be agreed before works on site commence.

6. Construction operations shall only take place within the following hours:
 - 07.30 to 19.00 Monday to Friday
 - 07.30 to 12.00 Saturday

No operations including the maintenance of vehicles and plant shall take place outside of these hours or at any time on Bank, or other Public Holidays, save in cases of emergency when life, limb, or property are in danger. The Local Planning Authority shall be notified as soon as is practicable after the occurrence of any such operations or working.

Reason: In the interests of residential amenity and highway safety in accordance with the County Durham Plan Policy 21 and Part 15 of the National Planning Policy Framework.

7. The development shall be carried out in accordance with the submitted flood risk assessment (L474-DOC04 FRA: December 2020) The mitigation measures detailed with the flood risk assessment shall be fully implemented prior to development being brought into use. These measures shall be retained and maintained thereafter throughout the lifetime of the development.

Reason: To reduce the risk of flooding to the proposed development and future occupants and to ensure there is no increase of flood risk elsewhere as a result of this development in accordance with Policy 35 of the County Durham Plan, Policy CC2 of the Hartlepool Local Plan and Part 14 of the National Planning Policy Framework.

8. All vehicles leaving the site shall be sufficiently cleaned in order to ensure that mud, dirt, and treated or untreated waste is not transferred onto the public highway.

Reason: In the interests of residential amenity and highway safety in accordance with the County Durham Plan Policy 21 and Part 15 of the National Planning Policy Framework.

9. All HGV movements accessing the site from Bellows Burn Lane from the south are to utilize the A19/B1281 interchange and return on the A19 South for further exit onto Bellows Burn Lane. All HGV movements leaving Hulam Farm at the A19/Bellows Burn Lane junction are required to turn left and head south to further turn on to the A19/A171-B1280 interchange in order to head north and eliminate the need to use gaps in the central reservation.

Reason: In the interests of highway safety in accordance with County Durham Plan Policy 21 and Part 9 of the National Planning Policy Framework. Required to be pre-commencement to agree traffic movements ahead of any development.

10. Prior to the commencement of development, a written scheme of investigation setting out a phased programme of archaeological work in accordance with 'Standards For All Archaeological Work In County Durham And Darlington' shall be submitted to the Local Planning Authority for approval in writing. The programme of archaeological work will then be carried out in accordance with the approved scheme of works.

Reason: To safeguard any Archaeological Interest in the site in accordance with County Durham Plan Policy 44, Policy HE2 of the Hartlepool Local Plan and Part 16 of the National Planning Policy Framework. Required to be a pre-commencement condition as the archaeological investigation/mitigation must be devised prior to the development being implemented.

11. No part of an individual phase of the development as set out in the agreed programme of archaeological works shall be occupied until the post investigation assessment has been completed in accordance with the approved Written Scheme of Investigation. The provision made for analysis, publication and dissemination of results, and archive deposition, should be confirmed in writing to, and approved by, the Local Planning Authority.

Reason: To safeguard any Archaeological Interest in the site in accordance with County Durham Plan Policy 44, Policy HE2 of the Hartlepool Local Plan and Part 16 of the National Planning Policy Framework.

12. A scheme for the restoration of the site, including the dismantling and removal of all elements, shall be submitted to and be approved in writing by the Local Planning Authority not later than 40 years from the date of this permission. 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, pollution prevention and reinstatement of agricultural land in accordance with County Durham Plan Policies 14, 31 and 39, Policy CC5 of the Hartlepool Local Plan and Part 15 of the National Planning Policy Framework.

13. In the event that the solar farm is inoperative for a period of 6 months or longer, a scheme for the restoration of the site, including the buildings, structures and infrastructure works, dismantling and removal of all elements, shall be submitted to and be approved in writing by the Local Planning Authority not later than 12 months following the last export of electricity from the site. The approved scheme shall be carried out and completed within 6 months of approval of the scheme.

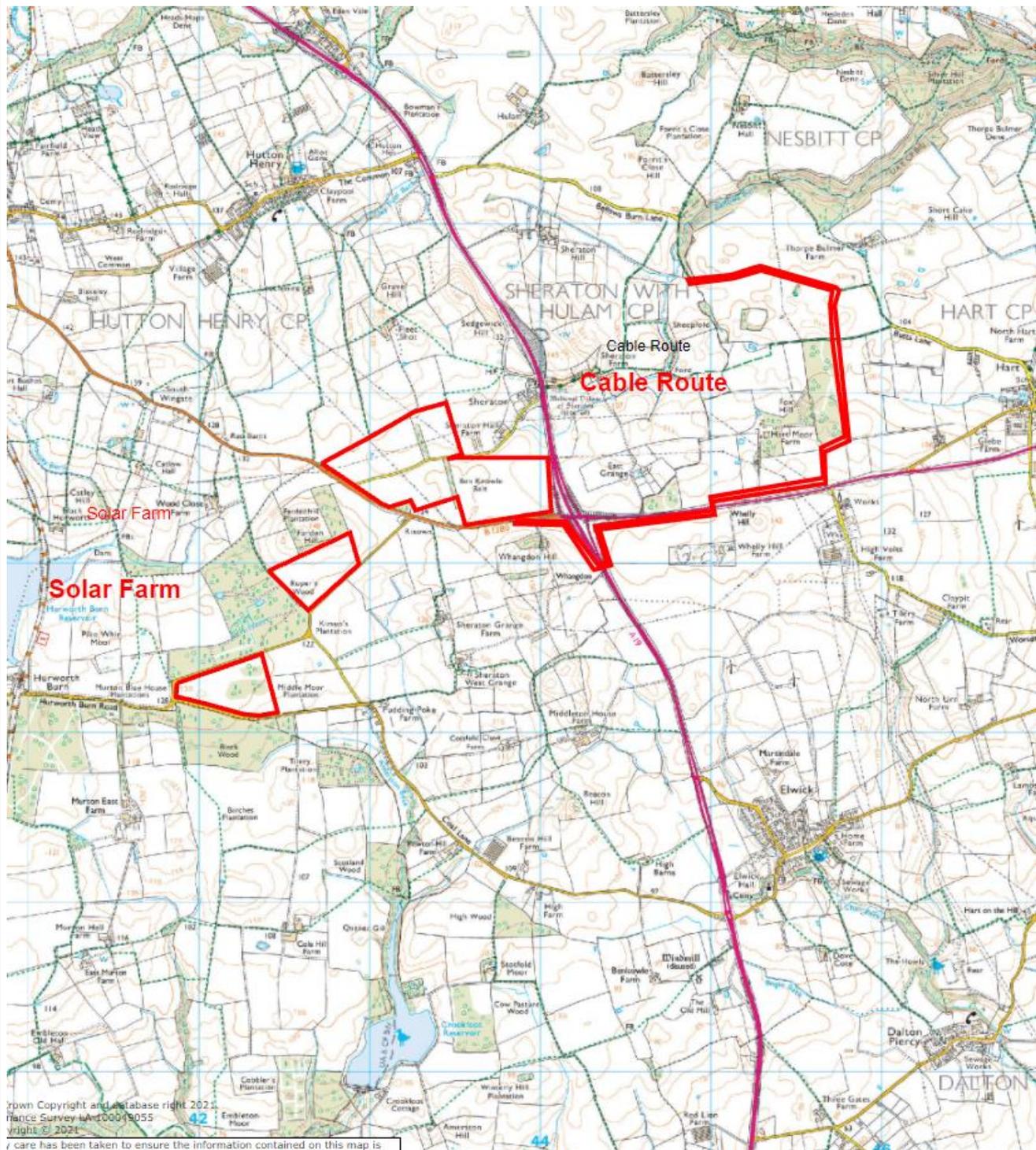
Reason: In the interests of visual amenity, pollution prevention and reinstatement of agricultural land in accordance with County Durham Plan Policies 14, 31 and 39, Policy

STATEMENT OF PROACTIVE ENGAGEMENT

In accordance with Article 35(2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015, the Local Planning Authority 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.

BACKGROUND PAPERS

- Submitted application form, plans supporting documents and subsequent information provided by the applicant.
- The National Planning Policy Framework (2021)
- National Planning Policy for Waste
- National Planning Practice Guidance notes
- County Durham Plan
- EN:1 Overarching National Policy Statement for Energy (published in July 2011)
- EN-3 National Policy Statement for Renewable Energy Infrastructure (published in July 2011)
- Draft Overarching National Policy Statement for Energy (EN-1) (September 2021)
- Draft National Policy Statement for Renewable Energy Infrastructure (EN-3) (September 2021)
- Statutory, internal and public consultation response



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Planning Services

DM/20/03722/FPA - Installation and operation of a Solar Farm together with all associated works, equipment and necessary infrastructure.

DM/21/02333/FPA - Construction of underground electricity cables, and associated infrastructure to connect to the proposed Sheraton Hall Solar Farm (DM/20/03722/FPA) to the primary proposed substation.

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Comments

Date November 2021

Scale Not to Scale

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION No:	DM/21/02816/FPA
FULL APPLICATION DESCRIPTION:	Installation of a solar photovoltaic array/solar farm with associated infrastructure (Cross boundary site with Darlington Borough Council)
NAME OF APPLICANT:	Lightrock Power Ltd
ADDRESS:	Land West, North and East Of Whinfield Farm Brafferton DL1 3LE
ELECTORAL DIVISION:	Sedgefield Claire Teasdale
CASE OFFICER:	Principal Planning Officer 03000 261390 claire.teasdale@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

The Site

1. Planning applications have been submitted to this Council and to Darlington Borough Council for the installation of a solar photovoltaic array/solar farm with associated infrastructure. The proposed scheme straddles administrative boundaries of the two Authorities hence the need for two planning applications. The majority of the site lies within the administrative boundary of County Durham, the whole scheme comprising 42.3 Hectares (ha) with 32 ha in County Durham and 10.3 ha in Darlington.
2. The site lies within open countryside and made up of gently undulating arable and improved pasture, but predominantly arable being Agricultural Land Classification Grade 3b, with old pre-enclosure field systems with established hedgerows.
3. Within County Durham the site is located some 1.3 km to the east of Aycliffe Village, 2.5km to the east of Aycliffe Industrial Estate and some 145m east of the A1(M) road at the closest point. Aycliffe East Quarry is 235m (at the closest point) to the proposed site and is separated by the A1(M). The A1(M) is approximately 128m to the east of the site at its closest point which is in County Durham. The East Coast Main Line lies some 1.3km to the west. The site is bisected by Lime Lane which runs in an east to west direction and forms the County boundary. Ricknall Lane bounds the northern edge of the Site. Preston le Skerne lies approximately 1km to the north. Brafferton, in Darlington is approximately 800km to the south west.
4. The application area is shown as three areas covering several fields, one area to the north of Lime Lane, (within County Durham) one to the south of Lime Lane (within Darlington Borough) with the temporary compound alongside it, and a smaller area alongside it, and an area to the south of Ricknall Lane (within County Durham).

5. There are several isolated residential properties in the vicinity of the proposed site. The proposed application boundary circles Whinfield House (in County Durham) and it is approximately 100m from the site boundary in all directions. Preston Tillery is approximately 25m to the north, Brafferton High House is approximately 114m to the south (in Darlington Borough), High Grange some 175m to the south west (in Darlington Borough) and Rye Close Farm (in County Durham) is approximately 250m north west. Slightly more distant are Lea Hall 544m to the north east and Preston Lodge and Oat Hill Farm (in Darlington) approximately 780m to the east. Lovesome Hill Farm lies some 640m to the south west.
6. The site is not covered by any national or local landscape designations. Trees within or adjacent to the site are not covered by a Tree Preservation Order. Within County Durham Areas of Higher Landscape Value lie some 900m to the west and north and 1.2km to the east. Trees within or adjacent to the site are not covered by a Tree Preservation Order.
7. There are no ecological designations within, adjacent or in the vicinity of the proposed site within County Durham or Darlington. The closest being Aycliffe Quarry Local Wildlife Site some 1.8km to the south west, Aycliffe Nature Park Local Wildlife Site and the Snipe Local Wildlife Site some 2km and 3km to the north west respectively. Railway Stell West Site of Special Scientific Interest is 1.9km to the north. Within Darlington the Newton Ketton Meadow Site of Special Scientific Interest is some 2km to the south east.
8. No water courses flow through the site. The site is in Flood Zone 1 as well as within a Groundwater Source Protection Zone 3 and Groundwater Vulnerability Area as defined by the Environment Agency.
9. There are no designated heritage assets within or in the immediate vicinity of the proposed site. Within County Durham, Aycliffe Village Conservation Area lies approximately 1.3km to the east separated from the site by the A1(M) and Aycliffe East Quarry, a former quarry being restored through landfill with restoration required by 2042 but with planning permission for other waste activities to extend beyond this period. There are two Scheduled Monuments (deserted village) which are located approximately 1 km north of the Site (deserted village with no above ground features). Within the wider area are Grade II listed buildings to the west at Aycliffe Village and the Windmill at Aycliffe Quarry between 1.1km and 1.8km from the proposed site. The closest is Preston Lodge Grade II Preston Lodge Farmhouse and Outbuilding Attached to Right at 780m to the east. Whinfield House is considered to be a non-designated heritage asset.
10. Within Darlington there are listed buildings in Brafferton and Coatham Mundeville as well as the Coatham Mundeville Conservation Area some 1.3km to the south west and the Scheduled Monument Coatham Mundeville medieval village, fishpond and areas of rig and furrow. Listed buildings are located at Stainton Grange and Great Stainton over 2.4km to the east. The site of the Medieval Village of Heworth is 890m to the north west separated by the A1(M) and agricultural field. Brafferton High House and Lovesome Hill Farm/Lovesome Hall are considered to be a non-designated heritage assets.
11. A high pressure gas pipeline (FM07 – Bishop Auckland to Sutton Howgrave) owned by National Grid goes through part of the eastern most part of the proposed site. A greater part of the site is covered by the 250m high pressure gas pipeline zones.
12. Within County Durham the site lies over two mineral safeguarding areas. One is in the northern area and relates to sand and gravel and the other to the west of the site relating to magnesian limestone.

13. Within Durham Bridleway No. 17 (Mordon Parish) runs along a route known as Green Lane, part of the route runs through the proposed site. Within Darlington Borough there are no rights of way but Footpath No.s 9, 7 and 8 (Brafferton Parish) lie to the east, west and south respectively of that part of the site within the Borough.

The Proposal

14. The proposal is for a ground mounted solar farm with associated infrastructure including housing for inverters, transformers, battery storage containers and electrical equipment as well as fencing, security cameras, cabling and access tracks with an operational period of 40 years. The development would have an export capacity approximately 31 megawatts (MW).
15. The proposed development in County Durham needs to be considered in conjunction with the application submitted to Darlington Borough Council as the scheme is not related to administrative boundaries.
16. Indicative layout details have been provided with the application. The application states that typical elevations of the solar panels have been submitted as due to the rapid advancement of solar PV technologies it possible that the design of the solar panels may differ slightly from those shown on the plan. Any design changes are unlikely to alter the key parameters of the development such as the footprint of the development and the height of the panels.
17. The development would consist of solar panels arranged in rows (or strings) each panel would measure approximately 1.2m x 2.3m mounted on metal frames, likely to be screwed or driven into the ground to a depth of 1 - 2m depending on ground conditions or on concrete footings if archaeology is found. The panels would be set back from the site boundaries to allow for perimeter security fencing, CCTV coverage and maintenance access. The lower edge of each panel would be typically 0.8 m from the ground and the highest point of panel would be between 2.8 and 3m in height from the ground. There would be gaps between each row of 3 to 6m to avoid inter-panel shading and provide suitable access. The panels would be tilted at typically 15 to 25 degrees from the horizontal and would be orientated to face south towards the sun. 16 inverters and transformers housed in GRP enclosures or containers are proposed typically measuring 6.1 m x 2.5 m x 2.6 m (H). To the north of Lime Lane (within County Durham) there would be a substation compound that would include a Distribution Network Operator (DNO) substation measuring 18.3m x 7.4m x 4.5m containing a control room, switchroom and metering annexe, a client substation measuring 9.8m x 3.6m x 4.5m, container storage units 6.1m x 2.4m x 2.6m.
18. For security purposes a security system would be installed consisting of an approximately 2.4m high deer style fence and pole mounted security cameras installed around the fence perimeter located on 3m high poles. The proposed fencing would be fitted with small mammal gates fitted at appropriate points near the bottom of the fence to enable free access. Access tracks of circa 3.5m wide are also proposed but would be kept to a minimum across the site.
19. The expected construction period would be expected to last approximately six months. This would include the construction of access tracks and site preparation; delivery of materials; construction of the solar PV arrays, inverter substations, substation compound, underground cables etc.; testing and commissioning; and restoration of ground disturbed during construction and landscaping. The cabling that links the solar panels and inverters to the substation would be connected via a network of shallow trenches which would be backfilled. To minimise the period of construction and to allow

early restoration of disturbed areas as early as possible, most of these operations would be carried out concurrently. The temporary construction compound, located to the south of Lime Lane and within Darlington Borough, would be in place for the duration of the construction period and restored thereafter to farmland.

20. Proposed construction operations would be limited to the hours of 07:30 – 18:00 Monday to Friday and 07:30 – 16:00 on Saturdays with no working on Sundays or Bank Holidays.
21. At the end of the 40 year operational period the site would be fully decommissioned and restored. Decommissioning is estimated to take 6 months.
22. The site would be accessed via Junction 59 of the A1(M), accessing the A167, then utilise Lime Lane, Lodge Lane and Ricknall Lane which all border the site. Three site access points to facilitate access to the various parts of the site are proposed. Three accesses off Lime Lane are proposed. One to the south of Lime Lane to access the southern part of the site within Darlington Borough, one to the north close to the proposed Darlington Borough access to access part of the Durham site and one further to the east again to access the County Durham part of the site. In addition, there would be a temporary site access off Lime Lane to access the temporary site compound. Access would be via the existing field access points and then extended as needed to reach areas of panels further within the site. This would minimise the requirement for field entrances. Where new access tracks are required, they will be constructed approximately 3.5 m wide.
23. It is anticipated that construction would employ up to 80 - 100 staff. When operational the site would be subject to maintenance and the number of jobs reduced to 5 -10 with these being mostly remote.
24. It is estimated that the proposed 31 Megawatt (MW) array would generate approximately 28,000 megawatt hours per year (MWh/yr), which would offset the annual electricity usage of approximately 8,785 homes in the County Durham area or 8,300 homes in the Darlington Borough area. The development would be connected into the existing 33 kV overhead line that crosses the site in the approximate location of the proposed substation compound, no offsite grid connection is required.
25. The application is being reported to the County Planning Committee as it is major development.

PLANNING HISTORY

26. There is no planning history for that part of the application site within County Durham and none affecting the part of the application site within Darlington.

PLANNING POLICY

27. A revised National Planning Policy Framework (NPPF) was published in July 2021. The overriding message continues to be that new development that is sustainable should go ahead without delay. It defines the role of planning in achieving sustainable development under three overarching objectives – economic, social and environmental, which are interdependent and need to be pursued in mutually supportive ways.

28. In accordance with Paragraph 219 of the National Planning Policy Framework, existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with the Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given). 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.
29. *NPPF Part 2 - Achieving Sustainable Development.* The purpose of the planning system is to contribute to the achievement of sustainable development and therefore at the heart of the NPPF is a presumption in favour of sustainable development. It defines the role of planning in achieving sustainable development under three overarching objectives - economic, social and environmental, which are interdependent and need to be pursued in mutually supportive ways. The application of the presumption in favour of sustainable development for plan-making and decision-taking is outlined.
30. *NPPF Part 4 - Decision-making.* Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.
31. *NPPF Part 6 – 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.
32. *NPPF Part 8 – Promoting healthy and safe 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 and community facilities. An integrated approach to considering the location of housing, economic uses and services should be adopted.
33. *NPPF Part 9 – Promoting sustainable transport.* Encouragement should be given to solutions which support reductions in greenhouse gas emissions and reduce congestion. Developments that generate significant movement should be located where the need to travel will be minimised and the use of sustainable transport modes maximised.
34. *NPPF Part 14 – Meeting the challenge of climate change, flooding and coastal change* - The planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.
35. *NPPF Part 15 - Conserving and Enhancing the Natural Environment* - 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, geological conservation interests, recognising the wider benefits of ecosystems, minimising the impacts on biodiversity, preventing both new and existing

development from contributing to or being put at unacceptable risk from pollution and land stability and remediating contaminated or other degraded land where appropriate.

36. *NPPF Part 16 - Conserving and Enhancing the Historic Environment* - Heritage assets range from sites and buildings of local historic value to those of the highest significance, such as World Heritage Sites which are internationally recognised to be of Outstanding Universal Value. These assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations.
37. *NPPF Part 17 - Facilitating the sustainable use of minerals*. It is essential that there is a sufficient supply of minerals to provide the infrastructure, buildings, energy and goods that the country needs. Since minerals are a finite natural resource, and can only be worked where they are found, best use needs to be made of them to secure their long-term conservation.

<https://www.gov.uk/government/publications/national-planning-policy-framework--2>

38. 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 to this application is the practice guidance with regards to; air quality; climate change; determining a planning application; flood risk and coastal change; healthy and safe communities; historic environment; light pollution; natural environment; noise; planning obligations; renewables and low carbon energy; travel plans, transport assessments and statements; use of planning conditions; water supply, wastewater and water quality.

<https://www.gov.uk/government/collections/planning-practice-guidance>

39. Other material considerations include EN:1 Overarching National Policy Statement for Energy (published in July 2011) and EN-3 National Policy Statement for Renewable Energy Infrastructure (published in July 2011). Both National Policy Statements are currently under review and the Draft Overarching National Policy Statement for Energy (EN-1) (September 2021) and Draft National Policy Statement for Renewable Energy Infrastructure (EN-3) (September 2021) are currently out for consultation. Draft EN-3 states that electricity generation from renewable sources of energy is an essential element of the transition to net zero). EN-3 reflects the important role that renewable will play in developing a low carbon economy and meeting the Government's targets of net zero.

LOCAL PLAN POLICY: DURHAM COUNTY COUNCIL

The County Durham Plan (October 2020)

40. *Policy 10 – Development in the Countryside* – states that development will not be permitted unless allowed for by specific policies in the Plan or Neighbourhood Plan or unless it relates to exceptions for development necessary to support economic development, infrastructure development or development of existing buildings. The policy further sets out 9 General Design Principles for all development in the Countryside.
41. *Policy 14 – Best and Most Versatile Agricultural Land and Soil Resources* – States that development of the best and most versatile agricultural land, will be permitted where it is demonstrated that the benefits of the development outweigh the harm, taking into account economic and other benefits. Development proposals relating to previously

undeveloped land must demonstrate that soil resources will be managed and conserved in a viable condition and used sustainably in line with accepted best practice.

42. *Policy 21 – Delivering Sustainable Transport* – states that the transport implications of development must be addressed as part of any planning application, where relevant this could include through Transport Assessments, Transport Statements and Travel Plans.
43. *Policy 25 – Developer Contributions* – advises that any mitigation necessary to make the development acceptable in planning terms will be secured through appropriate planning conditions or planning obligations. Planning conditions will be imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects. Planning obligations must be directly related to the development and fairly and reasonably related in scale and kind to the development.
44. *Policy 26 – Green Infrastructure* – states that development will be expected to maintain or improve the permeability of the built environment and access to the countryside for pedestrians, cyclists and horse riders. Proposals that would result in the loss of, or deterioration in the quality of, existing Public Rights of Way (PROWs) will not be permitted unless equivalent alternative provision of a suitable standard is made. Where diversions are required, new routes should be direct, convenient and attractive, and must not have a detrimental impact on environmental or heritage assets.
45. *Policy 28 – Safeguarded Areas* – Within safeguarded areas development will be subject to consultation with the relevant authority and will be permitted within the defined consultation zones of the Major Hazard Sites and Major Hazard Pipelines, where it can be demonstrated that it would not prejudice current or future public safety. The Policy also requires that development would not prejudice the safety of air traffic and air traffic services, that there would be no unacceptable adverse impacts upon the operation of High Moorsley Meteorological Officer radar and the operation of Fishburn Airfield, Shotton Airfield and Peterlee Parachute Drop Zone Safeguarding Areas.
46. *Policy 31 – Amenity and Pollution* - sets out that development will be permitted where it can be demonstrated that there will be no unacceptable impact, either individually or cumulatively, on health, living or working conditions or the natural environment and that can be integrated effectively with any existing business and community facilities. Development will not be permitted where inappropriate odours, noise, vibration and other sources of pollution cannot be suitably mitigated against, as well as where light pollution is not suitably minimised. Permission will not be granted for locating of sensitive land uses near to potentially polluting development. Similarly, potentially polluting development will not be permitted near sensitive uses unless the effects can be mitigated.
47. *Policy 32 – Despoiled, Degraded, Derelict, Contaminated and Unstable Land* – requires that where development involves such land, any necessary mitigation measures to make the site safe for local communities and the environment are undertaken prior to the construction or occupation of the proposed development and that all necessary assessments are undertaken by a suitably qualified person.
48. *Policy 33 – Renewable and Low Carbon Energy* – states that renewable and low carbon development energy development in appropriate locations will be supported. In determining planning applications for such projects significant weight will be given to the achievement of wider social, environmental and economic benefits. Proposals should include details of associated developments including access roads, transmission lines, pylons and other ancillary buildings. Where relevant, planning applications will

also need to include a satisfactory scheme to restore the site to a quality of at least its original condition once operations have ceased. Where necessary, this will be secured by bond, legal agreement or condition.

49. *Policy 35 – Water Management* – states that all development proposals will be required to consider the effect of the proposed development on flood risk, both on-site and off-site, commensurate with the scale and impact of the development and taking into account the predicted impacts of climate change for the lifetime of the proposal. This includes completion of a Flood Risk Assessment (FRA) where appropriate.
50. *Policy 39 – Landscape* – states that proposals for new development will be permitted where they would not cause unacceptable harm to the character, quality or distinctiveness of the landscape, or to important features or views. Proposals will be expected to incorporate appropriate measures to mitigate adverse landscape and visual effects. Development affecting Areas of Higher Landscape Value will only be permitted where it conserves, and where appropriate enhances, the special qualities of the landscape, unless the benefits of development in that location clearly outweigh the harm.
51. *Policy 40 – Trees, Woodlands and Hedges* – Proposals for new development will not be permitted that would result in the loss of, or damage to, trees, hedges or woodland of high landscape, amenity or biodiversity value unless the benefits of the scheme clearly outweigh the harm. Proposals for new development will be expected to retain existing trees and hedges or provide suitable replacement planting. The loss or deterioration of ancient woodland will require wholly exceptional reasons and appropriate compensation.
52. *Policy 41 – Biodiversity and Geodiversity* – states that proposals for new development will not be permitted if significant harm to biodiversity or geodiversity resulting from the development cannot be avoided, or appropriately mitigated, or, as a last resort, compensated for.
53. *Policy 43 – Protected Species and Nationally and Locally Protected Sites* – states that development proposals that would adversely impact upon nationally protected sites will only be permitted where the benefits clearly outweigh the impacts whilst adverse impacts upon locally designated sites will only be permitted where the benefits outweigh the adverse impacts. Appropriate mitigation or, as a last resort, compensation must be provided where adverse impacts are expected. In relation to protected species and their habitats, all development likely to have an adverse impact on the species' abilities to survive and maintain their distribution will not be permitted unless appropriate mitigation is provided or the proposal meets licensing criteria in relation to European protected species.
54. *Policy 44 – Historic Environment* – seeks to ensure that developments should contribute positively to the built and historic environment and seek opportunities to enhance and, where appropriate, better reveal the significance and understanding of heritage assets.
55. *Policy 48 – Safeguarding Minerals Sites, Minerals Related Infrastructure and Waste Management Sites* – advises that existing and allocated minerals sites, minerals processing facilities and minerals related transportation infrastructure and important waste management sites shall be safeguarded and protected from all non-mineral and non-waste related development. Planning permission will not be granted for non-minerals or non-waste related development that would result in the loss of existing or allocated minerals processing facilities and minerals related transportation infrastructure and waste management sites unless certain criteria are met. All non-

exempt proposals within or adjacent to a Minerals and Waste Site Safeguarding Zone will be required to prepare a Minerals and/or Waste Infrastructure Assessment.

56. *Policy 56 – Safeguarding Mineral Resources* – states that planning permission will not be granted for non-mineral development that would lead to the sterilisation of mineral resources within a Mineral Safeguarding Area. This is unless it can be demonstrated that the mineral in the location concerned is no longer of any current or potential value, provision can be made for the mineral to be extracted satisfactorily prior to the non-minerals development taking place without unacceptable adverse impact, the non-minerals development is of a temporary nature that does not inhibit extraction or there is an overriding need for the non-minerals development which outweighs the need to safeguard the mineral or it constitutes exempt development as set out in the Plan. Unless the proposal is exempt development or temporary in nature, all planning applications for non-mineral development within a Mineral Safeguarding Area must be accompanied by a Mineral Assessment of the effect of the proposed development on the mineral resource beneath or adjacent to the site of the proposed development.

NEIGHBOURHOOD PLAN:

57. There is no Neighbourhood Plan for this area.

LOCAL PLAN POLICY: DARLINGTON BOROUGH COUNCIL

Borough of Darlington Local Plan (1997) (saved policies)

58. *Saved Policy E2 – Development Limits* – requires that most new development will be located inside development limits defined on the proposals map accompanying the local plan. Development for agricultural or forestry operations, and small scale development beneficial to the rural economy or to the needs of rural communities, the operational development of water, drainage and other utility service providers, and development for countryside-related sports or recreating activities will be permitted outside them provided that unacceptable harm to the character and appearance of the rural area is avoided.
59. *Saved Policy E12 – Trees and Development* – states that development proposals will be required to take full account of trees, woodlands and hedgerows on and adjacent to the site. The layout and design of the development should wherever possible avoid the need to remove trees and hedgerows and provide for their successful retention and protection during development. Where removal is unavoidable, any required landscape works should be so designed as to compensate, on or off the development site, for the loss of amenity of the area.
60. *Saved Policy E14 – Landscaping of Development* – requires development proposals to incorporate appropriate hard and soft landscaping which has regard to the setting of the development in its form, design and plant species, and which enhances the appearance of the development

Darlington Core Strategy Development Plan Document (2011)

61. *Policy CS2 – Achieving High Quality, Sustainable Design* – high quality, safe, sustainable and inclusive design will be promoted in all new developments. All development proposals should make efficient use of land, existing buildings and natural resources; reflect and/or enhance Darlington's distinctive natural, built and historic characteristics that positively contribute to the character of the local area and its sense of place; create a safe and secure environment incorporating the principles of Secured by Design; support inclusive communities by providing links to existing networks to

ensure safe, convenient and attractive access; easily connect to key social and community facilities and incorporate utilities provision, promoting sustainable neighbourhoods; incorporate measures to reduce carbon emissions, promote energy management and adapt to climate change through the use of sustainable design and construction techniques; create safe, attractive, functional and integrated outdoor spaces that complement the built form, relate well to the Borough's green infrastructure network, promote biodiversity and geological interest and incorporate public art; and provide vehicular access and parking suitable for its use and location, reflecting maximum parking standards set out in the Tees Valley Highway Design Guide.

62. *Policy CS3 – Promoting Renewable Energy* – states that the development of renewable energy schemes, including micro-generation, together with any ancillary buildings and infrastructure, will be supported and considered in the context of sustainable development and climate change. Significant weight will be given to the wider environmental, economic, and social benefits arising from the renewable energy schemes whilst considering the anticipated effects, individually or cumulatively, upon:

- (a) the surrounding natural, built, historic and cultural landscape and townscape including buildings, features, habitats and species of national and local importance;
- (b) residential amenity including visual intrusion, air, dust, noise, odour, traffic generation, recreation and access;
- (c) the operation of air traffic and radar systems.

Appropriate mitigation and/or compensation measures and monitoring to address any effects identified and considered will be required prior to any development proceeding.

63. *Policy CS14 – Promoting Local Character and Distinctiveness* – states that the distinctive character of the Borough's built, historic, natural and environmental townscapes, landscapes and strong sense of place will be protected and, where appropriate, enhanced by:

- (a) Protecting and improving the distinctive character of Darlington town centre, the urban area and the countryside;
- (b) Protecting and enhancing the separation and the intrinsic qualities of the openness between settlements and between the main urban area's different neighbourhoods including (as relevant to this proposal):
 - The appearance and environmental value of Grade 1, 2, 3 agricultural land
 - Protecting and enhancing the distinct landscape character of Tees Lowlands, Durham Magnesian limestone plateau, Durham Coalfield Pennine Fringe
 - Protecting and enhancing the quality of the wide views of the North York Moors, upland Dales and the villages across the Tees Valley
 - Protecting, enhancing and promoting the quality and integrity of Darlington's distinctive designated national or nationally significant built heritage and archaeology including buildings, their settings and features of historic and archaeological local interest in Conservation Areas; buildings, features and landmarks on the local list; buildings and features that reflect Darlington's railway, industrial and Quaker heritage; and buildings on the local 'at risk' register

64. *Policy CS15 – Protecting and Enhancing Biodiversity and Geodiversity* states that the protection, restoration, extension and management of the Borough's biodiversity and geological network will be delivered to help achieve the target level of priority habitats and species set out in the UK and Durham Biodiversity Action Plans by:

- Conserving, restoring and enhancing the condition of sites and areas identified as having high biodiversity and geodiversity value

- Ensuring that new development would not result in any net loss of existing biodiversity value
- Restricting or managing access and use where appropriate, to conserve an areas existing biodiversity value
- Protecting and enhancing healthy ancient woodland, mature trees, street trees, hedgerows and community forestry; and
- Protecting and improving watercourses, buffer strips and wetland, incorporating integrated surface water management and food water storage, where appropriate.

65. *Policy CS16 – Protecting Environmental Resources, Human Health and Safety* states that new development should protect and, where possible, improve environmental resources, whilst ensuring there is no detrimental impact on the environment, general amenity and the health and safety of the community. Development which may have an adverse impact on environmental resources should be avoided. Exceptionally, development may be permitted to promote regeneration or provide for essential infrastructure. In these cases, it should comply with national planning guidance and statutory environmental quality standards for areas at risk from river flooding and at risk from surface water run off, groundwater, mine water and sewer flooding; air, land, light or noise pollution; and water quality of the River Tees, River Skerne and Cocker Beck and other water courses, and the Magnesian Limestone Aquifer. Development proposals must include an assessment appropriate to the type and extent of impact and any associated risks to the satisfaction of the relevant environmental body. Proposals will only be permitted where the impact and risks are, or can be mitigated appropriately for the proposed use.

Emerging Darlington Local Plan 2016 – 2036

66. Darlington Borough Council has advised that although it is expecting to adopt the Darlington Local Plan in 2022 the Authority is not giving weight to the policies within the plan at this current time. On the basis of this advice, policies within that Plan are not considered within this report.

*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/3266/Development-Plan-for-County-Durham> (Adopted County Durham Plan) *The Borough of Darlington Local Plan, Core Strategy and the emerging Darlington Local Plan 2016 – 2036* can be accessed at: <https://www.darlington.gov.uk/environment-and-planning/planning/planning-and-environmental-policy/>*

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES: DURHAM COUNTY COUNCIL AND DARLINGTON BOROUGH COUNCIL

67. *Great Stainton Parish Council* – has no comments.
68. *Natural England* – has raised no objections. Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites or landscapes.
69. *Highway Authority* – raise no objection to the proposal on highways grounds following the removal of one of the proposed site accesses which addresses the highway concerns regarding road safety at this location and subject to a condition requiring a Construction Management Plan and/or Traffic Management Plan. Officers request that wherever possible vehicle movements should be planned to avoid peak periods to ease the impact on the A167/C34a Lime Lane junction. This should be incorporated in the

Construction Management Plan and/or Traffic Management Plan which officers would include methodology of vehicle movements between the compound and various site accesses, details of operation of banksmen, wheel washing facilities, proposed road signage etc. This is in the interests of road safety

70. *Highway Authority (Darlington Borough Council)* – raise no highway objection to the proposal subject to conditions requiring the submission of a Construction Management Plan to consider those matters set out in the previous paragraph; to ensure that no loose material is pulled onto the highway from any access/internal roads; and requiring the submission of and approval of details for the installation of cut off drainage to prevent the discharge of surface water onto the highway. These conditions are considered necessary in the interest of highway safety.
71. *National Highways (formerly Highways England)* – has raised no objection subject to a condition requiring implementation of a Construction Traffic Management Plan (CTMP). The CTMP would include dust and noise management plans, pollution prevention measures, contractor parking, details of delivery arrangements, agreement with Highways England abnormal loads team on the suitability of proposals and measures to limit and manage transfer of debris on the highway.
72. *Lead Local Flood Authority (Durham County Council – Drainage and Coastal Protection)* – raise no objection advising that if the installation of the panels is in accordance with general guidance from research sources relating to drainage considerations for the construction and maintenance of varying types of solar/wind farms and also the applicants flood risk and strategy, there should be no increase in run-off from the proposal.
73. *Lead Local Flood Authority (Darlington Borough Council)* – following the submission of additional information relating to drainage within the temporary construction compound the LLFA advise that a surface water runoff solution can be achieved without increasing existing flood risk to the site or the surrounding area. Officers raise no objection subject to conditions requiring the submission of a detailed design for the management of surface water run off from the proposed development.
74. *Teesside International Airport* – has no aerodrome safeguarding objections to the proposal based on the information provided.
75. *National Air Traffic Services (NATS)* – has raised no objections to the proposals advising that it does not conflict with its safeguarding criteria.
76. *Network Rail* – has no observations to make.
77. *Historic England* - do not wish to offer any comments and suggest that the views of the Council's specialist conservation and archaeological advisers are sought as relevant.
78. *Health and Safety Executive* – As the proposed development site currently lies within the consultation distance at least one major hazard site and/or major accident hazard pipeline (7855_2112 National Grid Gas PLC), HSE needs to be consulted on any developments on this site. The HSE does not advise, on safety grounds, against the granting of planning permission in this case. As the proposed development is within the Consultation Distance of a major hazard pipeline the HSE advises that the pipeline operator is contacted before determination.
79. *National Grid* – raises no objection. National Grid advises that an assessment has been carried out with respect to National Grid Gas Transmission plc's apparatus and the proposed work location. Based on the location entered into the system for assessment

the area has been found to be outside the High Risk zone from National Grid Gas Transmission plc's apparatus and can proceed. Should the work area change or type of activity being undertaken, a new enquiry shall be submitted for assessment.

INTERNAL CONSULTEE RESPONSES: DURHAM COUNTY COUNCIL

80. *Spatial Policy* – Officers identify policies of importance to the assessment of the application noting that CDP Policy 33 (Renewable and Low Carbon Development) will be of particular relevance in assessing the application. Key determining factors are noted as being the low carbon and economic benefits of the proposals balanced against potential harm to the safeguarded minerals, and any risk from the gas pipeline. Officers note that advice from specialist colleagues would assist in determining these impacts, and what mitigation may be needed to make the proposals acceptable in planning terms. Officers recognise that while temporary the proposed solar farm is of a long duration it would not permanently sterilise the mineral it is proposed to overlie and provided any permission is granted on a temporary basis there is no conflict with CDP Policy 56.
81. *Environment, Health and Consumer Protection (Air Quality)* – has raised no objections to the proposals. Due to the scale and nature of the proposed development officers consider it would be unlikely to exceed national air quality objectives and EU Limit Values in relation to particulate matter. However, during the development phase dust escaping from the site could give rise to negative impact in the short term and also recognises the need to control such emissions; it is recommended that a condition requiring a Dust Management Plan is required, this could be incorporated into a Construction and Environmental Management Plan which may also be required to control noise and vibration during the construction phase. In relation to traffic movement the location of the proposed development is not within or in close proximity to the declared Air Quality Management Areas in Durham City and Chester le Street, officers consider it likely that this phase of the proposed development would be in compliance with national air quality objectives and of EU Limit Values. Again, in relation to dust emissions resulting from non-road mobile machinery (NRMM) a DMP plan should be developed by the developer to provide suitable control and mitigation. Whilst it is considered that the development would not lead to an adverse impact upon air quality, there may be short term issues in terms of dust that could be controlled through condition and the requirement for the submission of a Construction management Plan is recommended.
82. Amongst other matters the Construction Management Plan would include a Dust Action Plan, methods and means of noise reduction, where piling is required measures to suppress any associated noise and vibration; prevention of mud and other such material migrating onto the highway from construction vehicles; details of construction access and egress points; directional signage; contractors' compounds, materials storage and other storage arrangements, including cranes and plant, equipment and related temporary infrastructure; parking provision during construction; routing agreements for construction traffic; security hoarding; waste audit and scheme for waste minimisation and recycling/disposing of waste resulting from demolition and construction works, and detail of measures for liaison with the local community and procedures to deal with any complaints received.
83. *Environment, Health and Consumer Protection (Nuisance Action)* – has raised no objections to the proposals subject to appropriate conditions. Officers advise they are not aware of any issues regarding noise from Solar Farms in general terms and that the inverters have been positioned so the solar panels would help baffle any noise output but it is not envisaged the inverters would generate significant noise levels. During construction it is recommended that a condition regulating construction/delivery times.

Officers accept the findings of the submitted Glint and Glare Study. Officers consider the submitted information demonstrates that the application complies with the thresholds stated within the TANS and this would indicate that the development would not lead to an adverse impact. Officers confirm that they have assessed the environmental impacts which are relevant to the development in relation to their potential to cause a statutory nuisance, as defined by the Environmental Protection Act 1990 and are satisfied, based on the information submitted with the application, that the development is unlikely to cause a statutory nuisance.

84. *Environment, Health and Consumer Protection (Contaminated Land)* – has raised no objections to the proposals having assessed the historical maps and available information with respect to land contamination. No requirement for a contaminated land condition is identified but an informative is recommended in the event of any unforeseen contamination is required.
85. *Design and Conservation* – has raised no objections to the proposals. Officers consider the submitted heritage impact assessment to be detailed, well considered and very helpful based on a sound methodology. It is considered that it has used an appropriate search area to identify heritage assets and has systematically identified the asset, its significance, the relationship of the CSA to the setting of each asset and then anticipated impact. The conclusion that there would be no harmful impact following landscape mitigation is wholly reasonable especially when considered against the impact of the presence of the A1M and the severing impact this has on the relationship of the application site and the setting of the majority of the assets identified. Officers note that the submitted heritage statement acknowledges that there would be substantial indirect harm to the significance of Whinfield House resulting from changes to the setting of the farmstead. Officers advise that the application should be determined in accordance with Paragraph 203 of the NPPF.
86. *Access and Rights of Way* – has raised no objections to the proposals. Officers note that Footpath No. 17 (Mordon Parish) transects the site, and it is acknowledged that panels are due to be set back from the bridleway with existing vegetation maintained for screening. Based on these measures, officers have no concerns.

INTERNAL CONSULTEE RESPONSES: COMMON TO DURHAM COUNTY COUNCIL AND DARLINGTON BOROUGH COUNCIL

87. Durham County Council has provided Landscape, Ecology and Archaeological advice to Darlington Borough Council. The responses are therefore identical for both applications in respect of these three matters.
88. *Landscape* – raise no objection subject to appropriate conditions. Officers advise that the effect on the present character of the site and visibility of some areas would be transformative and adverse introducing manmade, precision engineered solar arrays into an area which is rural in character. This would cause harm to the character, quality, and distinctiveness of the local landscape; however, due to the undulating topography and the screening effects of roadside hedges, and intervening woods, trees and field hedge lines, the adverse impacts would be localised with the largest impacts confined the local road network that bounds the site, the bridleway running through the site and the Public Rights of Way (PROW) to the south. Whether that harm would be unacceptable will in part depend on the balance of considerations but also the incorporation of adequate measures to mitigate the adverse landscape and visual effects. A revised Landscape and Biodiversity Management Plan (LBMP) and Landscape Mitigation Plan (LMP) have satisfied officers in relation to suitable mitigation and subject to conditions requiring strengthening of particular boundary hedges,

planting, monitoring and management of hedgerows, monitoring and replacing of ash trees, details of track surfaces and colours of cabinets.

89. *Ecology* – raise no objection subject to the delivery of an Outline Breeding Wader Mitigation Plan and Landscape and Biodiversity Management Plan (LBMP) secured through a Section 39 Agreement under the Wildlife and Countryside Act 1981. Officers consider that overall, the proposed development would result in a net gain for biodiversity and where possible impacts on extant species are minimised using appropriate method statements and avoidance of impacts. An updated LBMP has been submitted and considered by officers who consider it has included appropriate target habitats and conditions assessments alongside a monitoring regime / management specifications that would ensure that the target habitats are achieved. No further adjustments are required. Ecology has no outstanding issues with regards to the development and believes that it meets the requirements of the NPPF and protected species are adequately accounted for.
90. *Archaeology* – note that a geophysical survey has been carried out, which suggests that the archaeological potential for the area is low, but this still needs to be confirmed by trial trenching. Accordingly, officers advise that trial trenching should be carried out to confirm this, and that this could be carried out post-determination, but prior to the final layout being agreed. This could be secured by conditions which also allows for any follow up works if significant archaeological remains are encountered.

INTERNAL CONSULTEE RESPONSES: DARLINGTON BOROUGH COUNCIL

91. *Planning Policy* – There is in principle support within the current Local Plan Core Strategy (2011) for renewable energy projects and their associated infrastructure such as this proposed solar farm. Furthermore, the proposed site is not currently/proposed to be allocated for another use. The supporting evidence suggests that the development complied with development plan policies regarding environmental and amenity matters. The accompanying LVA indicates that the proposed development will not have an unacceptable long-term impact on local landscape character and the applicant has also demonstrated that the proposed site is not best and most versatile agricultural land, being graded ALC Grade 3b. Considering this and provided Teesside International Airport's requirement for a Bird Hazard Management Plan is implemented, the proposal is acceptable in principle.
92. *Environmental Health (Pollution)* – the Officer agrees with the conclusions of the Glint and Glare study submitted with the application and consider the development will not lead to an adverse impact in terms of glint and glare. In terms of impact on dwellings, the study predicts a moderate impact on two out of the 10 assessed dwellings (one in Darlington's area and one in Durham's area) because partial views of reflecting panels may be possible from upper floors. Further mitigation is not recommended because the ground floor is typically considered the main living space and has a greater significance with respect to residential amenity.
93. The submitted Design and Access Statement details how the final design of the development has been considered to ensure all sound-emitting plant associated with the development has been situated as far as is practicable from residential dwellings to minimise noise impact, and that the panels themselves act as noise barriers. Based on the information submitted, the Environmental Health Officer is satisfied that noise does not require any further consideration. Conditions would be required relating to the submission of a Construction Management Plan and limiting the hours of construction activities given the potential for construction activities to cause some disturbance in terms of dust, noise etc. The operational phase of the development will not result in any adverse air quality impacts.

94. The site is a greenfield site presently being used as agricultural land and for this reason, and taking into account the low sensitivity of the proposed development, land contamination will not require further consideration. An informative is recommended to deal with any unexpected contamination.
95. *Conservation* – there will be some impact on the non-designated heritage asset of Brafferton High House and Lovesome Hall. Revised plans have been submitted which makes amendments in respect of the proposed landscaping with additional landscaping now proposed, although there is no change to the layout of the proposed arrays. There will be a detrimental impact on the non-designated heritage assets, however in accordance with Paragraph 203 of the NPPF, the proposal will need to be balanced on the public benefits of the proposal against the impact on the non-designated heritage assets.
96. *Transport Policy* – as there will be no staff on site on an on-going basis there are no issues from a transport policy perspective. No objections are therefore raised and no conditions requested.
97. *Rights of Way* – Raise no objection, following confirmation that the surrounding rights of way are located on ground lower than the site or located at sufficient distance so that the intervening boundary hedges will provide sufficient screening to users of the rights of way network on horseback or bike.

PUBLIC RESPONSES:

98. The application has been advertised in the local press (the Northern Echo and the Darlington and Stockton Times) and by site notice as part of planning procedures. In addition, neighbour notification letters were sent to neighbouring properties.
99. 5 representations have been received. 2 to Durham County Council and 3 to Darlington Borough Council. The issues raised are set out below.
100. The owner of Rye Close Farm within County Durham raises concerns that the current underground piping and the open ditches would be insufficient to cope with the existing water from the site and surrounding land areas, in addition to the increased run-off from the solar panels themselves. It is requested that if planning permission is to be granted, that a condition is placed upon Lightrock Power Ltd to be required to install as is necessary, field drainage on Rye Close Farm and thereafter the drainage to the outflow, in such a manner that the field drains are left in a workmanlike condition and able to take both normal and peak flows from both the land and the solar farm as proposed. Assuming that this is agreed and accepted as part of the planning application then they have no further objection to the solar panels themselves. They consider that the drainage design is important in that they would do not want to see the arterial system through Rye Close Farm ultimately to the motorway and thereafter to the water courses to be overloaded or affected in an incorrect manner because of peak compacity and would have thought this would have been a planning issue of a concern.
101. The joint owners of High House Farm, Brafferton (Darlington Borough Council) have confirmed that additional information provided and additional landscape planting proposed in mitigation has largely addressed initial concerns regarding the impact of the proposal on the wider area and more specifically on High House Farm. Further information has been provided regarding proposals to deal with the management of surface water from the proposed development which at the request of the Drainage and Coastal Protection Team and the LLFA will be the subject of a condition requiring the

submission and approval of a surface water drainage strategy prior to construction. On this basis they have confirmed that they have no objection to the current proposal.

102. The tenants of High House Farm, Brafferton raise concerns regarding the effects of glint and glare on their property, on livestock, people at work on machinery and on users of the public footpaths. They also raise concerns regarding the potential for the proposed landscape planting to block drains and gutters. They are also concerned regarding the potential for drivers in elevated positions to be affected by glint and glare and conclude that areas a, b and c (nearest to High House Farm) should be curtailed, and more attention placed on road safety.
103. *The Council for the Protection of Rural England (CPRE)* – objects to the application made to Durham County Council. CPRE considers that the proposal would be an unacceptable intrusion into the countryside. It is questioned if the application site is an appropriate location taking into account the loss of a significant area of agricultural land; the potential impact on biodiversity, and the general amenity, especially during construction, of people such as cyclists using these roads. In addition, although the application includes plans for various structures that will be required onsite, there does not appear to be any detail for transmission lines or pylons. Given the relative isolated nature of this site, CPRE considers that this should be addressed.

The above is not intended to repeat every point made and 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/simpleSearchResults.do?action=firstPage>

APPLICANTS STATEMENT:

104. Considerable care has been taken in the design of the Development to ensure that environmental considerations are protected and biodiversity is promoted, achieved through open engagement with key stakeholders from the outset. We have found synergies with the Discover Brightwater partnership, and our partnership with the RSPB has enabled us to ensure sensitive design that can be considered an asset to the area's cultural and ecological heritage. The project has also been openly welcomed by local residents following a positive public consultation strategy.
105. We have directly responded to the few consultation comments that were received, making changes to the design of the development to deliver a final scheme which provides substantial positive benefits while limiting any adverse effects to be either very localised or only of short duration during construction. Areas of landscaping are proposed which deliver significant ecological enhancement, including new hedgerows, hedgerow trees, areas of woodland, a species rich grassland beneath the panels to be grazed by livestock and areas of wildflower mix. This has allowed the project to achieve 62.14% biodiversity net gain, significantly higher than the mandatory requirements set out in the recently passed Environment Act 2021. A specific area has also been set aside for wader enhancements.
106. The UK is legally bound through the Climate Change Act (2008) to reduce carbon emissions by 80% by 2050. The Development will generate around 28,000 megawatt hours of renewable electricity per year, the equivalent to the average consumption of approximately 8,785 Durham households or 8,300 Darlington households. It would result in a saving of 12,600 tonnes of CO₂ per year, contributing significantly to both Council's Carbon Reduction Strategies.
107. There are no objections raised by any of the Council's statutory consultees. In light of the climate crisis we are facing, and recent events around COP26, this is a substantial opportunity for the Council to make a significant contribution to tackling climate change

in response to the climate emergencies both Councils have declared. We consider this a well-designed renewable energy project in an excellent location.

PLANNING CONSIDERATIONS AND ASSESSMENT

108. 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 advice within 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 the development, residential amenity (noise and vibration, air quality and dust, lighting, contamination, glint and glare, health impact and visual impact), access and highway safety, landscape and visual impact, cultural heritage, ecology, flooding and drainage, agricultural land, recreational amenity and other matters.

Principle of Development

109. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF is a material planning consideration. The County Durham Plan (CDP) is the statutory development plan within County Durham. Within Darlington Borough the statutory development plan comprises saved policies within the Borough of Darlington Local Plan and the Darlington Core Strategy Development Plan Document. These three plans are the starting point for determining applications as set out in the Planning Act and reinforced at Paragraph 12 of the NPPF. The CDP was adopted in October 2020 and provides the policy framework for County Durham until 2035. The Borough of Darlington Local Plan was adopted in 1997 and the Darlington Core Strategy Development Plan Document was adopted in 2011. The Emerging Darlington Local Plan 2016 – 2036 has not yet been adopted. Paragraph 66 above sets out Darlington Borough's position with regard to the emerging Plan.

110. Paragraph 11 of the NPPF establishes a presumption in favour of sustainable development. For decision taking this means:

- c) approving development proposals that accord with an up to date development plan without delay; or
- d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
 - i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or,
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

111. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. In light of the recent adoption of the CDP, the Council now has an up to date

development plan. Paragraph 11 of the NPPF establishes a presumption in favour of sustainable development. For decision taking this means approving development proposals that accord with an up to date development plan without delay (Paragraph 11 c). Accordingly, Paragraph 11(d) of the NPPF is not engaged and relevant Darlington Plan policies are considered in this report.

Key policies for determination

112. The key policies for the determination of this application in County Durham are CDP Policy 33 relating to renewable and low carbon energy, Policy 28 relating to safeguarded areas and Policy 56 relating to safeguarding mineral resources.
113. CDP Policy 33 supports renewable and low carbon energy development in appropriate locations. The Policy advises that significant weight will be given to the achievement of wider social, environmental and economic benefits. The Policy also advises that proposals should include details of associated developments including access roads, transmission lines, pylons and other ancillary buildings. Where relevant, planning applications will also need to include a satisfactory scheme to restore the site to a quality of at least its original condition once operations have ceased. Where necessary, this will be secured by bond, legal agreement or condition.
114. Darlington Core Strategy Policy CS3 states the development of renewable energy schemes, including micro-generation, together with any ancillary buildings and infrastructure, will be supported and considered in the context of sustainable development and climate change. Significant weight will be given to the wider environmental, economic, and social benefits arising from the renewable energy schemes whilst considering the anticipated effects, individually or cumulatively, upon: the surrounding natural, built, historic and cultural landscape and townscape including buildings, features, habitats and species of national and local importance; residential amenity including visual intrusion, air, dust, noise, odour, traffic generation, recreation and access; the operation of air traffic and radar systems. Appropriate mitigation and/or compensation measures and monitoring to address any effects identified and considered will be required prior to any development proceeding.
115. The opening paragraph of CDP Policy 10 states that development in the countryside will not be permitted unless allowed for by specific policies in the Plan. These specific policies are set out in footnote 56 (of the CDP) and includes all applicable policies relating to low carbon and renewables. As this is a renewable energy development it is considered that CDP Policy 10 is not a relevant policy for the assessment of this proposal.
116. Borough of Darlington Local Plan Saved Policy E2 requires that most new development will be located inside development limits defined on the proposals map accompanying the local plan. Development for agricultural or forestry operations, and small scale development beneficial to the rural economy or to the needs of rural communities, the operational development of water, drainage and other utility service providers, and development for countryside-related sports or recreating activities will be permitted outside them provided that unacceptable harm to the character and appearance of the rural area is avoided.
117. Paragraph 158 of the NPPF states that when determining planning applications for renewable and low carbon development, local planning authorities should:
 - a) not require applicants to demonstrate the overall need for renewable or low carbon energy, and recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions; and

b) approve the application if its impacts are (or can be made) acceptable. Once suitable areas for renewable and low carbon energy have been identified in plans, local planning authorities should expect subsequent applications for commercial scale projects outside these areas to demonstrate that the proposed location meets the criteria used in identifying suitable areas.

118. It should be noted that the CDP has identified areas suitable for wind turbine development but not for solar.
119. The purpose of the proposed development is to generate renewable energy on a large scale. The location affords the space requirement without significant constraints that would break up or limit energy generation. CDP Policy 33 is permissive towards solar farm development, and it is therefore considered that the proposal is acceptable in principle. The social, environmental and economic benefits of the proposal are considered in the sections below. The acceptability of the development in relation to the issues set out below will assist in determining if the location of the development is appropriate in the context of CDP Policy 33 and Darlington Core Strategy Policy CS3.
120. CDP Policy 28 requires that within safeguarded areas development will be subject to consultation with the relevant authority and will be permitted where it can be demonstrated that it would unacceptably adversely affect public safety, air traffic safety, the operation of High Moorsley Meteorological Officer radar. Of relevance to this development is criteria a) which states that development will be permitted within the defined consultation zones of the Major Hazard Sites and Major Hazard Pipelines, where it can be demonstrated that it would not prejudice current or future public safety. Also of relevance is criteria b) which permits development within the defined Durham Tees Valley and Newcastle International Aerodrome Safeguarding Areas where it can be demonstrated that it would not prejudice the safety of air traffic and air traffic services. The Policy goes on to say that when considering relevant planning applications within the defined safeguarded areas the Council will ensure that developers always consider both potential individual and cumulative impacts. Where demonstrated to be necessary mitigation will always be sought to either remove or reduce the potential impact upon each safeguarded areas to acceptable levels. As stated above Darlington Core Strategy Policy CS3 requires consideration to be given to the operation of air traffic and radar systems.
121. A high pressure gas pipeline (FM07 – Bishop Auckland to Sutton Howgrave) owned by National Grid goes through part of the eastern most part of the proposed site. A greater part of the site is covered by the 250m high pressure gas pipeline zones. As the proposed development site currently lies within the consultation distance at least one major hazard site and/or major accident hazard pipeline (7855_2112 National Grid Gas PLC), HSE needs to be consulted on any developments on this site. The HSE does not advise on safety grounds, against the granting of planning permission in this case. As the proposed development is within the Consultation Distance of a major hazard pipeline the HSE advises that the pipeline operator is contacted before determination. Nation Grid has no objection noting that following assessment the area is outside the High Risk zone from National Grid Gas Transmission plc's apparatus and can proceed. The applicant has advised that consultation has been undertaken with Cadent the location of the gas pipeline and the layout/design of the solar farm accounts for the location and the width of the easement corridor where no works are permitted. The applicant has been made aware of the specification for safe working in the vicinity of National Grid High Pressure Gas Pipelines. The nature of the development is such that intrusive works would be minimal, and it is considered likely that there would not be a conflict with CDP Policy 28.

122. The site is within the 13km protected surfaces safeguarding circle, 15km birdstrike safeguarding circle and, the 30km windfarm consultation area in respect of Teesside International Airport. The Airport has requested a planning condition requiring the implementation of an agreed Bird Hazard Management Plan (BHMP) throughout the life of the development to ensure mitigation of increasing number of birds on site due to attractant features for nesting or feeding during construction/earthworks and on completion. National Air Traffic Services (NATS) advises that the proposed development does not conflict with its safeguarding criteria and so has no safeguarding objection to the proposal. It is considered that the proposed development would not conflict CDP Policy 28, Policy CS3 of the Darlington Core Strategy and Part 8 of the NPPF.
123. Within County Durham the site lies over two mineral safeguarding areas. One is in the northern area and relates to sand and gravel and the other to the west of the site relating to magnesian limestone. Policy 56 advises that planning permission will not be granted for non-mineral development that would lead to the sterilisation of mineral resources within a Mineral Safeguarding Area or which will sterilise an identified 'relic' natural building and roofing stone quarry as shown on Map C of the policies map document unless one of the following apply: a) it can be demonstrated that the mineral in the location concerned is no longer of any current or potential value as it does not represent an economically viable and therefore exploitable resource; b) provision can be made for the mineral to be extracted satisfactorily prior to the non-minerals development taking place without unacceptable adverse impact on the environment, human health or the amenity of local communities and within a reasonable timescale; c) the non-minerals development is of a temporary nature that does not inhibit extraction within the timescale the mineral is likely to be needed; d) there is an overriding need for the non-minerals development which outweighs the need to safeguard the mineral; or e) it constitutes exempt development as set out in appendix C of the Plan.
124. As required by CDP Policy 56 a Mineral Assessment has been submitted, but it does not show the safeguarded resource in relation to the application site. Consideration has, therefore, been given to the extent of the safeguarded area on the CDP Policies Map. It appears that the application site partially intersects with a small area of safeguarded fluvial sand and gravel to the north of Whitfield House and a larger area of safeguarded magnesian limestone to the east of A1(M) and to the north of Lime Lane. This latter area was defined around Aycliffe Quarry and includes a stand-off around the quarry. The area of magnesian limestone underlying this safeguarded area is Ford Formation (Middle Magnesian Limestone) magnesian limestone which is not the principal part of the magnesian limestone succession, which is of primary importance for aggregate working, although deeper deposits of Raisby Formation (Lower Magnesian Limestone) would normally lie below the Ford Formation at depth. It is recognised that the magnesian limestone succession is highly variable in quality, in terms of both its physical and chemical properties and, therefore, its suitability for particular uses. However, this does not necessarily mean that Ford Formation limestone may not be suitable for lower grade aggregate or non-aggregate uses such as for agricultural lime.
125. The submitted Mineral Assessment does not assess the value of the mineral or how much mineral could be sterilised but instead seeks to argue that mineral extraction would not be possible considering that the location is unlikely to be considered suitable for such a facility in regards noise and air quality. However, there are many quarries in County Durham which are worked in close proximity to local communities without unacceptable adverse environmental or amenity impacts.
126. The submitted Assessment identifies material constraints to mineral working. The area of fluvial sand and gravel lies partially within the inner and also the within the outer consultation zone of the Bishop Auckland to Sutton Howgrave High pressure gas

pipeline and it is recognised that the working of such deposits could be problematic. Northern Gas Networks have previously published guidance concerning working near their assets. Similarly, the overhead electricity transmission lines that currently traverse the eastern part of the magnesian limestone mineral safeguarding area would similarly be a constraint on future working, unless they could be relocated.

127. CDP Policy 56 criterion c) is relevant in this case. Paragraph 5.553 of the CDP recognises that, *“Some types of development may be of a temporary nature and of short duration. Such development may be permissible overlying or adjacent to a MSA provided that it does not inhibit minerals extraction within the timescales that the mineral is likely to be required i.e., it can cease and be removed prior to the mineral extraction proceeding, thereby not permanently sterilising the mineral resource. However, it is recognised that some temporary development, such as wind turbines, wind farms or solar farms, which are required by planning conditions to be decommissioned, removed and the land reinstated, may nevertheless be of a long duration. Careful consideration will therefore need to be given to the siting of such development, to avoid mineral site allocations and to ensure that the possibility of extensions to existing mineral sites are not unnecessarily impeded, or economically important mineral resources sterilised”*.
128. It is recognised that whilst temporary, the proposed solar farm is of a long duration (40 years), it would not permanently sterilise the mineral it is proposed to overlie. In relation to the safeguarded area of magnesian limestone, the Council is not aware of any current proposals to extend Aycliffe Quarry, now being restored and used for waste management purposes and the proposed development would not introduce sensitive land uses adjacent to the quarry (CDP Policy 48 - Safeguarding Minerals Sites, Minerals Related Infrastructure and Waste Management Sites). In addition, the safeguarded area of Magnesian Limestone underlying the site is not the principal part of the magnesian limestone succession, which is of primary importance for aggregate working and permitted reserves within existing permitted quarries are currently considered more than sufficient to meet needs over the plan period. Furthermore, while there is a forecast shortfall of sand and gravel over the Plan period to 2035, as outlined in the Council’s Local Aggregate Assessment (2018 Permitted Reserves and Sales) (April 2021), the small area of sand and gravel which is proposed to be sterilised is considered to not be likely to be attractive to future mineral working due to both its size and its isolated nature from other deposits and its location near to the High Pressure Gas Pipeline and within its consultation zones. It is recommended that criteria c) should be considered applicable to the proposed development and, accordingly, that there is no conflict with CDP Policy 56 provided that any permission is granted on a temporary basis in line with criterion c).

Residential Amenity

129. Paragraph 174 of the NPPF states that planning decisions should contribute to and enhance the natural and local environment by preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of air or noise pollution. Development should, wherever possible, help to improve local environmental conditions such as air quality and water quality. Paragraph 185 of the NPPF states that planning decisions should ensure that new development is appropriate for its location taking into account the likely effects of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. Paragraph 186 of the NPPF advises that planning decisions should sustain and contribute towards compliance with relevant limit values or national objectives for pollutants. Opportunities to improve air quality or mitigate impacts should be identified, such as through traffic and travel management, and green infrastructure provision and enhancement. Paragraph 187 of the NPPF advises that planning decisions should

ensure that new development can be integrated effectively with existing businesses and community facilities (such as places of worship, pubs, music venues and sports clubs).

130. CDP Policy 31 sets out that development will be permitted where it can be demonstrated that there will be no unacceptable impact, either individually or cumulatively, on health, living or working conditions or the natural environment and that can be integrated effectively with any existing business and community facilities. Development will not be permitted where inappropriate odours, noise, vibration and other sources of pollution cannot be suitably mitigated against, as well as where light pollution is not suitably minimised. Permission will not be granted for locating of sensitive land uses near to potentially polluting development. Similarly, potentially polluting development will not be permitted near sensitive uses unless the effects can be mitigated.
131. Darlington Core Strategy Policy CS2 states that high quality, safe, sustainable and inclusive design will be promoted in all new developments. As set out above Darlington Core Strategy Policy CS3 promotes renewable energy whilst requiring consideration being given to anticipated effects, individually or cumulatively, upon the surrounding natural, built, historic and cultural landscape and townscape including buildings, features, habitats and species of national and local importance; residential amenity including visual intrusion, air, dust, noise, odour, traffic generation, recreation and access; the operation of air traffic and radar systems. Appropriate mitigation and/or compensation measures and monitoring to address any effects identified and considered will be required prior to any development proceeding.
132. The nearest residential properties to the application site are Whinfield House (in County Durham) and it is approximately 100m from the site boundary in all directions. Preston Tilery is approximately 25m to the north, Brafferton High House is approximately 114m to the south (in Darlington Borough), High Grange some 175m to the south west (in Darlington Borough) and Rye Close Farm (in County Durham) is approximately 250m north west. Slightly more distant are Lea Hall 544m to the north east and Preston Lodge and Oat Hill Farm (in Darlington) approximately 780m to the east. The A1(M) is approximately 128m to the east of the site at its closest point which is in County Durham.
133. Specific considerations in relation to residential amenity are noise and vibration, air quality and dust, lighting, contamination, glint and glare, health impact and visual impact and are considered below.

Noise and vibration

134. Solar development does not typically generate a significant amount of noise or vibration outside of the construction period and no specific noise or vibration assessment has been carried out. There is potential for noise from the construction and operational periods. During the construction phase there is potential for noise from traffic delivering the solar panels and associated equipment and installation of the panels. Traffic movements are set out in the 'access and highway safety' section and would be highest during the first month of the 6 month construction period and then reducing during the subsequent months. A traffic management plan is proposed setting out how traffic would be managed to ensure minimal disruption to residents. Such a plan can be required through condition. The solar panels would be installed quickly using only light plant (panel mounting structures installed utilising plant similar to agricultural fencing machinery) and hand tools and would not take place in any one area for a prolonged period and the separation distance from the closest PV panel locations to the nearest residential properties ranges between 40m to and 290m. During the construction period good practice measures would be put in place to manage the effects of noise. It is considered that a specific assessment of construction noise effects is not necessary.

135. The site is located close to the east of A(1)M, Aycliffe Quarry and Aycliffe Industrial Estate which will have an impact on background noise levels at the proposed site. The primary source of noise from the development during the construction phase would be the 16 inverter kiosks that would be spread throughout the array. The application notes that the panels themselves which make no noise and would act a noise barrier reducing noise from the inverter kiosks. The inverter kiosks would be connected to a distribution substation, via a client substation, located in the centre of the site. All sound-emitting plant has been situated as far as is practicable from residential dwellings and the bridleway through the site, in order to minimise the level of noise impact. The application notes that the level of sound emitted by the development would primarily be attributable to the inverter kiosks' cooling fans; the operation of these fans will be related to both the intensity of light incident upon the solar panels and the air temperature. During night-time periods, any sound emitted by the development would, therefore, be limited to the substation transformers. These design considerations are considered to be appropriate mitigation during the operational phase. Once operational the passive operation of the plant, it is very unlikely that there would be any perceptible noise from the site at the nearest residential properties. Vehicle movements during the operational phase would be minimal being for the purpose of supervising the operation and maintenance.
136. Durham County Council Environmental Health and Consumer Protection officers advise that to date they are not aware of any issues regarding noise from solar farms in general terms. It is noted noise has been considered as part of the application and whilst it is considered the solar panels do not make any noise, it accepts the inverters will generate some noise, however, from the submitted information they have been positioned so the solar panels would help baffle any noise output. As a result, Durham County Council Environmental Health and Consumer Protection officers would not envisage the inverters would generate significant noise levels. Furthermore, noise from construction has been considered and identifies compliance with BS 5228 will be adhered and best practice. Officers suggest a condition is imposed, which regulates construction/delivery times.
137. Proposed construction operations are 07:30 – 18:00 Monday to Friday and 07:30 – 16:00 on Saturdays with no working on Sundays or Bank Holidays. Darlington Borough Council Environmental Health officers originally recommended 08.00 to 18.00 Monday to Friday and 08.00 to 14.00 Saturday, but then considered the proposed hours to be acceptable. Working hours can be secured through condition.
138. Darlington Environmental Health officers consider that the layout of the final design of the development has been considered to ensure all sound-emitting plant associated with the development has been situated as far as is practicable from residential dwellings to minimise noise impact, and that the panels themselves act as noise barriers and on this basis are satisfied that noise does not require any further consideration. Conditions would be required relating to the submission of a Construction Management Plan and limiting the hours of construction activities given the potential for construction activities to cause some disturbance in terms of noise.

Air quality and dust

139. The proposed solar farm has very limited potential to create any unacceptable dust or light pollution impacts. Durham County Council Environmental Health and Consumer Protection officers have considered the proposals and due to the scale and nature of the proposed development consider that it would be unlikely to exceed national air quality objectives and EU Limit Values in relation to particulate matter. Whilst it is considered that the development would not lead to an adverse impact upon air quality, there may be short term issues in terms of dust that could be controlled through condition. Durham County Council officers note that during the development phase, the

operator recognises that dust escaping from the site could give rise to negative impact in the short term and also recognises the need to control such emissions. Durham County Council Environment, Health & Consumer Protection officers, therefore, recommend a condition requiring a Dust Management Plan, this could be incorporated into a Construction and Environmental Management Plan which may also be required to control noise and vibration during the construction phase.

140. Darlington Environmental Health officers concur that any impacts on air quality arising from dust during the construction phase of the development can be dealt with as part of the Construction Management Plan, to be secured by condition. They are satisfied that the operational phase of the development will not give rise to any concerns relating to air quality.

Lighting and Odour

141. In terms of lighting the application states that security lighting post-construction would be avoided, with the use of infra-red cameras used instead for security purposes. A small security light at the top of the Distribution Network Operator (DNO) substation would be motion-sensing. Nonetheless lighting details would be required to be submitted through a planning condition.

Contamination

142. Part 15 of the NPPF (Paragraphs 120, 174, 183 and 184) requires the planning system to consider remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land where appropriate. Noting that where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner. CDP Policy 32 requires that where development involves such land, any necessary mitigation measures to make the site safe for local communities and the environment are undertaken prior to the construction or occupation of the proposed development and that all necessary assessments are undertaken by a suitably qualified person.
143. Durham County Council Environmental Health and Consumer Protection officers have considered contamination noting that they have no adverse comments to make and recommend an informative on any planning permission to deal with any unforeseen contamination.
144. Darlington Environmental Health officers similarly do not consider that land contamination requires further consideration but also recommend an informative be placed on any planning permission to deal with any unforeseen contamination.

Glint and glare

145. A glint and glare study has been undertaken to assess the potential impact of the proposed development on surrounding road users and dwellings, as well as aviation and has been submitted with the application. The study concludes that no significant impacts are predicted on aviation activity in the area and mitigation is not required. A moderate impact is predicted on some of the assessed sections of roads, because partial views of reflecting panels may be possible within a road user's primary horizontal field of view, but only for elevated road users. Further mitigation is not recommended considering the existing screening in the form of intervening terrain and/or existing vegetation, the types of roads, and the levels of traffic expected. A moderate impact is predicted on two out of the 10 assessed dwellings, because partial views of reflecting panels may be possible, but only from upper floors. Further mitigation is not

recommended because the ground floor is typically considered the main living space and, therefore, has a greater significance with respect to residential amenity.

146. The tenants of High House Farm, Brafferton have raised concerns regarding the effects of glint and glare on their property, on livestock, people at work on machinery and on users of the public footpaths as well as on road safety.
147. Durham County Council Environmental Health and Consumer Protection officers and Darlington Environmental Health officers accept the findings and conclusions of the study. It is, therefore, considered that the development would not lead to an adverse impact in terms of glint and glare. Highways officers from both Authorities have not raised concerns regarding glint and glare.
148. Teesside International Airport has commented in relation to ecology but has made no comment on glint and glare. National Air Traffic Services (NATS) has no safeguarding objection.

Health impact

149. A Health Impact Statement (HIS) accompanies the application and has been undertaken to consider key determinants to protect human health. The HIS concludes that the key determinants to the protection of human health, including mental health aspects associated with changes to amenity as a result of the development, have been considered. The outcome of the HIS indicates that the development is unlikely to negatively affect people's health and wellbeing in its widest sense. It concludes that there are no effects that cause potentially severe or irreversible negative effects, affect a large number of people, or specifically, may affect people who already suffer poor health or are socially excluded. As a result, no substantial negative effects are predicted for any phase of the development. Potential positive effects on health include effects the development would have on climate, by way of reducing emissions of carbon dioxide, and the benefit the development would have to people's enjoyment of local wildlife and biodiversity. Officers have no adverse comments to make regarding the HIS.
150. In terms of residential amenity, Durham County Council Environmental Health and Consumer Protection officers have considered the proposals and raise no objections in respect of potential nuisance, air pollution, lighting, land contamination and glint and glare. Officers note that the construction phase is the only time where noise and dust may be an issue and have requested the submission of a Construction and Environmental Management Plan (incorporating a dust action plan) to ensure that this is controlled. Durham County Council officers consider that the information submitted demonstrates that the application complies with the thresholds stated within the TANS. This would indicate that the development will not lead to an adverse impact. In addition, they are satisfied, based on the information submitted with the application, that the development is unlikely to cause a statutory nuisance should planning permission be granted.
151. Darlington Environmental Health officers also agree that the proposal will not give rise to any unacceptable impacts prejudicial to the protection of human health that cannot otherwise be mitigated against by appropriate planning conditions and informatives.

Visual Impact

152. The area is sparsely populated, but there are a number of properties within 250m of the site. Whilst the aspect of these properties and the presence of intervening vegetation is likely to filter the proposal from the majority of the residential properties the LVA

concludes that *'there would be some important effects on four residential properties, the results of the Development would not result in unsatisfactory living conditions, leading to a property being regarded, objectively, as an unattractive (as opposed to a less attractive) place in which to live'*. Landscape officers do not disagree with this conclusion. Landscape and visual impact is considered further below.

Residential amenity summary

153. It is considered that the proposal would not create an unacceptable impact on health, living or working conditions or the natural environment. The development would not result in unacceptable noise, vibration, air quality, dust, light pollution, contamination and glint and glare and, subject to the imposition of the condition recommended above, the development would provide an acceptable standard of residential amenity in accordance with CDP Policies 31 and 32, Policies CS2, CS3 and CS16 of the Darlington Core Strategy and Part 15 of the NPPF.

Highway Safety and Access

154. Paragraph 110 of the NPPF states that safe and suitable access should be achieved for all people. In addition, Paragraph 111 of the NPPF states that development should only be refused on transport grounds where the residual cumulative impacts on development are severe. CDP Policy 21 states that the transport implications of development must be addressed as part of any planning application, where relevant this could include through Transport Assessments, Transport Statements and Travel Plans. Darlington Core Strategy Policy CS2 relates to achieving high quality design and Policy CS3 requires consideration to be given to traffic generation amongst other matters when considering renewable energy schemes.

155. The site would be accessed via Junction 59 of the A1(M), accessing the A167, then utilise Lime Lane, Lodge Lane and Ricknall Lane which all border the site. Four site access points to facilitate access to the various parts of the site are proposed. Three accesses off Lime Lane are proposed. One to the south of Lime Lane to access the southern part of the site within Darlington Borough, one to north close to the proposed Darlington Borough access to access part of the Durham site and one further to the east again to access the County Durham part of the site. A further access is proposed off Ricknall Lane to access the eastern part of the site. In addition, there would be a temporary site access off Lime Lane to access the temporary site compound. Access would be via the existing field access points and then extended as needed to reach areas of panels further within the site. This would minimise the requirement for field entrances. It is estimated that 2,234 m of new access track with allowance for wider areas of track to accommodate turning would be constructed approximately 4m wide.

156. A Transport Statement (TS) has been submitted in support of the application. The TS provides an outline of existing conditions for the site, an analysis of the proposals and HGV vehicle movements. The TS concludes that construction of the development would generate approximately 10,354 vehicle movements during the 6 month construction period. It is expected that during the peak month of construction (month 4), 88 two-way vehicle movements per day would occur at the site, consisting of 80 car movements and 8 HGV movements on average. The peak month for HGV traffic would be month 1 where the daily average would be 29 two-way HGV movements. The TS considers that Lime Lane provides sufficient space for opposing HGVs to pass each other and is likely to see an increase in existing HGV traffic. However, the predicted increase is temporary and would cease following completion of the short-term construction of the development. Therefore, the predicted increase in traffic flow on routes within the study during construction of the development is expected to be of negligible effect. Traffic management procedures through a construction management

plan are proposed in the TS (including an approved traffic route to the site, temporary warning signage and wheel washing facilities if required in order to prevent the deposition of mud onto the public highway) which would ensure the safe operation of the approach route to the site during construction. Final details of the proposed traffic management measures could be secured through condition. Operational traffic is expected to be minimal and would be conducted by smaller vehicles. The impact of this on the wider highway network is therefore expected to be negligible.

157. Staff levels are likely to vary through construction depending on the operations being undertaken, car sharing is likely to reduce the calculated figures. Accessibly options for public transport, walking and cycling have not been considered but given the location these options are likely to be limited.
158. Durham County Council as Highway Authority has considered the proposal and find the access arrangements for both the construction and operational periods to be acceptable following the removal of a proposed access off Ricknall Lane originally intended to access the eastern part of the site and subject to submission of a Construction Management Plan and/or Traffic Management Plan. This would be secured through condition should planning permission be granted. The required plan could be separate or part of the Construction Management Plan which should also be approved before commencement on site and would include methodology of vehicle movements between the compound and various site accesses, details of operation of banksmen, wheel washing facilities, proposed road signage etc.
159. Darlington Borough Council Highways officer likewise considers the proposal and the access arrangements for the construction and operational periods to be acceptable. A total of 4 access points are proposed to be located on Lime Lane which fall under the control of Darlington Borough Council Highways. Three of those accesses are to serve the site during both the construction and operational phases and one is to serve a temporary construction compound located to the south east of the site, opposite Whinfield Farm and to the north of High House Farm and would be removed following the end of the construction period. The Highways Officer recommends that a Construction Management Plan, as detailed in the previous paragraph, be submitted for approval prior to the commencement of development. Further conditions are also requested to prevent the spillage of loose materials onto Lime Lane and to prevent the discharge of any surface water onto the highway through the installation of cut off drainage.
160. Durham County Council Environmental Health and Consumer Protection officers advise that in relation to traffic movement the location of the proposed development is not within or in close proximity to the declared Air Quality Management Areas in Durham City and Chester le Street and having reviewed the TS consider it likely that this phase of the proposed development would be in compliance with national air quality objectives and of EU Limit Values. Again, in relation to dust emissions resulting from Non-road mobile machinery (NRMM) a Dust Management Plan should be developed by the developer to provide suitable control and mitigation.
161. National Highways (formerly Highways England) has raised no objection subject to a condition requiring implementation of a Construction Traffic Management Plan (CTMP). This being required to ensure that during the A1(M) motorway continues to serve its purpose as part of a national system of routes for through traffic in accordance with Section 10 (2) of the Highways Act 1980, in the interests of highway safety. The CTMP would include dust and noise management plans, pollution prevention measures, contractor parking, details of delivery arrangements, agreement with National Highway abnormal loads team on the suitability of proposals and measures to limit and manage transfer of debris on the highway. It is proposed to impose a planning condition

requiring a combined Construction and Traffic Management plan to satisfy the requirements of Highways England and Environmental Health and Consumer Protection officers, given some of the requirements overlap.

162. Whilst the development would generate a substantial number of construction traffic movements for the 6 month construction period it would be not be unacceptable in this location due to good access and existing highway capacity for this temporary period. Following construction, the site would be automated and would only be attended for monitoring and maintenance purposes. A construction traffic management plan would be secured by condition. A further condition is recommended to ensure that vehicles accessing the site are adequately cleaned before leaving to ensure that debris is not carried onto the public highway. It is considered that the proposal has been appropriately assessed through a TS and would not result in harm to the safety of the local or strategic highway network and would not cause an unacceptable increase in congestion or air pollution. Subject to the conditions set out above the proposal is considered not to conflict with CDP Policy 21, Policies CS2 and CS3 of the Darlington Core Strategy and Part 9 of the NPPF.

Landscape and visual impact

163. Paragraph 174 of the NPPF states that decisions should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes in a manner commensurate with their statutory status or identified quality in the development plan.
164. CDP Policy 39 states that proposals for new development will be permitted where they would not cause unacceptable harm to the character, quality or distinctiveness of the landscape, or to important features or views. Proposals will be expected to incorporate appropriate measures to mitigate adverse landscape and visual effects. Development affecting Areas of Higher Landscape Value will only be permitted where it conserves, and where appropriate enhances, the special qualities of the landscape, unless the benefits of development in that location clearly outweigh the harm.
165. CDP Policy 40 states that proposals for new development will not be permitted that would result in the loss of, or damage to, trees of high landscape, amenity or biodiversity value unless the benefits of the proposal clearly outweigh the harm. Where development would involve the loss of ancient or veteran trees it will be refused unless there are wholly exceptional reasons, and a suitable compensation strategy exists. Proposals for new development will not be permitted that would result in the loss of hedges of high landscape, heritage, amenity or biodiversity value unless the benefits of the proposal clearly outweigh the harm. Proposals for new development will not be permitted that would result in the loss of, or damage to, woodland unless the benefits of the proposal clearly outweigh the impact and suitable replacement woodland planting, either within or beyond the site boundary, can be undertaken.
166. Borough of Darlington Local Plan Policy E12 requires account to be taken of trees, woodlands and hedgerows on and adjacent to the site and the layout and design of the development should wherever possible avoid the need to remove trees and hedgerows and provide for their successful retention and protection during development. Where removal is unavoidable, any required landscape works should be so designed as to compensate, on or off the development site, for the loss of amenity of the area. Policy E14 requires development proposals to incorporate appropriate hard and soft landscaping which has regard to the setting of the development in its form, design and plant species, and which enhances the appearance of the development. Darlington Core Strategy Policy CS2 relates to achieving high quality design and Policy CS3 requires consideration to be given to the surrounding natural, built, historic and cultural

landscape as well as residential amenity including visual intrusion. Darlington Core Strategy Policy CS14 states that the distinctive character of the Borough's built, historic, natural and environmental townscapes, landscapes and strong sense of place will be protected and, where appropriate, enhanced by protecting and improving the distinctive character of the countryside. In addition, protecting and enhancing the separation and the intrinsic qualities of the openness between settlements and protecting and enhancing the quality of the wide views of the North York Moors, upland Dales and the villages across the Tees Valley.

167. Within County Durham the site is not within any landscape designation. Areas of Higher Landscape Value lie some 900m to the west and north and 1.2km to the east. Trees within or adjacent to the site are not covered by a Tree Preservation Order.
168. A Landscape and Visual Appraisal (LVA) has been submitted with the application. The LVA seeks to appraise the likely landscape and visual effects associated with the proposed development and has recorded and analysed the baseline landscape resource and visual amenity of the site and surrounding area, identified the landscape and visual receptors likely to be affected by the development, and determined the nature and extent of these effects. The LVA has considered cumulative impacts concluding that the study area does not contain any large-scaled solar schemes and there would not be any important cumulative effects with the existing, small solar scheme at Hauxley Farm 1.6 km to the east or any other operational, under construction or proposed solar sites.
169. The LVA concludes that the nature, scale and form of the development would result in some important, long-term and adverse effects on the landscape resource and visual amenity of the site and its surrounds. However, important effects would be limited to relatively small numbers of receptors located close to the site and would be reversible. Mitigation measures are proposed to help screen and soften views to the development, including management and supplementation of perimeter hedges to a height of 3m and new native species trees located in hedges. Mitigation would be secured through a suitably worded condition.
170. Durham County Council's Landscape officer has commented on the scheme on behalf of both Authorities.
171. The entire site lies within *Tees Lowlands* National Character Area (NCA 23). At a regional and local level, within County Durham the site lies within *Sedgefield, Windlestone & Aycliffe* Broad Character Area which belongs to the *Lowland Plain* Broad Landscape Type. Both of which form the larger *Tees Lowlands* County Character Area. Within Darlington, the site lies within *Great Stainton Farmland* Landscape Character Area. The site is made up of gently undulating arable and improved pasture, but predominantly arable, with old pre-enclosure field systems (which is defined as *Plain farmland: open arable* and *Plain farmland: pasture* Local Landscape Type within the Durham Landscape Character Assessment).
172. The *County Durham Landscape Value Assessment (2019)* identifies the area as *18c ix Preston South*, which is part of the wider Broad Character Area *BLT18 Lowland Plain* and has assessed the area as being of *low medium* value across the majority of attributes. Within County Durham, the arable areas of the site lie within an area identified in the *County Durham Landscape Strategy (2008)* as a *Landscape Improvement Priority Area* with a strategy of *enhance*. The pasture to the north of Whinfield House lies within a *Landscape Conservation Priority Area* with a strategy of *conserve and restore*.

173. The site itself lies amid undulating agricultural land, rising to its highest point in the south east corner of the site which borders Lime Lane. Due to the nature of the undulating topography and the screening effects of roadside hedges, and intervening woods, trees and field hedge lines, the site is relatively self-contained and is unlikely to be visible or will be heavily filtered from public vantage points in the wider landscape especially to the east, south and west of the site.
174. The principal views of the site are within 1km which includes the local road network and public rights of way. Ricknall Lane bounds the site to the north, Lodge Road to the east and Lime Lane bisects the south western part of the site. A bridleway (Green Lane) runs through the western part of the site; a number of public right of ways also lie to the south and south east of the proposal. There would also be longer views available to the north west of the site across the A1 in the vicinity of Heworth Lane.
175. Officers have considered landscape and visual effects. With regard to effects on landscape features it is considered that there would be limited changes to the landform of the site to accommodate foundations of access tracks, solar panels and other associated structures. The development would not result in the loss of trees or hedgerows within or adjacent to the application site and temporary protective fencing would be installed around trees and hedgerows (where required) in line with British Standards during the construction phase. In order to mitigate against landscape and visual impacts, additional tree and hedgerow planting has been proposed, which in the long term would bring about some localised positive landscape and biodiversity benefits.
176. With regard to potential effects on landscape character, the development would entail a substantial incursion into open countryside. The effect on the present character of the site would be transformative and adverse introducing manmade, precision engineered solar arrays into an area which is rural in character. The associated development including ancillary buildings, fencing and security cameras would increase the impact. The greatest impact would arise from the fields to the south of Lime Lane where there would be a clear visible change in the strongly rural character of area due to topography and lack of and/or condition of boundary vegetation around the southern boundary. This would be particularly evident from the PROW to the south.
177. The proposed landscaping and mitigation would offer some relief to the visual effects on the character of the landscape in due course, but in the interim period (≥ 10 years, the length of time depending on the design, quality and performance of the planting) the impact on the local character would be marked. Mitigation measures are proposed in these areas due to the age and condition of the existing predominantly mature and leggy hawthorn hedges and Ash hedgerow trees in this location.
178. The effect of the site to the north of Lime Lane, whilst still transformative, would overall be of lower magnitude due to increased visual enclosure afforded to much of this part of the site by topography, surrounding woodland, trees and mature dense hedgerows bounding the site which would afford limited or heavily filtered views of the proposal from Lime Lane, Ricknall Lane, Lodge Lane and locations to the north-west. Proposed mitigation would also in time help further reduce the effects.
179. In terms of effects on designated landscapes and other designations, the proposed site is not within a designated landscape. Effects on the setting of non-designated heritage assets at Whinfield House, Brafferton High House and Lovesome Farm/Hall are considered in the cultural heritage section below. It is observed that the area of the proposed solar arrays closest to High House has a strong rural character which contributes to the setting of the farmstead.

180. Having regard to potential visual effects, the site would be largely screened from medium and longer distance views in the wider countryside by topography and intervening vegetation. The most significant effects would be obtained from the PROWs to the south and southeast, the local road network bounding the site and the Bridleway that bisects the site. The site to the north of Lime Lane already benefits from a degree of visual containment due to trees and mature thick hedgerows along most of its boundaries which would heavily filter or screen the site (more so in summer) from these near viewpoints, nevertheless at close range through sporadic sparser sections, existing gaps in the hedgerow or gateways, intermittent sequential prominent views of the proposal will be obtainable from the local road network and junction with Bridleway at Whinfield House. It is, however, considered that mitigation proposed following comments from officers would overtime reduce the significance of such effects.
181. The eastern end of this northern area is likely to be the most prominent part of the northern area and generate increased visual effects, especially when viewed from Ricknall Lane as it is likely to be seen over intervening vegetation (even when hedge allowed increase in height) due to the land raising to its highest point of the site there will therefore be residual impacts, however, these views would be for a relatively small section of the road and would likely be the rear of the structures rather than the reflective panels.
182. Again, the most significant effects would be generated from the southern parts of the site (to the south of Lime Lane), due to sparser intervening vegetation, condition, age and life expectancy of existing vegetation and rolling topography which falls in elevation from Lime Lane southwards; due to the orientation of the panels, the reflection of light and colour of the sky, and the appearance of the panels under different atmospheric conditions will add to the impact in the shallow views from PROW to the south. Mitigation planting has been proposed but again due condition, age and life expectancy of existing vegetation this will need to be reconsidered and increased, which has now been done.
183. At the time of development and for several years afterwards (the length of time depending on the design, quality and performance of the planting), given the current open and rural character of this part of the site, it is likely to be upwards of 10 years in which the development would be conspicuous in these views but once established and maintained at the required height of 3m, the panels would be heavily filtered or screened.
184. Officers originally considered that the design of the proposals originally submitted with the planning application required further consideration prior to determination of the application. A submitted revised Landscape and Biodiversity Management Plan (LBMP) and Landscape Mitigation Plan (LMP) have satisfactorily addressed matters raised by Landscape officers. Additional mitigation measures requested by Landscape officers can be secured through condition. These include strengthening the existing hedge boundary on the southern edge of the site within Darlington Borough area along with new 5m wide belt of native species scrub/small trees; augmenting the northern boundary opposite Preston Tilery within Durham with a strip of native shrub and native trees to maintain visual enclosure in the long term; monitoring and management of hedgerows throughout the site, building in coppicing, laying or re-planting as an ongoing programme; and monitoring and replacing ash trees affected by Die Back as an ongoing programme. Conditions are also requested to cover the track surfaces (which should be constructed of locally sourced aggregate) and the colour of the cabinets, containers and the substation's main structural elements which should be a dark green.
185. In summary, officers consider that the effect on the present character of the site and visibility of some areas would be transformative and adverse introducing manmade,

precision engineered solar arrays into an area which is rural in character. This would cause harm to the character, quality, and distinctiveness of the local landscape; however, due to the undulating topography and the screening effects of roadside hedges, and intervening woods, trees and field hedge lines, the adverse impacts are localised with the largest impacts confined to the local road network that bounds the site, the bridleway running through the site and the Public Rights of Way to the south. Whether that harm would be unacceptable depends in part on the balance of considerations, with the incorporation of adequate measures to mitigate the adverse landscape and visual effects, officers raise no objection. At the end of the 40 year operational period the site would be fully decommissioned and restored, details of which would be required through condition.

186. Within the site the proposals would involve a transformative change from open farmland to a solar farm dominated by features of a notably man-made/industrial character. The effects would be temporary and reversible but would last for a substantial period (40 years). Due to the location of the site, the character of the landscape, the shallow nature of views of the area and the screening effects of existing features, the effects of this change on the local landscape would be very localised and largely restricted to an area around 1km of the site. Much of the proposed development would be well screened from public vantage points and effects on visual amenity in the locality would be relatively low. No trees, woodlands or hedges would be lost as a result of the development and some hedgerow restoration and tree planting is proposed which would be beneficial. Mitigation measures would be secured by through condition or planning obligation under Section 39 of the Wildlife and Countryside Act 1981.
187. While there would be some harm to the character, quality, and distinctiveness of the local landscape it would be localised and would not be substantial. There would be no harm to important features or views. Given the benefits of the proposal in respect of renewable energy generation this level of harm is not considered to be unacceptable in the balance of considerations. The proposals incorporate appropriate mitigation measures to mitigate adverse landscape and visual effects and make some localised contribution to the conservation and enhancement of the local landscape. The proposal is therefore not considered to conflict with CDP Policies 39 and 40, Policies E12 and E14 of the Borough of Darlington Local Plan, Policies CS2, CS3 and CS14 of the Darlington Core Strategy and Part 15 of the NPPF.

Cultural heritage

188. In assessing the proposed development regard must be had to the statutory duty imposed on the Local Planning Authority under the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character and appearance of a conservation area. In addition, the Planning (Listed Buildings and Conservation Areas) Act 1990 also 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. If harm is found this gives rise to a strong (but rebuttable) statutory presumption against the grant of planning permission. Any such harm must be given considerable importance and weight by the decision-maker.
189. Part 16 of the NPPF requires clear and convincing justification if development proposals would lead to any harm to, or loss of, the significance of a designated heritage asset. CDP Policy 44 seeks to ensure that developments should contribute positively to the built and historic environment and seek opportunities to enhance and, where appropriate, better reveal the significance and understanding of heritage assets.

190. Darlington Core Strategy Policy CS2 relates to achieving high quality design and amongst other matters, states that development proposals should reflect and/or enhance Darlington's distinctive natural, built and historic characteristics that positively contribute to the character of the local area and its sense of place. Darlington Core Strategy Policy CS14 Darlington Core Strategy Policy CS14 states that the distinctive character of the Borough's built, historic, natural and environmental townscapes, landscapes and strong sense of place will be protected and, where appropriate, enhanced by protecting, enhancing and promoting the quality and integrity of Darlington's distinctive designated national or nationally significant built heritage and archaeology including buildings, their settings and features of historic and archaeological local interest in Conservation Areas; buildings, features and landmarks on the local list; buildings and features that reflect Darlington's railway, industrial and Quaker heritage; and buildings on the local 'at risk' register.
191. There are no designated heritage assets within or in the immediate vicinity of the proposed site. Within County Durham Aycliffe Village Conservation Area lies approximately 1.3km to the east separated from the site by the A1(M) and Aycliffe East Quarry, a former quarry being restored through landfill with restoration required by 2042 but with planning permission for other waste activities to extend beyond this period. There are two Scheduled Monuments (deserted village) which are located approximately 1 km north of the Site (deserted village with no above ground features). Within the wider area are Grade II listed buildings to the west at Aycliffe Village and the Windmill at Aycliffe Quarry between 1.1km and 1.8km from the proposed site. The closest is Preston Lodge Grade II Preston Lodge Farmhouse and Outbuilding Attached to Right at 780m to the east. Within Darlington there are listed buildings in Brafferton and Coatham Mundeville as well as the Coatham Mundeville Conservation Area some 1.3km to the south west and the Scheduled Monument Coatham Mundeville medieval village, fishpond and areas of rig and furrow. Listed buildings are located at Stainton Grange and Great Stainton over 2.4km to the east. The site of the Medieval Village of Heworth is 890m to the north west separated by the A1(M) and agricultural field.
192. A Heritage Impact Assessment (HIA) has been submitted in support of the application This includes a description of the assessment methodology, a description of known designated and non-designated heritage assets and a consideration of changes to setting that may affect the cultural significance of the designated heritage assets. The HIA incorporates a desk-based assessment to establish the archaeological baseline and assess the potential for direct effects to the archaeological assets. The HIA states that there are no designated archaeological assets recorded within the site. Four non-designated heritage assets are recorded within the site relating to a series of ridge and furrow cropmarks, with an assigned date from the post-medieval period. There are two designated assets recorded within 1km of the site. These being the Scheduled Deserted village of Preston-le-Skerne which lies 1 km north and the Grade II Listed Preston Lodge Farmhouse and Outbuildings attached to right located 782m to the east. A further 95 heritage assets were recorded within 1km of the site with 94 records of cropmarks dating from the medieval to the post-medieval periods, and one flint findspot.
193. A two-part geophysical survey has been undertaken. Part 1 was undertaken in February 2021 which covered six fields. The survey positively identified a series of infilled features within the south and west of the application site which may be of archaeological origin with the report tentatively assigning this as a potential Iron-Age/Romano-British enclosure, however no intrusive survey has been undertaken. Part 2 was undertaken in April 2021 and did not identify any further potential features of archaeological origin. Based upon the results of the desk-based assessment and geophysical survey, the application site has some limited potential for subsurface archaeology to be encountered. The preferred mitigation strategy would be to mitigate

by design via the use of concrete footing and cable trays which would lie on the ground surface, essentially capping any archaeological features and preventing further disturbance via ploughing. Where this would not be possible, avoidance or preservation by record may be required. The implementation of the appropriate mitigation, either via concrete footings/avoidance or preservation by record, would be implemented as part of the post-consent detailed design stage. A programme of archaeological work, consisting of a post-consent trenching evaluation, would inform the locations for the mitigation strategy to be implemented.

194. Durham County Council's Archaeology officers have considered the application on behalf of both Authorities and raise no objection subject to appropriate conditions. Officers note that the geophysical survey that has been carried out suggests that the archaeological potential for the area is low, but this still needs to be confirmed by trial trenching. Archaeology officers advise that trial trenching should be carried out post-determination, but prior to the final layout being agreed. Officers advise that this could be secured by imposing planning conditions requiring a written scheme of investigation to be submitted setting out a phased programme of archaeological work and a further condition requiring that no part of the site is occupied until post investigation assessment has been carried out and also allows for any follow up works if significant archaeological remains are encountered.
195. The HIA states that there are 28 heritage assets within the 2km of the site considered for changes to setting comprising two Scheduled Monuments, 24 Listed Buildings and two Conservation Areas of which 2 are within 1km of the site (Scheduled Deserted village of Preston-le-Skerne which lies 1km north, The Windmill 1km to the west and the Grade II Listed Preston Lodge Farmhouse and Outbuildings attached to right located 782m to the east). The assessment was based on a consideration of each asset's cultural significance and the contribution of setting to that cultural significance and further informed by the Zone of Theoretical Visibility (ZTV) and site visits to the heritage assets. No changes to setting that affect the cultural significance were identified as the A1(M) Motorway to the west limits the connection to the application site to this part of the landscape. Areas to the north, east and south of the application site represent more dispersed farm settlements and agricultural land use, however, due to the presence of hedgerows and treelined field boundaries, there is limited to no visibility from the heritage assets to the application site. This would be further limited by the implementation of a Landscape Mitigation Plan that would enhance field boundaries within and around the application site so that the cultural significance of the designated heritage assets is unaffected. As such, the HIA concludes that there is no harm to any designated heritage assets and the proposed development complies with NPPF and local plan policies.
196. The HIA considers that Whinfield House would have substantial indirect harm from the proposed development. The building has key views to the south, with no screening to the north and east, and partial screening to the west. As such, it has mainly clear views across the landscape. As the proposed development would provide a break in the continuous use of the landscape for agrarian functions, a landscape mitigation plan which demonstrates vegetation screening would lower the harm to the building in line with the planning balance. Harm is further reduced by the Aycliffe Business Park and associated quarry 3.26 km south-east of the CSA, which has clear visibility in the landscape behind Whinfield House and, as such, already contributes to a pre-existing change in setting. The HIA states that the other four properties, including High House Farm, Brafferton, would potentially receive varying levels of indirect harm from visual effects of the proposed development, however, as the development does not lie within their setting, harm is reduced through distance as well as the role of pre-existing vegetation screening, with no continuous break in the post-medieval agrarian landscapes relating to each of the individual buildings, and the pre-existing change to

the wider landscape through infrastructure including the A1(M) Motorway and the Aycliffe Business Park.

197. Historic England advises that it does not wish to offer comments instead suggesting that the views of the Councils' conservation and archaeological advisers are sought.
198. Durham County Council's Design & Conservation officers raise no objection to the proposed development and are satisfied with the HIA and consider it is based on a sound methodology using an appropriate search area to identify heritage assets and systematically identifying the asset, its significance, the relationship of the application area to the setting of each asset and then anticipated impact. Officers consider that the conclusion that there will be no harmful impact following landscape mitigation is wholly reasonable especially when considered against the impact of the presence of the A1(M) and the severing impact this has on the relationship of the application site and the setting of the majority of the assets identified.
199. With regard to the impact of the proposal on non-designated heritage assets, Durham County Council's Design & Conservation officers note that the submitted HIA acknowledges that there would be substantial indirect harm to the significance of Whinfield House resulting from changes to the setting of the farmstead. The layout of the panels ensures key views of the associated landscape to the south are retained, however, the visual links to the agricultural landscape to the north and east and to a slightly lesser extent the west would be substantially interrupted. As a farmstead, this link to the surrounding agricultural landscape is a key part of setting. As the harm arises from visual changes associated with use, the use of planting as mitigation inflicts the same sort of harm but has the capacity to be permanent. Officers consider that the harm is lessened as it is temporary in nature and the traditional land use and links to the wider landscape can be reinstated on removal of the panels at the end of their lifespan.
200. Darlington Borough Council's Conservation officer, having assessed the site from various angles and site lines and considered the various settings, agrees with the findings of the HIA in that there will be limited to no impact on the setting or significance of the designated assets, including Conservation Areas, within the search area. The Coatham Mundeville Conservation Area is located a reasonable distance from the proposed site and with the topography of the area there are no clear views from or onto the site that could be considered to affect its setting. There are 2 listed assets within Brafferton village, located within the centre of the linear hamlet at Manor Farm. The setting of the assets is however within the main streetscape and then off to the south, south west and south east and as such it is not considered that the proposed array would impact upon the setting of the listed assets.
201. Darlington Borough Council's Conservation Officer does consider there would be some impact however on the setting of non-designated assets within the Borough on High House Farm, Brafferton, immediately to the south of the application site and to a lesser extent on Lovesome Hall which is located at a further distance some 670m from the southern boundary of the proposed array. The more immediate impact would however be on High House Farm, which features on the first edition OS mapping and is likely to date from the late 18th century. The proposed array located to the north west and west of the site, is considered to have a significant impact on the setting of the farmhouse which is currently, and has historically been, surrounded by open agricultural land which contributes significantly to its setting. As the site is within its immediate setting, even with mitigation the impact will be evident.
202. Although the HIA identifies no harm in relation to designated heritage assets following landscape mitigation and Durham County Council Design & Conservation officers

consider this to be reasonable, harm has been identified in relation to non-designated heritage assets. The application should, therefore, be determined in accordance with Paragraph 203 of the NPPF which states that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset. A balanced judgement must, therefore, be carried out having regard to the scale of any harm or loss and the significance of the heritage asset.

203. It is considered that, in most respects, the proposed development would have no impact to upon the significance of built heritage assets falling within the locality. However, the applicant, Durham County Council's and Darlington Borough Council's Design and Conservation officers agree that the proposal would result in substantial harm to a number of non-designated heritage assets. Paragraph 203 of the NPPF advises that that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application and this is considered in the conclusion of this report.

Ecology

204. Paragraph 180 of the NPPF sets out the Government's commitment to halt the overall decline in biodiversity by minimising impacts and providing net gains where possible and stating that development should be refused if significant harm to biodiversity cannot be avoided, mitigated or, as a last resort, compensated for. CDP Policy 41 reflects this guidance by stating that proposals for new development will not be permitted if significant harm to biodiversity or geodiversity resulting from the development cannot be avoided, or appropriately mitigated, or, as a last resort, compensated for. CDP Policy 43 states that development proposals that would adversely impact upon nationally protected sites will only be permitted where the benefits clearly outweigh the impacts whilst adverse impacts upon locally designated sites will only be permitted where the benefits outweigh the adverse impacts.
205. Darlington Core Strategy Policy CS3 requires consideration to be given to the surrounding natural, built, historic and cultural landscape and townscape including buildings, features, habitats and species of national and local importance. Darlington Core Strategy Policy CS15 states that the protection, restoration, extension and management of the Borough's biodiversity and geological network will be delivered to help achieve the target level of priority habitats and species set out in the UK and Durham Biodiversity Action Plans by: conserving, restoring and enhancing the condition of sites and areas identified as having high biodiversity and geodiversity value; ensuring that new development would not result in any net loss of existing biodiversity value; restricting or managing access and use where appropriate, to conserve an areas existing biodiversity value; protecting and enhancing healthy ancient woodland, mature trees, street trees, hedgerows and community forestry; and protecting and improving watercourses, buffer strips and wetland, incorporating integrated surface water management and food water storage, where appropriate.
206. The presence of protected species is a material consideration in planning decisions as they are a protected species under the Wildlife and Countryside Act 1981 and the European Union Habitats Directive and the Conservation of Habitats and Species Regulations 2017 (as amended). The Habitats Directive prohibits the deterioration, destruction or disturbance of breeding sites or resting places of protected species. Natural England has the statutory responsibility under the regulations to deal with any licence applications but there is also a duty on planning authorities when deciding whether to grant planning permission for a development which could harm a European

Protected Species to apply three tests contained in the Regulations. These state that the activity must be for imperative reasons of overriding public interest or for public health and safety, there must be no satisfactory alternative, and that the favourable conservation status of the species must be maintained. Brexit does not change the Council's responsibilities under the law.

207. There are no ecological designations within, adjacent or in the vicinity of the proposed site within County Durham or Darlington. The closest being Aycliffe Quarry Local Wildlife Site some 1.8km to the south west, Aycliffe Nature Park Local Wildlife Site and the Snipe Local Wildlife Site some 2km and 3km to the north west respectively. Railway Stell West Site of Special Scientific Interest is 1.9km to the north. Within Darlington the Newton Ketton Meadow Site of Special Scientific Interest is some 2km to the south east.
208. An Ecological Assessment Report, an Ornithological Impact Assessment and Landscape and Biodiversity Management Plan have been submitted in support of the application. The Ecological Assessment Report provides a baseline study of the site including the proximity of designated sites, habitats and constraints within the site. The potential impacts to protected species has been considered, including birds, bats, Great crested newts, badger, reptiles, water vole, otter and White-clawed crayfish, amphibians and reptiles. The assessment notes that there several rabbit burrows present along field boundaries and evidence across the site and deer recorded 2km from the site.
209. The site is considered to have very low suitability for bats with no trees with potential to support roosting bats that would be impacted by the proposed development, nonetheless a number of bat boxes would be installed. In terms of Great crested newts (GCN), with no waterbodies on site, the distance from other waterbodies and limited amount of potential habitat, it is concluded that the site has only a limited potential for support and other amphibians and there is a likely absence of GCN in the local landscape. The long-term, operational effects of the development on GCN and other amphibians would be positive as terrestrial habitat quality and availability for foraging and sheltering amphibians would be significantly increased. Precautionary mitigation is to safeguard GCN and other amphibians during construction and to reduce the likelihood of legal offences and a Non-Licensed Method Statement is considered to be sufficient to mitigate the very low likelihood of impact/risk associated with works affecting specific and small areas of high-value GCN habitats. Suitable reptile habitat is restricted to marginal areas in the site and suitable mitigation to safeguard suitable habitat is proposed. No otter or water vole were recorded on site, as precautionary measure buffer zones from watercourses are incorporated into the design. Given the distance from the site of suitable habitats for White-clawed crayfish, it is concluded that they are unlikely to be a constraint to development. The development is not anticipated to result in a net loss of habitat that would adversely impact invertebrates.
210. The Ecological Impact Assessment concludes that no significant adverse ecological impacts are predicted in the absence of mitigation. To reduce ecological effects and the likelihood of legal offences, species-specific and general mitigation measures are recommended. It is considered that habitat creation and enhancement proposed as part of the development would provide significant benefits to a range of ecological features and increase the biodiversity value of the Site. This includes the installation of bat boxes, bird boxes and mammal gates (specifically for badgers) alongside new woodland planting and hedgerow enhancement. The LBMP sets out a range of habitat creation measures and enhancements that would provide significant benefits to the ecological features addressed in this report and which would constitute a net gain of 62.14% net gain under the NPPF.
211. Following the completion of the Extended Phase 1 Habitat Survey, further bird surveys were undertaken in November 2020 to June 2021 the results, assessment and

mitigation are detailed in the separate Ornithological Impact Assessment. Two assemblages, breeding waders and farmland birds of conservation concern were identified as important and potential impacts upon them have been assessed. Without mitigation and depending on the time of year that works are carried out, construction has the potential to negatively impact breeding birds and foraging habitats. However, subject to appropriate mitigation, compensation and enhancement measures (off-site habitat creation and/or management is recommended to compensate for this loss), it is concluded that there would be no significant adverse effects on these features or the wider bird assemblage at the site and the proposed development is expected to provide a long-term net gain for ornithology interests within the site.

212. A Landscape and Biodiversity Management Plan (LBMP) submitted with the application, that seeks to provide benefits to the ecological features addressed in Ecological Impact Assessment and would constitute a net gain of 62.14% net gain under the NPPF. The LBMP, updated during the course of consideration of the application, seeks to addresses recommendations set out in the Ecological Appraisal and thereby aims to ensure that: ecological resources are protected during construction of the development; enhancement measures are implemented at the beginning of the operational stage of the development; and existing biodiversity resources and proposed mitigation and enhancement measures are managed appropriately during the operational stage of the development. Such measures include hedgerow maintenance, management of trees, grassland, wildflower grassland strip management, bird cover strip management, mammal gate installation, and provision of bat and bird boxes and lighting. The LBMP would be a live document and be reviewed and revised (where applicable) before and during construction, as well as during the operational stage of the development, to ensure that it remains fit for purpose.
213. Furthermore, an Outline Breeding Wader Mitigation Plan has been submitted seeks to provide a suitable proposal to enhance habitat for breeding waders off site, and provide alternative resource to compensate lost habitat and minimise potential adverse effects on the local population. This includes undertaking habitat enhancement and an area of at least 1.5ha is proposed to be set aside for seasonal habitat improvement. The area identified is located to the east of that part of the site within Darlington Borough to the south of Lime Lane.
214. Durham County Council Ecology officers have considered the proposals for both Authorities. Officers raise no objection subject to the delivery of an Outline Breeding Wader Mitigation Plan and LBMP secured through a Section 39 Agreement under the Wildlife and Countryside Act 1981. Section 39 of the Wildlife and Countryside Act 1981 enables local authorities to enter into management agreements with the owner of land for its conservation (and for other related purposes) and is regarded as a suitable mechanism for securing long term land management in relation to biodiversity net gain. A condition is not regarded as a suitable mechanism due to the minimum 30 year timescales involved and a Section 39 is more suited to ensuring long term management
215. Officers consider that overall, the proposed development would result in a net gain for biodiversity and where possible impacts on extant species are minimised using appropriate method statements and avoidance of impacts. Based on the submitted information relation ecology and air quality it is considered that the proposal would not have a harmful effect on protected species or designated habitats. Lighting details would be required to be submitted through a planning condition and it would be ensured that any lighting would be directed away from potential bat habitats.
216. The site is located within the 13km radius bird circle of the safeguarded area for Teesside International Airport. Teesside International Airport originally raised no objections subject to a planning condition relating to the implementation of an agreed

Bird Hazard Management Plan (BHMP) throughout the life of the development to ensure mitigation of increasing number of birds on site due to attractant features for nesting or feeding during construction/earthworks and on completion. Following the submission of amendments to the scheme to remove one access point to the site and the landscape and biodiversity management plan the Airport has advised that they would have no further impact on the airport's safe operations, in accordance with the CAA ADR - Aerodromes Regulation 139-2014. The Airport notes that the developer has also acknowledged that any nesting or associated debris are a concern for the developer as well, as it would substantially hinder the performance of the panels and could have health and safety implications for the maintenance team. In the unlikely event that this would occur, pest control specialists would be consulted to address the issue. The Airport advises that this would be a satisfactory solution in relation to the previously suggested condition for implementation of an agreed BHMP. As a result, Teesside Airport has no other aerodrome safeguarding objections to the proposal based on the information provided. A suitably worded condition could be applied should planning permission be granted.

217. The proposal would provide biodiversity enhancement to the site and, whilst there may be temporary displacement of ground nesting birds, appropriate nesting areas would be provided within the site and the net increase in biodiversity value would adequately mitigate any residual harm. It is considered that the proposal would not impact upon any nationally or locally protected sites. The proposal is therefore considered not to conflict with CDP Policies 25, 41 and 43, Policy CS15 of the Darlington Core Strategy and Part 15 of the NPPF in respect of avoiding and mitigating harm to biodiversity.

Flooding and drainage

218. Part 14 of the NPPF directs Local Planning Authorities to guard against flooding and the damage it causes. Protection of the water environment is a material planning consideration and development proposals, including waste development, should ensure that new development does not harm the water environment. Paragraph 174 of the NPPF advises that planning decisions should contribute to and enhance the natural and local environment by preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of water pollution. Development should, wherever possible, help to improve local environmental conditions such as water quality.
219. CDP Policy 35 requires all development proposals to consider the effect of the proposed development on flood risk, both on-site and off-site, commensurate with the scale and impact of the development and taking into account the predicted impacts of climate change for the lifetime of the proposal. All new development must ensure there is no net increase in surface water runoff for the lifetime of the development. Amongst its advice, the policy advocates the use of SuDS and aims to protect the quality of water.
220. Darlington Core Strategy Policy CS16 states that new development should protect and, where possible, improve environmental resources, whilst ensuring there is no detrimental impact on the environment, general amenity and the health and safety of the community. Development which may have an adverse impact on environmental resources should be avoided. Development proposals must include an assessment appropriate to the type and extent of impact and any associated risks to the satisfaction of the relevant environmental body. Proposals will only be permitted where the impact and risks are, or can be mitigated appropriately for the proposed use.
221. Paragraph 167 of the NPPF states that when determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk

assessment. Development should only be allowed in areas at risk of flooding where, in the light of this assessment it can be demonstrated that it incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate, and any residual risk can be safely managed.

222. The application is accompanied by a flood risk assessment (FRA) which identifies that the application site is located entirely within Flood Zone 1 this being an area assessed as having a less than 1:1,000 annual probability of river or sea flooding in any year. The FRA concludes that the use of vegetation under the PV array drip line would reduce the potential for surface water runoff related to the PV array units. The substation and transformer and inverter units would be underlain by concrete foundations and bounded by permeable aggregate. The implemented aggregate would comprise a shallow trench at the points of potential runoff to intercept any runoff emanating from the units. The residual risk of the development flooding from all sources (pluvial (surface water), fluvial (river), tidal, groundwater, reservoirs and flooding from drainage is considered to be negligible, where little or no risk is identified.
223. No water courses flow through the site. The site is in Flood Zone 1 as well as within a Groundwater Source Protection Zone 3 and Groundwater Vulnerability Area as defined by the Environment Agency. OS Mapping indicates there is a land drain running adjacent to Leehall Lane approximately 260m east of the site, emanating from the River Skerne 1.3km north-west of the site. A land drain is shown to be located along the northern boundary of the site, which serves the site and land surrounding the A1(M). The drain is assumed to emanate from the wider surrounding hydrological network associated with the River Skerne. A land drain is located approximately 100 m south of the site, serving agricultural land to the south-east of the site.
224. The owner of Rye Close Farm within County Durham have raised concerns that the current underground piping and the open ditches would be insufficient to cope with the existing water from the site and surrounding land areas, in addition to the increased runoff from the solar panels themselves. They have requested that a condition be imposed should planning permission be granted to install as is necessary, field drainage on Rye Close Farm and thereafter the drainage to the outflow, in such a manner that the field drains are left in a workmanlike condition and able to take both normal and peak flows from both the land and the solar farm as proposed.
225. The applicant does not consider that the proposed development would result in a significant increase in surface water runoff above baseline conditions given the limited hardstanding and proposed ground cover in the form of species rich grassland beneath the panels. The FRA document submitted with the planning application provides outline mitigation measures for Rural surface water drainage strategy for the management of surface water. The FRA identifies that permeable aggregate would be utilised for access tracks and PV arrays would be situated along ground contours to enable surface water to be dispersed evenly between rows. In response to the comments received from the Drainage and Coastal Protection Team and the LLFA, the applicant would anticipate the need for further detailed drainage requirements to be subject to a planning condition for the preparation of a surface water drainage strategy to be agreed with the LLFA and Council prior to construction. As the information / assurance requested by Rye Close Farm regarding surface water management would be detailed as part of the surface water drainage strategy. The surface water drainage strategy would ultimately ensure existing field drains and open ditches are routinely maintained and any additional runoff from the site as a direct result of the Development would be appropriately managed. Durham County Drainage and Coastal Protection officers are satisfied with the comments made by the applicant and as long as the developer complies with the guidance and incorporate into the strategy, officers would have no objections to the

proposal, the land would then be greenfield by definition and would need no further drainage works.

226. Durham County Council Drainage and Coastal Protection officers have considered the proposals and raise no objections. Officers advise that if the installation of the panels is in accordance with general guidance from research sources relating to drainage considerations for the construction and maintenance of varying types of solar/wind farms and also the applicant's flood risk and strategy, there should be no increase in run-off from the proposal. Should planning permission be granted then the development would be required to be carried out in accordance with the submitted flood risk assessment and a surface water drainage strategy to be required through condition.
227. The tenant of High House Farm, Brafferton, also raises concern regarding the potential for the proposed landscape planting scheme to cause the blockage of drains and gutters and be detrimental to the drainage of surrounding areas. The impact of the proposed development on field drains and open ditch management would be detailed as part of the surface water drainage strategy and would ensure that they are routinely inspected and maintained as well as how additional run off from the site as a result of the development would be routinely managed in the longer term.
228. Stockton Borough Council acting as technical advisors to Darlington Borough Council as Lead Local Flood Authority advise that that a surface water runoff solution can be achieved without increasing existing flood risk to the site or the surrounding area and raise no objection subject to conditions requiring the submission of a detailed design for the management of surface water run off from the proposed development.
229. Subject to the proposed condition being adhered to, the proposed development would not lead to increased flood risk, both on and off site, and through the use of SUDs would ensure there is no net increase in surface water runoff for the lifetime of the development. The proposal is, therefore, considered to not conflict with CDP Policy 35, Darlington Local Plan Policy CS16 and Part 14 of the NPPF with regards to flood risk.

Agricultural Land

230. Paragraph 174 of the NPPF seeks to protect best and most versatile land. CDP Policy 14 states that development of the best and most versatile agricultural land will be permitted where it is demonstrated that the benefits of the development outweigh the harm, taking into account economic and other benefits.
231. Strategy Policy CS14 states that the distinctive character of the Borough's built, historic, natural and environmental townscapes, landscapes and strong sense of place will be protected and, where appropriate, enhanced by protecting and improving the distinctive character of the countryside. In addition, protecting and enhancing the separation and the intrinsic qualities of the openness between settlements including the appearance and environmental value of Grade 1, 2, 3 agricultural land.
232. The proposed development would occupy approximately 42.3ha of agricultural land. An Agricultural Land Classification (ALC) assessment has been carried out for 41ha of the site. The assessment includes a desktop study and fieldwork analysis with the conclusion that all of the soils on the site are Grade 3b. The site is therefore not comprised of best and most versatile land. Although the development would temporarily remove a significant portion of land from arable use it would still be available for low intensity grazing. The proposal would not conflict with CDP Policy 14, Darlington Core Strategy Policy CS14 or Part 15 of the NPPF in this respect.

Recreational amenity

233. Part 8 of the NPPF seeks to promote healthy communities with a key reference being towards the protection and enhancement of public rights of way and access. CDP Policy 26 states that development will be expected to maintain or improve the permeability of the built environment and access to the countryside for pedestrians, cyclists and horse riders. Proposals that would result in the loss of, or deterioration in the quality of, existing Public Rights of Way (PROWs) will not be permitted unless equivalent alternative provision of a suitable standard is made. Where diversions are required, new routes should be direct, convenient and attractive, and must not have a detrimental impact on environmental or heritage assets. Paragraph 100 of Part 8 of the NPPF states that planning decision should protect and enhance public rights of way and access, including taking opportunities to provide better facilities for users, for example by adding links to existing rights of way.
234. Darlington Core Strategy Policy CS2 the promotion of high quality, safe, sustainable and inclusive design in all new developments requires that it would relate well to the Borough's green infrastructure network.
235. Within Durham Bridleway No. 17 (Mordon Parish) runs along a route known as Green Lane, part of the route runs through the proposed site. Within Darlington Borough there are no rights of way but Footpath No.s 9, 7 and 8 (Brafferton Parish) lie to the east, west and south respectively of that part of the site within the Borough.
236. Durham County Council's Access and Rights of Way officers have raised no objections stating no effect to any public right of way and there would, therefore, be no loss of, or deterioration in the quality of any public right of way. It is therefore considered that the proposal would not conflict with CDP Policy 26, Policy CS2 of the Darlington Core Strategy and Part 8 of the NPPF.

Other Matters

237. Network Rail advises that it has no observations to make.
238. CPRE has objected to the application made to Durham County Council. Matters raised relate unacceptable intrusion into the countryside, the appropriateness of the location, loss of agricultural land, potential impact on biodiversity, and the general amenity, especially during construction, of people such as cyclists using these roads and lack of detail transmission lines or pylons. The matters raised by CPRE are addressed in this report.

CONCLUSION

239. The proposed development would provide a significant renewable energy source using solar power sufficient to provide clean energy for approximately 8,785 homes in the County Durham area or 8,300 homes in the Darlington Borough area whilst also reducing dependence on fossil fuel power stations. This would equate to a reduction of 12,600 Tonnes per year equating to 504,000 tonnes over the proposed 40 years operating period when compared to fossil fuel power stations. Further benefits would be direct employment to the construction industry for the 6 month construction period with a project investment of circa £20 million. Local businesses would benefit from increased trade. Additional benefits of the scheme include biodiversity and landscape improvements to the site.

240. There would be some localised harm to the character, quality, and distinctiveness of the local landscape but it would not be substantial. There would be no harm to important features or views. Much of the proposed development would be well screened from public vantage points and effects on visual amenity in the locality would be low. The proposals incorporate appropriate mitigation measures to reduce adverse landscape and visual effects. Mitigation measures proposed for biodiversity would ensure that there was no net loss of biodiversity and that on balance the proposals would be beneficial. Landscape and biodiversity mitigation measures would be secured by through condition or planning obligation under Section 39 of the Wildlife and Countryside Act 1981. The site would be restored upon completion of its operational life.
241. The proposal would constitute development in the countryside resulting in a degree of landscape harm as well as harm to three non-designated heritage assets, one of which (Whinfield Farm) is within County Durham. However, efforts have been made to screen the solar arrays and from most views the visual impact would be minimal. The level of indirect harm to Whinfield is considered to be substantial and it is considered that it cannot be further mitigated with landscaping and as such this must be weighed in the planning balance. Notwithstanding this, the harm is lessened as it is temporary in nature and the traditional land use and links to the wider landscape can be reinstated on removal of the panels at the end of their lifespan. Furthermore, it is considered that the proposal offers an opportunity to contribute to renewable energy requirements and the harm can be reversed in due course. As the proposal is considered acceptable in other matters, then this temporary harm does not in itself justify refusal of this application. Having regard to the requirements of CDP Policy 44 and Paragraph 203 of the NPPF as well as the CDP Policy 33 which advises significant weight will be given to the achievement of wider social, environmental and economic benefits, it is considered that the proposed development would not conflict with CDP Policy 44, Darlington Core Strategy Policies CS2 and CS14 and Part 16 of the NPPF.
242. Furthermore, the site is not subject to active nature conservation designations, and it is not considered that there would be an adverse impact on designations close by, a view endorsed by the ecological consultees. Nor is it considered that there would be an adverse impact upon flora or fauna, including protected species. Consideration has also been given to the impact of the proposals upon recreational amenity, hydrology and hydrogeology, access and highway safety and, subject to appropriate conditions where appropriate, the impacts are considered to be acceptable.
243. The site is not best and most versatile and although it would not be available for arable production it could, to some degree, be used for grazing. Upon decommissioning the site would be restored and put into productive agricultural use.
244. There would inevitably be some disturbance and disruption from temporary construction operations for those living close to the proposed extension but for a limited six month period and suitable mitigation measures would be secured through site design and condition.
245. The proposal has generated some public interest. Concerns expressed regarding the proposal have been taken into account, and carefully balanced against the scheme's wider social, economic and public benefits.
246. The proposed development is considered to broadly accord with the relevant policies of the County Durham Plan, the Borough of Darlington Local Plan, Darlington Core Strategy and relevant sections of the NPPF.

RECOMMENDATION

247. That the application made to Durham County Council be **APPROVED** subject to the following conditions and completion of a planning obligation under Section 39 of The Wildlife and Countryside Act 1981:

1. 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.

2. The Local Planning Authority shall be given at least seven days prior written notification of the date of commencement of the development

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

3. This consent is granted for a period of 40 years from the date of this permission when the buildings, structures and infrastructure works hereby approved shall be removed and the land restored to its former condition in accordance with details to be submitted to and approved by the Local Planning Authority. The approved details shall then be implemented in full within 6 months of approval of those details.

Reason: In the interests of visual amenity, pollution prevention and reinstatement of agricultural land in accordance with County Durham Plan Policies 14 and 31 Amenity and Pollution, Policies CS14 and CS16 of the Darlington Core Strategy and Part 15 of the National Planning Policy Framework.

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

Plan	Drawing No.	Date Received
Site location plan	4003-REP-037	06/08/21
Typical PV panel section	4003-WHF-P-0001	06/08/21
Inverter/transformer	4003-WHF-P-0002	06/08/21
Security fencing and CCTV	4003-WHF-P-0004	06/08/21
Security gate	4003-WHF-P-0005	06/08/21
Access track cross section	4003-WHF-P-0006	06/08/21
Container storage units	4003-WHF-P-0007	06/08/21
Indicative temporary construction compound	4003-WHF-P-0008	06/08/21
Client substation	4003-WHF-P-0009	06/08/21
DNO substation	4003-WHF-P-0010	06/08/21
Landscape mitigation plan	4003-DR-LAN-101	28/10/21
Indicative site layout	4003-WHB-DR- PRE-0002D	28/10/21

Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with Policies 10, 14, 21, 26, 28, 31, 33, 35, 39, 40, 41, 43, 44, 48 and 56 of the County Durham Plan, Saved Policies E2, E12 and E14 of the Borough of Darlington Local Plan, 1997 and Policies CS2, CS3, CS14, CS15 and CS16 of Darlington Core Strategy Development Plan Document, 2011 and Parts 2, 4, 6, 8, 9, 14, 15, 16 and 17 of the National Planning Policy Framework.

5. Prior to the commencement of any part of the development or any works of demolition, a Construction and Traffic Management Plan shall be submitted to and approved in writing by the local planning authority. The Construction Management Plan shall be prepared by a competent person and shall consider the potential environmental impacts (noise, vibration, dust, & light) that the development may have upon any nearby sensitive receptors and shall detail mitigation proposed, as a minimum this should include, but not necessarily be restricted to, the following:
 1. A Dust Action Plan including measures to control the emission of dust and dirt during construction taking into account relevant guidance such as the Institute of Air Quality Management "Guidance on the assessment of dust from demolition and construction" February 2014.
 2. A Noise Management Plan and details of methods and means of noise reduction
 3. Where construction involves penetrative piling, details of methods for piling of foundations including measures to suppress any associated noise and vibration.
 4. Details of measures to prevent and manage pollution and to prevent mud and other such material migrating onto the highway;
 5. Designation, layout and design of construction access and egress points;
 6. Details for the provision of directional signage (on and off site);
 7. Details of contractors' compounds and parking, materials storage and other storage arrangements, including cranes and plant, equipment and related temporary infrastructure and their removal upon completion of the construction phase of development;
 8. Details of provision for all site operatives for the loading and unloading of plant, machinery and materials
 9. Details of provision for all site operatives, including visitors and construction vehicles for parking and turning within the site during the construction period;
 10. Details of delivery arrangements including details of construction hours, number of construction workers, methodology of vehicle movements between the compound and various site accesses, details of operation of banksmen, measures to minimise traffic generation (particularly at peak hours), measures to control timings and routings of deliveries and construction traffic (including abnormal loads) and pedestrian routes to the site;
 11. Details of the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
 12. Waste audit and scheme for waste minimisation and recycling/disposing of waste resulting from demolition and construction works.

13. Detail of measures for liaison with the local community and procedures to deal with any complaints received.

The management strategy shall have regard to BS 5228 "Noise and Vibration Control on Construction and Open Sites" during the planning and implementation of site activities and operations.

The approved Construction Management Plan shall also be adhered to throughout the construction period and the approved measures shall be retained for the duration of the construction works.

Reason: In the interests of protecting the amenity of neighbouring site occupiers and users from the impacts of the construction phases of the development having regards to Policies 21 and 31 of the County Durham Plan and Part 15 of the National Planning Policy Framework. To ensure that during the A1(M) motorway continues to serve its purpose as part of a national system of routes for through traffic in accordance with Section 10 (2) of the Highways Act 1981, in the interests of highway safety. In the interests of highway safety in accordance with Policy 21 of the County Durham Plan, Policy CS2 of the Darlington Core Strategy and Part 9 of the National Planning Policy Framework. Required to be pre-commencement to agree traffic movements ahead of any development and the details of the construction management statement must be agreed before works on site commence.

6. Prior to the commencement of development precise details of the colours and finishes for all buildings, fixed plant and machinery shall be agreed in writing with the Local Planning Authority and the development carried out in accordance with agreed details.

Reason: To ensure the development is carried out in accordance with the approved documents and in the interests of visual amenity in accordance with Policy 39 of the County Durham Plan, Policies CS2 and CS14 of the Darlington Core Strategy and Part 15 of the National Planning Policy Framework. Required to be pre-commencement in order to assess the appearance of the development.

7. Prior to the commencement of development precise details of the track surfaces shall be agreed in writing with the Local Planning Authority and the development carried out in accordance with agreed details. In order to ensure that no loose material is pulled onto the highway the first 12m of each access/internal road should be constructed in a sealed material (i.e. not loose gravel)

Reason: To ensure the development is carried out in accordance with the approved documents and in the interests of visual amenity and highway safety in accordance with Policies 21 and 39 of the County Durham Plan, Policies CS2 and CS14 of the Darlington Core Strategy and Part 15 of the National Planning Policy Framework. Required to be pre-commencement in order to assess the appearance of the development.

8. Prior to completion of the development a scheme to deal with birds nesting within the solar arrays shall be submitted to and approved by the Local Planning Authority and be implemented for the duration of the development.

Reason: To ensure minimal birdstrike risk and ensure no further risks due to amendments to the agreed site layout, BHMP or landscaping design that has the potential to increase the risk of birdstrikes at the aerodrome. This is in compliance with CAA CAP 772 Wildlife Hazard Management at aerodromes, CAP 738 Safeguarding of aerodromes and CAA ADR - Aerodromes Regulation CAP 139/2014. Further guidance

9. Notwithstanding the submitted information, no development shall commence until, a detailed landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The landscape scheme shall include the following:
- a. Any trees, hedges and shrubs scheduled for retention, including method of protection in accordance in BS.5837:2010.
 - b. Details soft landscaping including planting species, sizes, layout, densities, numbers.
 - c. Details of planting procedures and/or specification.
 - d. Finished topsoil levels and depths.
 - e. Details of temporary topsoil and subsoil storage provision.
 - f. The timeframe for implementation of the landscaping scheme.
 - g. The establishment maintenance regime, including the replacement of vegetation which die, fail to flourish within a period of 5 years from planting.

The approved landscaping scheme shall thereafter be undertaken in accordance with the approved details and timeframes.

Reason: In the interests of the visual amenity of the area and to comply with Policy 29 of the County Durham Plan, Saved Policy E14 of the Borough of Darlington Local Plan, Policies CS2, CS3 and CS15 of the Darlington Core Strategy and Parts 12 and 15 of the National Planning Policy Framework. Required to be a pre-commencement condition to ensure planting takes place as soon as practicable.

10. No development shall commence until a written scheme of investigation setting out a phased programme of archaeological work in accordance with 'Standards For All Archaeological Work In County Durham And Darlington' has been submitted to and approved in writing by the Local Planning Authority. The programme of archaeological work will then be carried out in accordance with the approved scheme of works.

Reason: To safeguard any Archaeological Interest in the site, and to comply with Policy 44 of the County Durham Plan Policy, Policy CS14 of the Darlington Core Strategy and Part 16 of the National Planning Policy Framework. Required to be a pre-commencement condition as the archaeological investigation/mitigation must be devised prior to the development being implemented.

11. No part of an individual phase of the development as set out in the agreed programme of archaeological works shall be occupied until the post investigation assessment has been completed in accordance with the approved Written Scheme of Investigation. The provision made for analysis, publication and dissemination of results, and archive deposition, should be confirmed in writing to, and approved by, the Local Planning Authority.

Reason: To safeguard any Archaeological Interest in the site, and to comply with Policy 44 of the County Durham Plan Policy, Policy CS14 of the Darlington Core Strategy, and Part 16 of the National Planning Policy Framework.

12. Construction operations shall only take place within the following hours:
07.30 to 18.00 Monday to Friday
07.30 to 16.00 Saturday

No operations including the maintenance of vehicles and plant shall take place outside of these hours or at any time on Bank, or other Public Holidays, save in cases of

emergency when life, limb, or property are in danger. The Local Planning Authority shall be notified as soon as is practicable after the occurrence of any such operations or working.

Reason: In the interests of residential amenity in accordance with Policies 21 and 31 of the County Durham Plan, Policies CS3 and CS16 of the Darlington Core Strategy and Parts 9 and 15 of the National Planning Policy Framework).

13. The development shall be carried out in accordance with the submitted document entitled 'Flood Risk Assessment' dated June 2021 prepared by Arcus Consultancy Services. The mitigation measures detailed with the flood risk assessment shall be fully implemented prior to development being brought into use. These measures shall be retained and maintained thereafter throughout the lifetime of the development.

Reason: To reduce the risk of flooding to the proposed development and future occupants and to ensure there is no increase of flood risk elsewhere as a result of this development in accordance with Policy 35 of the County Durham Plan, Policy CS16 of the Darlington Core Strategy, and Part 14 of the National Planning Policy Framework.

14. No development shall commence until a scheme for the provision of surface water drainage works have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be developed in accordance with the Councils Sustainable Drainage Systems (SuDS) Adoption Guide 2016. The development thereafter shall be completed in accordance with the details and timetable agreed.

Reason: To ensure that surface is adequately disposed of, in accordance with Policies 35 and 36 of the County Durham Plan, Policy CS16 of the Darlington Core Strategy and Parts 14 and 15 of the National Planning Policy Framework. Required to be a pre-commencement condition to reduce the risk of flooding to the proposed development and future occupants and to ensure there is no increase of flood risk elsewhere as a result of this development.

15. All vehicles leaving the site shall be sufficiently cleaned in order to ensure that mud, dirt, and treated or untreated waste is not transferred onto the public highway.

Reason: In the interests of residential amenity and highway safety in accordance with County Durham Plan Policies 21 Delivering Sustainable Transport and 31 Amenity and Pollution, Policy CS16 of the Darlington Core Strategy and Part 15 of the National Planning Policy Framework.

16. In the event that the solar farm is inoperative for a period of 6 months or longer, a scheme for the restoration of the site, including the buildings, structures and infrastructure works, dismantling and removal of all elements, shall be submitted to and be approved in writing by the Local Planning Authority not later than 12 months following the last export of electricity from the site. The approved scheme shall be carried out and completed within 6 months of approval of the scheme.

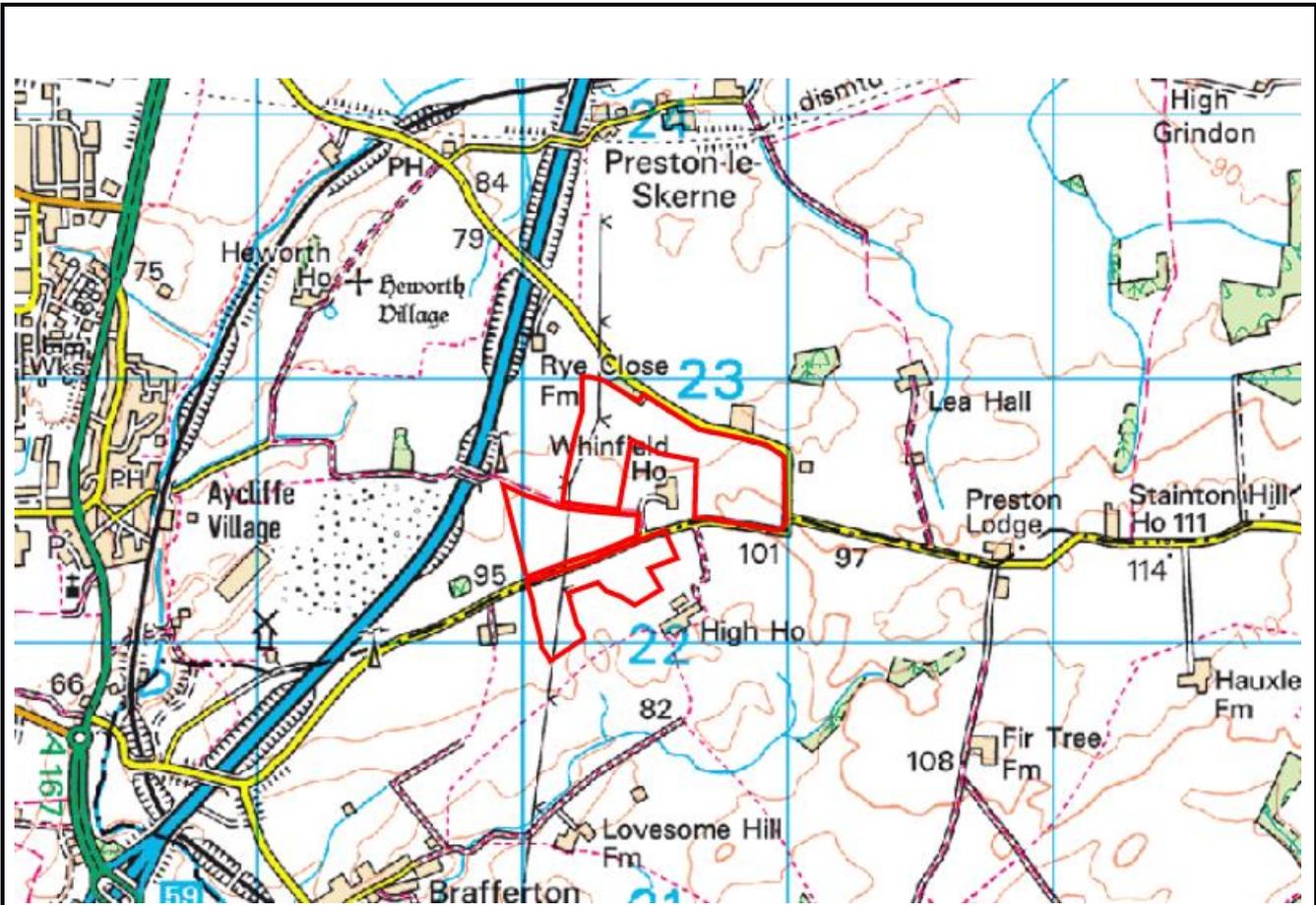
Reason: In the interests of visual amenity, pollution prevention and reinstatement of agricultural land in accordance with County Durham Plan Policies 14 and 31 Amenity and Pollution, Policies CS14 and CS16 of the Darlington Core Strategy and Part 15 of the National Planning Policy Framework.

STATEMENT OF PROACTIVE ENGAGEMENT

In accordance with Article 35(2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015, the Local Planning Authority 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.

BACKGROUND PAPERS

- Submitted application form, plans, supporting documents and subsequent information provided by the applicant.
- The National Planning Policy Framework (2021)
- National Planning Practice Guidance notes
- County Durham Plan
- Borough of Darlington Local Plan
- Darlington Core Strategy Development Plan Document
- Emerging Darlington Local Plan 2016 – 2036
- EN:1 Overarching National Policy Statement for Energy (published in July 2011)
- EN-3 National Policy Statement for Renewable Energy Infrastructure (published in July 2011)
- Draft Overarching National Policy Statement for Energy (EN-1) (September 2021)
- Draft National Policy Statement for Renewable Energy Infrastructure (EN-3) (September 2021)
- Statutory, internal and public consultation responses



Planning Services

DM/21/02816/FPA

Installation of a solar photovoltaic array/solar farm with associated infrastructure (Cross boundary site with Darlington Borough Council)

Land West, North and East Of Whinfield Farm, Brafferton, DL1 3LE

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Comments

Date
November 2021

Scale Not to Scale

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