



## **County Planning Committee**

**Date      Tuesday 4 January 2022**

**Time      9.30 am**

**Venue    Council Chamber, County Hall, Durham**

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### **Business**

#### **Part A**

##### **Items which are open to the Public and Press**

1. Apologies for absence
2. Declarations of Interest
3. Minutes of the meeting held on 7 December 2021 (Pages 3 - 46)
4. Applications to be determined
  - a) DM/21/02468/FPA - Former LG Philips Site, Belmont Industrial Estate, Durham (Pages 47 - 64)  
Erection of 9no. B2/B8 blocks together with associated car parking and service areas
  - b) DM/21/02336/FPA - Hulam Farm, Hutton Henry, Hartlepool (Pages 65 - 86)  
Construction of underground electricity cables and associated infrastructure to connect Hulam Solar Farm (DM/19/03959/FPA) to the existing substation near Hart in Hartlepool
5. 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  
22 December 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

**DURHAM COUNTY COUNCIL**

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

**Present:**

**Councillor G Richardson (Chair)**

**Members of the Committee:**

Councillors D Boyes, C Hunt, P Jopling, C Martin, B Kellett, P Molloy, A Simpson and S Zair

**1 Apologies for Absence**

Apologies for absence were received from Councillors A Bell, J Higgins, C Marshall, M McKeon, B Moist, I Roberts, K Shaw and S Wilson.

**2 Substitute Members**

Councillor B Kellett as substitute Member for Councillor I Roberts.

**3 Declarations of Interest**

There were no declarations of interest.

**4 Minutes of the meetings held on 7 September and 19 October 2021**

The minutes of the meetings held on 7 September and 19 October 2021 were confirmed as a correct record and signed by the Chair.

**5 Applications to be determined**

**a DM/21/01500/WAS - Land north of Hitachi Rail Europe Ltd, Millennium Way, Aycliffe Business Park, DL5 6UG**

The Committee considered a report of the Principal Planning Officer regarding an application for the construction and operation of a high temperature thermal treatment facility for clinical and hazardous wastes on land north of Hitachi Rail Europe Ltd, Millennium Way, Aycliffe Business Park (for copy see file of Minutes).

The Chair informed the Committee that the two local Members, a representative from Great Aycliffe Town Council and eleven others had registered to speak in objection to the application and one had registered to speak 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 the supporter of the application would be afforded up to twenty-eight minutes to speak.

C Teasdale, Principal Planning Officer provided a detailed presentation which included a site location plan, aerial photograph of the site and site photographs.

Christine Walton of Great Aycliffe Town Council addressed the Committee to object to the application.

Since the application was submitted April, the Town Council and ELG Planning Consultants had been reviewing and digesting the information that was originally submitted, along with the additional documents that had been submitted throughout the process. This had been quite an undertaking, however the Town Council knew it was important to understand the planning implications as best it could and ensure that all matters were fully considered in making representations.

A detailed letter of objection was submitted by the Town Council in September raising significant and justified concerns with the proposed development and conflict with the recently adopted Local Plan. The letter made reference to hundreds of comments by members of the local community, including residents, businesses and nearby community uses. It was telling that these were not simply proformas, but individual letters of concern. The local community was overwhelmingly against the proposal.

These concerns remained and Ms Walton summarised them, having regard to the three main objectives of the planning system, namely economic, social and environmental.

Referring to the economic objective, Durham County Council had very recently adopted their new Local Plan, which was prepared over a significant period of time. Now it had been adopted, the aim was for it to provide a degree of certainty to the residents and businesses in Durham as to the location, type and scale of future growth.

As identified in the original consultation response from the Council's Spatial Policy Team, the site and surrounding area was allocated for B1, B2 and B8 uses under strategic Policy 2. The purpose of Policy 2 was to provide opportunities for sustainable economic growth, with Merchant Park

specifically highlighted in the supporting text as being able to deliver further growth and investment within the sector and wider benefits to Newton Aycliffe and County Durham as a whole.

This positive outlook for the Merchant Park site reflected the evidence base that was prepared by the Council to inform the new Local Plan, which identified Merchant Park as the highest scoring site out of a total of 84 sites in the entire County. With a high score, of 29 out of 30, recognising the site's close proximity to existing employment, an available workforce and complementary services and facilities. This development may not help that.

As confirmed in the submitted planning application form and Committee report, the development proposed would provide a total of just 27 jobs, many of which would be specialist, compared with a site area of 2 hectares and a total floor space of 5793 square metres. This broke down to just 1 job per 215 square metres of floorspace on land that was the highest ranking employment site in the entire county. To put this into context, a typical B1 employment use would generate approximately 579 jobs over the same floorspace. This proposal was simply not an efficient use of high quality employment land.

Therefore in terms of the planning system's economic objective, any benefit was very limited and certainly did not meet the aim of the recently adopted Local Plan, which was to deliver further growth and investment and wider benefits to Newton Aycliffe. On the contrary, this development would remove the opportunity to deliver high quality employment opportunities which Durham had tried hard to deliver in the past in this area.

Referring to the social objective, a key aim of the planning system was to provide strong, vibrant and healthy communities, by fostering a well-designed and safe built environment that supported communities' health, social and cultural well-being. This was reflected at a local level in Policy 31, which resisted development where it would result in an unacceptable impact on health and living, or working conditions.

The amount of letters of objection demonstrated that the local community was of the strong opinion, as was the Town Council, that the proposed development would result in significant harm and not make any form of positive contribution to the local community. The Town Council had reviewed the submitted documents and not been able to identify any real benefits to the local community. Even if any could be identified, these would have to be very significant to outweigh the local harm identified and remember only 27 jobs were being created after construction.

Overall, the planning system's social objective was not fulfilled by the development. On the contrary, the weight of local objection raised

demonstrated the long term harm that would be caused to the local community, which was significant in size, and that would have to continue with their day to day lives alongside the ongoing operation of the high temperature incinerator.

Referring to the environment objective was the impact of the proposed development on the environment, most notably air pollution. Whilst reference had been made about elements of the proposed operation being controlled through an Environment Agency Permit regime, the environmental impacts of the development remained absolutely relevant to this planning decision, with planning concerning itself with the management of land uses and the associated impacts of development.

There had been hundreds of concerns raised by residents by the introduction of the incinerator within such close proximity of housing, businesses and community facilities. To have the proposed use in close proximity to where you live or work would not be welcomed. Concerns had been raised in respect of there being very limited research on the long term health impacts of the pollutants generated by the development, leaving a very real risk and health concern for a large number of people.

There was also concern that a significant part of the applicant's justification was the incineration being the only available option as opposed to recycling or alternative treatment options. The waste that needed to be incinerated could come from as far as Scotland although this had been denied. Again, this was not meeting a local need nor improving local living standards. In a location where life expectancy levels were already well below the national average, everything should be done to improve living standards, not harm them.

Overall the development delivered very little in terms of benefits to the local community. In contrast, the proposal would adversely impact on the economic objectives of the plan; the social objectives of the plan; and the environmental objectives of the plan.

The conditions placed on the proposal read as if this is an outline application where many elements could still be changed. Why lose such a valuable employment site and introduce such significant adverse impacts on the local community for no local benefit?

Ms Walton considered that the planning balance was clear, and the application should be refused

Councillor Neville Jones, local Member addressed the Committee to object to the application.

Councillor Jones informed the Committee it was obvious from the list of objectors that there was considerable opposition to the application, not surprisingly with Aycliffe Village lying a short distance to the west, Heighington Village lying to the east and the Chestnuts housing estate and various small farmsteads also very close by.

The plant planned to dispose of medical and hazardous waste by incineration with large HGV's delivering between 6am and 10pm. However, once the business was up and running Councillor Jones expressed concern that there would be a further application to increase the volume of trucks arriving and the original 15 or 20 trucks a days would soon double or even triple. This would add to the constant hum of the plant working as well as light pollution from lit bays, vehicle headlights and there would be actual pollution from vehicle exhaust emissions as well as the unsightly 30m chimney which would be visible for miles around.

Councillor Jones also registered his opposition to the development on the basis that it undermined Policy 60 of the County Durham Plan through directly undermining the strategic goal of waste reduction at source and recycling, it failed to comply with the Climate Act 2008 and the National Planning Policy Framework by increasing direct carbon emissions into the atmosphere, temperature transitions during operation may create plumes of pollutants that would impact on people and wildlife down-wind and the development would create a direct impact on the habitat of a species protected by the Wildlife and Countryside Act, 1981.

County Durham and the north east region was currently giving consideration to multiple incinerators which collectively represented a considerable increase to the incineration capacity of the region. These would all be commercial facilities that would increase competition within the regional and national market for the incineration of waste, so driving down the cost of waste incineration. This came at a time when there was a need to increase levels of reuse and recycling with the purpose of reducing residual waste and promoting recycling. The strategic objective of waste reduction and recycling was directly undermined by developments such as this which made treatment of waste by incineration a cheaper option and as such would be in contradiction to Policy 60 of the County Durham Plan.

The National Planning Policy Framework set out a positive approach to secure radical reductions in greenhouse gas emissions. It was made clear that decisions should be taken in line with the 2008 Climate Change Act, where the intention was to reduce carbon dioxide emissions by 34% by 2020 and 80% by 2050.

This application was contrary to the NPPF requirement, as the facility would incinerate the waste, the bulk of which would be converted directly into CO<sub>2</sub> thus contributing to carbon emissions at a time when these needed to be reduced to tackle the world's climate crisis.

High temperature incineration was an effective means of reducing pollutants from flue gasses, but Councillor Jones concern was that the facility may not always run at high temperature, as it would periodically need to be switched on and off. During the cooling and heating periods plumes of pollutants could be blown downwind and might include particulate matter, metals, acid gases, oxides of nitrogen, carbon monoxide, as well as organics and various other materials present in medical wastes, such as pathogens, cytotoxins, and radioactive diagnostic materials.

The County Durham Plan did not forecast a need for any hazardous or clinical waste incineration capacity within the Plan period. Indeed, the opposite was the case as it was now forecasting a surplus of clinical waste transfer capacity over the Plan period.

Councillor Jones then asked the Committee to consider what was being offered to local residents as a result of the proposed development. The proposed plant was offering only 27 new jobs which was a paltry return for the massive loss of amenity residents would suffer and the possible health risks if the scientists had got their calculations wrong.

Councillor Atkinson, local Member, addressed the Committee to object to the application.

The site description in the Committee report gave the site proximity to residential habitation between 840 metres to Heighington and 1 km to Newton Aycliffe. The distances were important but what was more important which was not mentioned was the workers in the factories within that range and the 30,000 plus people living just beyond.

The report mentioned the 10,500 metric tonnes of waste to be burned every year. It also mentioned that the proposed facility would produce 2,000 tonnes of ash per annum. Councillor Atkinson presumed, therefore, that the flue gases after treatment in the afterburner, would emit the other 8,500 tonnes as exhaust through the 100 foot flue into the atmosphere to join with the clouds, mix with water droplets and pepper spray the thousands of residents with whatever cocktail remained, not to mention hydrate the flora and fauna in the environment with whatever atomic mix it cooled in to.

Councillor Atkinson asked what exactly the proposed plant would be burning. The report referred to clinical waste produced by the industrial and healthcare sector. The industrial point was important, as this could be

absolutely anything. The report also stated that the proposed plant would take liquid waste that required treatment and inject it into the heat treatment process and Councillor Atkinson asked whether this would be before, or if, there was a check to find out whether it was blood, urine samples, beer or water. He asked why use the word liquid rather than being specific. It was words like this, along with spurious planning notifications, that conjured up suspicion within the public.

The report outlined the so-called benefits of the proposal, with the benefit of the creation of 27 full time jobs. However, the report also mentioned that Percy W Stephenson, a large kitchen company and employer within skipping distance of the proposed plant, objected to the application on the grounds it would destroy recruitment and employability prospects. Hitachi Rail, who were on the same site, had concerns that the submitted air quality model did not take into account the Hitachi Rail facility and the potential impact on the 600 plus employees within their site.

The Friends of the Darlington and Stockton Railway had expressed concerns that the application made no reference to Policy 45 of the County Durham Plan or to the Historic Environment Audit of 2016.

Great Ayckliffe Town Council, with a full compliment of 30 Town Councillors, 5 of whom were also County Councillors, had objected saying that the development brought no discernible benefits to the community, failed to demonstrate a need and certainly not to a sufficient level to outweigh the significant adverse impacts and complaints.

Heighington Parish Council stated that residents of the nearby estate, The Chestnuts, despite being only 80 metres away, had not been consulted. They also brought into question the suitability and competence of the site operator saying Formax was a young, inexperienced company founded in 2019 with minimal experience in this field. The Parish Council also questioned the financial holdings of Fornax Finco from a statement of capital dated 16 June 2020 being GDP of £1 and added a question about the experience of the Fornax Environmental Director claiming no visible track record of this kind of business.

The report stated that all waste would be tracked through a dedicated tracking system and Councillor Atkinson questioned what this actually told us. He considered it told nothing at all and it was cleverly placed words such as these that invited people to answer their own questions when the applicant should be saying exactly what it did.

There were 286 objections to the application, together with a petition. This was a clear statement of discontent. Residents were concerned by the

questions which could not be answered, namely what was in the emissions and how safe they really were.

Time had its own way of diluting safe working practices with accidental quality errors and regulation oversight and these were the hidden dangers which were feared and risks residents were being asked to ignore.

There was no historical data provided that had measured and stated clearly that these unknowns would not be harmful over the lengthy period this plant would burn. Councillor Atkinson asked how many pregnant mothers, young children, disabled and elderly would be at risk.

Councillor Atkinson also asked what effect the particles would have in the soil once they landed and seeped in. What would be the damage to the biological chromosomes in food grown for sale at market and who would continuously check this? Pouring hazardous waste emissions into the air could only compound the threat faced from climate change.

Too often ordinary people were assured that things were safe when it was not certain and that they should not be concerned, when in fact they should.

The negatives in the residents concerns undoubtedly surmounted the implied benefits for this location. Councillor Atkinson asked that the Committee voted against the recommendation to approve the application.

Councillor Ken Robson, Member for an adjacent ward addressed the Committee to object to the application. There had been a lot of technical detail put into the application, much of which had been dissected by various people who were in attendance to object to the application.

Councillor Robson informed the Committee that he did not want this proposed plant in his back yard. Councillor Robson represented people in Newton Aycliffe and in County Durham and did charity work in the area and not a single person had expressed support for the proposed development. Nobody wanted it for the people of Newton Aycliffe, nor for their families and children. There was nothing in the application that gave the impression the proposed incinerator would be a safe unit, from the management to the financial aspects of it. There were many questions which were left unanswered. Councillor Robson asked why the location had been chosen in the middle of several prominent settlements such as Heighington, Aycliffe Village, Redworth, Shildon, School Aycliffe, Newton Aycliffe, Darlington, Rushyford and Chilton and why not on the coast or in the dales where wind dispersal would break down the emissions.

Nobody in Newton Aycliffe was in favour of the proposed plant, moreover some businesses had shown concern and it may discourage other businesses locating to the area.

The County Council was looking to invest in schools, public walkways and cycle paths to promote healthy living. There were major concerns from local people for the local environment and ecology. It was presumed the height of the emissions stack was an indicator that the focus of the plant was to distribute any waste into the upper skyline to carry away particles from the site. Presumably weather conditions would also determine where the particles would fall to the ground or be inhaled by local residents. It had recently been revealed that Durham County Council was in collaborative talks to build a £2bn incinerator on Teesside which may make this proposed plant unnecessary. Councillor Jones considered that a decision on this application should be refused until further details of talks on the Teesside plant were concluded.

Councillor Eddy Adam, Member for an adjacent ward, addressed the Committee to raise objections to the application in support of the many Newton Aycliffe residents and businesses who had raised real concerns about this application.

Councillor Adam asked I would ask the Committee to consider nearby sensitive receptors. He believed that there had been insufficient consultation or communication with the local community. Nearby residential housing estates "The Chestnuts" was only 840m away and School Aycliffe West Division residents, were just over 1000m away from the proposed development. Yet the Committee and Councillor Adam had received numerous messages and objections from residents who were unaware of this hazardous waste incinerator development site.

The variety of pollutants emitted from this site, had the potential to increase levels of toxins, poisons and increase CO<sub>2</sub> in the air, adversely impacting on these residents, this also included businesses and local educational establishments such as Hitachi, UTC South Durham and Little Cubs Day Nursery.

Councillor Adam referred the Committee to the National Planning Policy Framework. NPPF Part 14 related to meeting the challenge of climate change, the planning system should support the transition to a low carbon future in a changing climate, it should help to shape places in ways that contributed to radical reductions in greenhouse gas emissions. This facility did not radically reduce greenhouse gases but had the potential to significantly increase green-house gases and pollutants into the atmosphere through the process of burning waste and fossil fuels, therefore not meeting this requirement.

The submission made a number of assumptions on emission limits and values. Rather than rely on assumptions, it was important that facts on the plants emissions were provided and the indications were that incineration had an adverse impact on local environments and ecosystems.

A key assumption in the application was that the waste heat would save CO<sub>2</sub> emissions. Gas, a fossil fuel used in this process was not a move away from high carbon forms of heating and burning should be considering electrical heating. Therefore, by using a more carbon intensive form of energy to incinerate these materials would make it difficult for the County's CERP plan to meet Government targets and the County's on climate change.

In summary Councillor Adam was of the view that the proposed development offered more negatives than positives. It would fail to bring any substantial benefits to the local community, had failed to demonstrate the need for the development at this location and did not provide sufficient level of benefits to outweigh the significant adverse effects on the climate and air quality. Councillor Adam recommended that the Committee reject the application.

Councillor Michael Stead, Member for an adjacent ward addressed the Committee to object to the application.

Councillor Stead informed the Committee that it couldn't risk residents in the County losing the opportunity to get hundreds of new jobs and couldn't risk existing jobs either.

Aycliffe's Industrial Park provided jobs for ten thousand residents, many of whom were local residents. Thousands of staff worked at Hitachi, which was right next to the proposed site.

The land being proposed for development should be providing hundreds of jobs, however the incinerator would offer just 27. This would be a pathetic misuse of 2 hectares of prime employment land.

The application risked people's health, took away prime employment land and breached many of the policies in the County Durham Plan including Policy 2.

The County Plan was clear at paragraph 4 point 35 where it stated "This 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."

This application would take a fifth of the available land allocated for thousands of jobs and give just 27 in return. It would put at jeopardy the Hitachi site and future development.

The application also breached County Durham Plan Policy 86, which covered the location of new waste facilities. Policy 86 was very clear. That a new waste facility was not acceptable if it adversely impacted existing strategic employment sites. The policy stated that waste sites were not considered appropriate unless there were no unacceptable adverse impact on the site's specific use.

If the application was approved it would put at risk the industrial park, the jobs already there and the thousands of potential jobs this strategic site had been created for.

Councillor Stead asked the Committee to refuse the application using Policies 2 and 86 and any others considered appropriate. High quality jobs could be brought to this area instead of ruining it for generations to come with a dirty incinerator.

Penny Jackson, local resident, addressed the Committee to object to the application.

Ms Jackson had lived in Newton Aycliffe for 21 Years. Newton Aycliffe was one of Beverage's 'New Towns', which were proposed to be 'the best of town and country' giving residents who had previously lived in mining communities and other industrial areas a chance to have a garden of their own and to live in a healthy pleasant environment.

Ms Jackson informed the Committee that her grandparents were some of the first residents of Aycliffe and after living in various places in the UK she returned to live there. Like many others she had invested in making a home for her family in an area where she thought they would have a good quality of life and feel safe.

Aycliffe residents had lived for years with the impact of their town Centre being owned and managed by a company based in another part of the country. Empty shops, high rents and a general disinterest in the community had been the legacy left to them.

This was one of many reasons why Ms Jackson was really worried about the Committee giving approval for an incinerator in the area. Giving responsibility for such a potentially dangerous building to a company which had dubious qualifications and motives and no ties to the local area would become a management problem for the Local Authority and the people of

Aycliffe at a time when public resources and services were already at breaking point.

Local businesses had invested in the area to provide employment in retail, manufacturing, and much needed amenities such as nurseries, conference facilities, colleges, restaurants, and leisure facilities. Because of these businesses, Aycliffe was finally beginning to improve in terms of services and employment. Sadly, many businesses had stated they would relocate if the incinerator was approved, as they were concerned about the health of their staff and customers.

In terms of risk, The Greater London Authority commissioned a study into the health impact of waste facilities and found that causal effects of congenital heart defects and genital abnormalities amongst babies born in the surrounding area of these plants could not be ruled out. Research into newer incinerators had also found that it may take several years before evidence could be gathered in relation to cancer, as the minimum induction period for solid tumours was 10 years.

In a social media group, residents had discussed the incinerator and the fact that they did not want it in Aycliffe. However, many people had said that they would not write to the planning department or come to the Committee to object because 'it was a done deal', and the Committee had already made up its mind. Ms Jackson asked that the Committee prove them wrong and show that Aycliffe mattered to Durham Council just as much as Durham City and other areas of the County.

Eileen Brewis, a resident of Heighington Village addressed the Committee to object to the application.

In their Waste Market Analysis, Fornax made no mention of the impact of recycling efforts under the national policy to move waste up the Waste Hierarchy. Ms Brewis argued that the consequences of recycling must be considered in any assessment of waste destined for incineration.

Evidence of the success of this policy could be seen in everyday life. Supermarket chains were now working to achieve reductions in waste.

Members of the Committee may have noticed widespread changes to packaging for example. In addition, they had collection bins for soft plastics which were not accepted by Local Authorities, for example bread and crisp packets, plastic bags, cling film.

It seemed that a tipping point or watershed was being reached, whereby re-use and recycling were considered the norm. In the same way that smoking

in public places, once regarded as perfectly acceptable, was now unthinkable, it seemed that the same pressure was coming to bear on waste.

The NHS was also committed to reducing waste. The Northumbria Healthcare Trust now recycled masks at hospitals in Northumberland and North Tyneside. They had installed a special machine, which melted the masks and other items down for use in new products.

Thus, technologies were being developed now which would take waste away from incinerator plants.

The knock-on effect must be to render existing incinerator plants surplus to requirements. Fornax would say that none of that makes a difference to their application, because they would only incinerate materials which legally must be incinerated. The point is that there would be existing incinerators in the region whose feedstocks were reducing, and which would need to find waste from other sources. These existing plants would therefore have the capacity to take the waste destined for Fornax's plant by adapting their processes, if necessary.

In the light of the Spatial Policy Team's statement that there was a need for local incineration capacity which was not built into DCC's plan, Ms Brewis believed there was a very strong case for an urgent review of existing capacity and projections of waste, taking into account the drive to comply with the waste hierarchy. Fornax's application gave a one-sided analysis, crucially avoiding any assessment of the effects of recycling. The Spatial Policy Team considered that the proposed plant would not prejudice movement up the waste hierarchy. Taking a very narrow view, this might be correct. However, given that existing incinerator plants would need to seek other sources of waste to burn as quantities of waste plastics etc reduced, we may well end up in the same situation as Copenhagen where large quantities of recyclable materials were burned in order to keep incinerators fed. This would prejudice movement of waste up the hierarchy, contrary to Policy 60 of the Durham County Plan.

An appeal concerning an application for a new incinerator in Kent was rejected by the Secretary of State because the new plant would conflict with the National Planning Policy for Waste by putting at risk the achievement of revised recycling and composting targets in the Kent Minerals and Waste Local Plan. Ms Brewis asked Durham County Council to do the same.

Carl Robinson addressed the Committee to object to the application. Mr Robinson informed the Committee that he was an Aycliffe Village representative on Great Aycliffe Town Council.

Aycliffe Village lay in the path of the prevailing winds from the proposed incinerator. Aycliffe Village also had a primary school where children

representing the next generation were educated. This made Aycliffe Village a beautiful area but also high risk area for residents.

There had been 27 incidents in the last 20 years in the UK relating to escapes from waste facilities, more than one a year, which was one too many to those exposed to the escape.

At each of the planning application meetings relating to these waste incinerators the relevant councillors were advised to accept the application as the criteria complied with environments permitting regime and the facilities would not have escapes. The resultant escapes made it clear that promises were made by applicants but in reality they were lying. For example in 2002 a fully approved facility in North Shields, operated by Distillex where an estimated 200 litres of toxic methylene chloride fumes leaked from a distillation unit. Residents had to stay indoors and keep windows and doors closed until the gas dispersed out to sea.

This application must be rejected by the Committee as Mr Robinson was sure it did not want to be the authority that authorised a facility to be built and operated that had the possibility to cause catastrophic harm to local residents.

As elected representatives the Committee had a responsibility to the electorate to protect their health, safety and welfare and by approving this application it would be failing to protect the current and future generations of the 30.000 people who were residents of Newton Aycliffe, Heighington, School Aycliffe and Aycliffe Village. These residents were all in the possible fallout area of a toxic escape from the planned incinerator which had happened at 27 other facilities approved as compliant to the environments permitting regime.

David Storry addressed the Committee to object to the application. Mr Storry focussed his objection around the market needs for the proposed incinerator. There had been many figures produced by consultants to try and evidence there was sufficient waste to be dealt with but there was not.

The majority of the waste this plant would be targeting and on which the environmental argument was based was to do with the Northern Consortium which was the group of hospitals that were based in the north east and would generate the waste which in theory would be going to the proposed plant. Less than half the plant's capacity would be generated by the Northern Consortium which did not generate sufficient high temperature incineration waste to get anywhere close to filling the proposed plant. Therefore the waste had to come from other areas of the country to make the economic and operational viability of the plant work, which scuppered the environmental argument of trying to reduce waste miles.

The operators who collected waste would always prioritise taking the waste to their own facilities over a third-party commercial site. Mr Storry had 19 years' experience of working in the clinical waste business and was the commercial director and clinical lead for the Northern Consortium from 2007 until 2015. His figures were not based on assumptions or compliance reports, this was information he dealt with day in, day out. In the last 15 years the Northern Consortium had reduced the amount of waste that went for high temperature incineration by over 30% and Mr Storry could not see how the economic argument of the need for the proposed plant could be justified.

Mr Storry referred the Committee to the case of Eurocare, a company that collected clinical waste from the Northern Consortium. They were an operator that did not have credibility or any experience which resulted in pictures of clinical waste trailers dripping blood into the River Tyne based at Wallsend which the local authority had to deal with. The credibility and relevance of the people who would operate this plant had been massively overlooked.

John Longley addressed the Committee to object to the application. The planning application, starting with filling out the form through to tenuous claims about waste demand for the incinerator and how clean the air would still be during operation was misleading to say the least. For example on the planning application form, in reply to the question 'Will you be using and storing hazardous waste?' the response was no, whereas in fact the applicant would be storing at least 14 days waste all the time, in a storage area three times the size of the actual plant which would use hazardous waste as fuel to produce the energy for the heating system.

The applicant stated they would be providing this energy from waste to supply the adjacent businesses on the industrial estate, however no details of which businesses had agreed to buy this energy had been supplied nor were there any detailed plans for how this will be done, Fornax would not supply the information

The applicant stated there would be no impact on traffic through residential areas. However, the applicant had stated when questioned at a public meeting they have no control over the routes the third party contractors would take.

The applicant had stated the waste would come from a 50-mile radius of the plant whereas they were actively seeking business from Scotland, Humberside and South Yorkshire which was well outside the 50 miles radius. If there was such a demand in the north east then why go further afield?

The applicant had stated that the environment agency, who would police the facility and shut it down if it breached emission values, would be given access to their CEMS live data 24/7 whereas in fact the environment agency had not been asked, nor do they know anything about it, nor would they want 24/7 access as they considered it would be a cyber security risk.

The applicant stated that the environment agency had the power to shut the facility down for breaches of their permit. However, in Croydon for example, there had been twenty serious breaches in a fifteen-month period and no action had been taken against the operator.

All of the applicants claims about the application had been researched and proven wrong and when questions had been asked that were awkward or detrimental then the applicant did not answer them and relied on disingenuous statements.

In concluding, Mr Longley informed the Committee that in 2001 the United Nations Commission on Human Rights stated that everyone has the right to live in a world free from toxic pollution and environmental degradation. People of Newton Aycliffe demanded that right.

Hilda Longley addressed the Committee to object to the application.

Ms Longley informed the Committee that the thought of the incinerator being built at Newton Aycliffe was causing great stress.

Ms Longley was stressed about the outcome of the incinerator, but more fearful as this would not only effect her family, but hundreds and thousands of people around the area of Newton Aycliffe and beyond who would have to live with the 30 metre or higher stack belching out toxins into the environment effecting all living structures in its wake.

Ms Longley informed the Committee that she had been in a situation where she had not been able to breath, and it was frightening. If the incinerator was built the air would not be fresh, the right to breath clean air would be gone if the Committee approved the construction of the incinerator.

Many people young and old would not be able to open the door, window, go for a walk to revitalise their chest and lungs, as the air would be toxic, and if not immediate, over the long term, ill health, mental and physical would follow. It was people's opinion and feelings that the people who worked and lived in the vicinity of the incinerator, the receptors, were been used as research tools as the applicant stated that "Unlike substances, such as nitrogen dioxide, which have shorter, acute effects on the respiratory, dioxins/furans and dioxin like PCBs (Polychlorinated biphenyl) have the potential to cause effects through long term, accumulative exposure. A

lifetime is the conventional period over which such effects are evaluated. A lifetime is evaluated at 70 years"

Ms Longley had asked how this would affect certain people with a respiratory condition but had not received any answers from the applicant. Public Health England still awaited answers to high significance questions regarding population and health.

Many scientist had raised concerns about the health effects of living in the vicinity of an incinerator. Regarding toxins the population was additionally fearful about the number of unknown toxins of nanoparticulates.

Ms Longley asked Committee to reject the application by Fornax and restore the equilibrium of business and the communities of Newton Aycliffe and surrounding areas.

A representation had been received from Keith Noddings in objection to the application. Mr Noddings was unable to attend the meeting and had requested his representation be read out to Committee. Ian Croft, Senior Committee Services Officer read the representation as follows:

*Unfortunately, due to work commitments, addressing the committee would not be possible for me, however I would like the following to be read to the committee.*

*As a resident, with a young family, of The Chestnuts estate, School Aycliffe, I think it is disgusting and shameful that this application is being recommended for approval by DCC.*

*There are over 700 objections from residents (including the petition). There are numerous businesses objecting to this on grounds either on behalf of their own business or their workers. There are still residents in the area who do not know about the proposed development as demonstrated by the most recent objection reported on the portal only last week. There are only 2 responses in favour, one of which has a vested interest in the planning being approved. Yet DCC conclude this application is beneficial for the local economy/residents despite it being built 840m from School Aycliffe, 1000m from Heighington, metres away from a children's nursery, metres away from a college, metres away from swimming leisure facilities, metres away from primary schools, metres away from farms, all of whom have objected on various grounds. It is creating minimal jobs, increasing traffic levels, which in turn will naturally increase pollution levels, even before you raise arguments over the polluting effects of the incinerator. So much for democracy!*

*I'd also like to point out that the site and the chimney will be seen, especially at this time of year as you drive on the A6072 towards Heighington and on*

*School Aycliffe Lane, as you can clearly see the adjacent Hitachi site. It is incorrect to say it will be hidden by existing cover.*

*The DCC statement regarding property values being affected by a number of factors is indeed correct, but I can provide further clarity on this. Investing in local schools, parks, leisure facilities and amenities, would have a positive effect on house prices, building a hazardous waste incinerator would have a negative effect. The clue is in the title.*

*On a final point, if the committee have ever walked around the Industrial estate they will know at times the air stinks. This development will not provide any reduction to the air pollution already in existence and will only add to it.*

*There may well be a market need for this development, but surely the committee can see that this development should not be built so close to all the above for all the reasons local residents and businesses have stated and on that basis this application should be rejected.*

*Hoping common sense prevails*

Simon Greaves of Castellum Consulting addressed the Committee on behalf of the applicant in support of the application.

Work had taken place over the past nine months or so to prepare the comprehensive application which officers had recommended for approval. Mr Greaves outlined the compelling need for the facility, why the location was chosen, what it would achieve when operational, how it would be funded and managed, and the benefits it would bring.

The north east region, centred on County Durham, had a shortage of facilities to process the specialist wastes which were generated in the area, specifically clinical and hazardous materials. These were materials that could not be recycled, and which must, by law, be treated at very high temperatures to ensure their safe destruction. These arose from settings such as hospitals, GP surgeries and care homes.

These materials were collected by specialist waste contractors and taken by road outside of the region, the majority travelling for well in excess of two hours, much of it as far afield as the south coast of England for final disposal. This meant that their disposal attracted a huge carbon footprint from transportation on lorries, and the region was exporting the problem of managing its own wastes.

The application was for a specialist facility where a significant proportion of these wastes could be safely and sustainably treated locally, dramatically

cutting the carbon footprint of the county's waste. The applicant commissioned analysis of the waste market need in the region which had been independently verified and confirmed as accurate by the County Council's Spatial Policy Team which confirmed that there was easily enough to fill the facility.

The site was located on Merchant Park to the south of Newton Aycliffe, immediately north of the Hitachi Rail facility. Constructive and supportive discussions had taken place with the senior team at Hitachi focused on a good working relationship, including in relation to possibility of the low carbon heat network to serve Merchant Park which formed part of the application. The choice of location gave excellent access for the modest vehicle numbers to reach the site from the A1 without passing houses, all along high quality roads. Traffic levels would be substantially lower than the industrial uses for which the site already had planning permission. This had been corroborated by Council highways officers as highlighted within the planning officers report.

Merchant Park was comprehensively visually screened by mature woodland on three sides and by Hitachi to the south. The Council's landscape officers had confirmed that the design and location of the facility was acceptable. All activity would take place inside a purpose designed building of a smaller scale than the Hitachi factory, and which would be finished in colours sympathetic to the location.

The facility would be the subject of an intensive management regime with deliveries being secured through loading docks. All the waste being processed would be within the locked confines of the building itself. None would be processed or stored outside the facility. Treatment of the wastes would take place in an enclosed system using heat between 1000 and 1400 degrees Celsius. This would ensure complete and safe destruction of the materials.

All that would be left after treatment would be an ash that would be either recycled or disposed of safely. Gases from the process would be scrubbed, cleaned, and then emitted, in a safe and constantly monitored manner, from the flue. Running the plant would not raise noise levels at sensitive receptors and no offensive odour would be generated.

Operational regulation of the proposed facility would be carried out by the Environment Agency through an Environmental Permit which it would require to operate the facility. The applicant had held enhanced pre-application discussions with the EA which confirmed that the air quality assessment process had been robust and appropriate. The Agency had confirmed in writing that they did not object to the planning application. Via the

Environmental Permit, the EA would regulate air quality, noise and odour and the applicant intended to provide access to real-time data from the facility.

Planning law stated that planning permission should not seek to duplicate the controls that the EA would provide, and this was helpfully restated within the Committee report. The Council's Environmental and Public Health teams had also confirmed that they had no objection, along with all other statutory consultees.

Although the primary purpose of the facility was the safe disposal of specialist wastes, the applicant was determined to make it as sustainable as possible. As a result, they proposed to recover all waste heat. This would be used to heat and cool the office accommodation, and for cleaning and sterilising containers within the facility. The substantial amount of remaining heat would be made available through a heat network that the applicant would install within the Merchant Park industrial estate.

Legal rights had already been secured with the landowners to facilitate this. This went substantially further than the majority of comparable projects, which generally just offered to make heat available at the boundary of their site. This would facilitate provision of low carbon heat to businesses throughout the estate. In addition, the applicant intended to install a large solar array on the south facing roof.

The development was funded by Gresham House, who were leaders in sustainable infrastructure investment and who managed local authority pension funds. This was an exemplar facility which would form the showpiece in a network of new facilities across the UK to ensure more local and high-quality treatment of specialist wastes.

In conclusion, the facility would provide a high quality safe modern disposal option which dramatically reduced carbon miles through the local treatment of wastes, the provision of high-quality employment opportunities and apprenticeships, and would facilitate educational tours to the facility focused on the sustainable generation of energy. There was a compelling need case for the facility which would operate in a safe and environmentally friendly manner whilst facilitating the delivery of low carbon heat to the surrounding Merchant Park. No statutory objections had been received by the County Council, and the applicant welcomed the recommendation to approve the application made to the Committee.

Councillor Boyes referred to demand for the facility and asked whether any figures were available to demonstrate the level of demand. Simon Greaves replied that part of the application was the needs assessment report within which consideration was given to two sectors, both the healthcare sector and the industrial sector which covered the hazardous waste part of the

application. The applicant was reassured by the evidence within the report that there was ample demand for the facility within a two-hour drive time of the site. Mr Greaves added that the applicant was not in competition with conventional incinerators which handled domestic or commercial waste.

Councillor Martin drew attention to Paragraph 111 in the report which discussed the Environment Agency's concerns about the 30 metre stack height comparative to the size of the building which might reduce the air quality because of air flows and recommended a condition on how the gasses were processed. The Conditions recommended in the report stated that the stack had to be 30 metres in height and Councillor Martin sought confirmation that the stack was definitely going to be 30 metres high and not extended because of the concerns of the Environment Agency. Simon Greaves replied that modelling for the facility took account of the shape and size of the building which included the 30-metre-high stack. The enhanced pre-application discussion with the Environment Agency was to ask them to review the modelling which had taken place and confirm whether it was appropriate. The Environment Agency would finally determine the acceptability of the height of the stack as the facility progressed and if at that stage they disagreed with the acceptability of the height they would not issue a permit unless a higher stack was constructed. In that event the applicant would have to seek further planning consent to raise the stack.

The Principal Planning Officer informed the Committee that she had listened to the representations made and considered that the issues raised had been addressed in the report to Committee. The issue of the suitability of the site in terms of employment land, Policy 2, was addressed in the report and did not preclude this type of development on the site as long as it didn't prejudice other business uses on the site.

Paragraph 380 of the report raised the issue of objectors, including local businesses raising concerns about the environmental impacts of the proposal. All of these issues had been considered and it was concluded that there would not be a prejudicial effect. This had been considered by technical specialist advisers.

Other issues such as ecology had been considered and no objections had been received from statutory consultees. All of the issues raised had been addressed comprehensively in the officer report to Committee.

N Carter, Planning and Development Solicitor reminded the Committee it must determine the application based on planning merits and that the weight of public opposition in itself would not be a reason for refusal. The Committee had heard various concerns expressed about the identity of the operator and this was not a material consideration. Guidance was clear that the Committee must assume regulatory regimes which were in place would

operate satisfactorily which included the environmental permitting regime operated through the Environment Agency. Some objectors had referred to human rights particularly the right to respect for family and private life and the right to peaceful enjoyment of possessions and property. These were both qualified human rights which meant they could be interfered with insofar it was in accordance with domestic legislation and was proportionate. If the Committee was minded to approve the application it could do so without there being any unlawful interference with human rights.

Councillor Martin considered it was difficult to object to the application on environmental grounds because it had to be taken in good faith that the Environment Agency would do its job properly, that the Planning Officers had done their job properly and had done their research. While Councillor Martin did not want to live in a world with incineration waste needed to be dealt with and he was what the solution was currently. Councillor Martin's concern was about the industrial estate and jobs. While he wanted development on industrial estates and more jobs he had to question whether this was an acceptable use of the land. The Planning Officer had referenced the industrial estate was earmarked for uses of B1, B2 and B8 and pointed the incinerator as having a link to B2 as a general industrial use. Councillor Martin referenced the Town and County Planning Use Classes Amendment Regulation 2020 which reorganised some of the use classes and made clear distinctions regarding B2 General Industrial use. It stated that incineration could not be classified as B2. Councillor Martin **moved** that the Committee reject the Planning Officers recommendation for approval on the basis that the incinerator was not a suitable place in the industrial estate under Policy 2, the industrial estate was for classes B1, B2 and B8.

The Principal Planning Officer drew the Committees attention to Paragraph 187 of the report which stated that the proposed use was a *sui generis* use. It was not stated that the application fell within B1, B2 or B8 but Policy 2 of the County Durham Plan stated that those allocations of B1, B2 and B8 and also said that other uses could be considered as long as they didn't prejudice the allocated employment sites in the rest of the industrial estate. This was considered to be a *sui generis* use and under the terms of Policy 2 it was considered this would be an acceptable use on this site.

Councillor Martin reiterated his point that the reclassification in the 2020 Regulation stated that B2 excluded incineration and believed his point still stood that the industrial estate had a classification for B1, B2 and B8. Objections and concerns had been received from businesses on the industrial estate, including Hitachi, which stated this facility could harm their business and there was a case for going against Policy 2 in terms of harming the use of the industrial estate.

Garry Gray, Technical Director, Air Quality and Permitting, AECOM informed the Committee that material which had been submitted regarding emissions to air and associated risks to health had been reviewed and the methodologies had been compared to what was normally required by the Environment Agency. AECOM had worked through the calculations and underlying assumptions and Mr Gray conformed that they held up to the standard which was usually expected, they covered the right material and the methods were appropriate and the conclusions were justified by the calculations behind them.

Councillor Boyes recognised that this was a very emotive application and informed the Committee he had listened intently to all representations made. Councillor Boyes did not consider Councillor Martin's grounds for refusal to be a valid planning objection and much of what had been presented to the Committee were not planning issues. The Committee had to put its trust in the Environment Agency and Public Health. There were economic benefits to the proposal and Councillor Boyes moved the Planning Officers recommendation that the application be approved.

The Chair sought further representation from the Committee. None was forthcoming so the Chair sought a seconder for Councillor Martin's motion that the application be refused. Councillor Zair seconded refusal of the application. The Chair sought clarity from Councillor Martin on what grounds he moved the application be refused.

Before Councillor Martin provided such clarification, the Senior Policy Officer was asked to comment. He advised that most waste management uses fell outside of the B2 use class and were *sui generis*. Policy 2 required such uses not to be prejudicial to other B uses. Hitachi was operational and the proposal would not impact on allocation of other land and would not compromise the strategy to deliver more and better jobs. The proposed use was not materially different from other industrial estate uses and waste uses already in place.

Councillor Martin clarified that he was not objecting to the application for environmental reasons. He was objecting to it because Policy 2 classified the industrial estate for B1, B2 and B8 uses. Under the Town and Country Planning Use Classes Amendment Regulations 2020 which came into force on 1 September 2020 class B could not be used for incinerators.

N Carter advised the Committee that he was not sure that the particular categorisation of this use, whether it was inside or outside of the Class B use classes made any difference. It was not a use the Council said was within any particular use class, which was why it was being considered as a *sui generis* use.

Upon a vote being taken it was

**Resolved:**

That the application be refused on the grounds that it is contrary to the allocation of the site in Policy 2 for employment uses and would prejudice the delivery of B uses in the future.

The Committee went into recess for five minutes. Councillor Zair left the meeting.

**b DM/20/03722/FPA - Sheraton Hall Farm, Sheraton, Hartlepool, TS27 4RD and DM/21/02333/FPA - Sheraton Hall Farm, Sheraton, Hartlepool, TS27 4RD**

The Committee considered a report of the Senior Planning Officer regarding applications for the installation and operation of a Solar Farm together with all associated works, equipment and necessary infrastructure and construction of underground electricity cables, and associated infrastructure to connect to the proposed Sheraton Hall Solar Farm at Sheraton Hall Farm, Sheraton, Hartlepool (for copy see file of Minutes).

C Shields, Senior Planning Officer provided a detailed presentation which included a site location plan, aerial photograph of the site, site layout of the Solar Farm and cable route and site photographs.

Mr Richard Irvine, Chair of Sheraton and Hulam Parish Meeting addressed the Committee to object to the application on behalf of the Parish Meeting. Mr Irvine informed the Committee he was representing the residents of Sheraton village and the outlying communities.

Mr Irvine provided the Committee with an understanding of the problems that the community already faced.

In 1964 Durham County Council gave permission for the A19 Trunk road to plough its way straight through the centre of the village, instead of taking the eastern by-pass route, around the outskirts, and across the very fields into which today, this applicant was seeking to place hundreds of solar panels. This one act alone robbed houses of their front gardens, robbed communities at each side of the new dual carriageway road with the ability to mix and communicate freely, robbed children of their freedom to roam, provided noise levels which had gradually increased to excruciating levels over the intervening years, and provided traffic chaos for its residents on a scale which was hard for anyone to imagine, not to mention the dangerously high toxic levels of lead pollution which the community had to endure no more than a few yards from its front doorsteps. Added to this was the fact that as

the years moved on the local services were severely curtailed. The milkman, who was a regular everyday visitor, stopped his milk deliveries as it became too unsafe to manoeuvre in the village, followed by the newspaper delivery agent, who stopped their deliveries for the same reason, and then on top of that the local bus service through the village was discontinued, as it was considered too dangerous to pick up passengers and then to re-join the A19 traffic.

County Council officials visited Mr Irvine a few months ago at his request as Chair of the Parish Meeting to discuss what improvements could be made to the village in the way of general maintenance. The officials could not commit to sending any of its workforce to the village to undertake any work, on the grounds of it being too dangerous to work at such close proximity to the A19 dual carriageway.

Residents only release from the chaos of having three thousand heavy trucks and cars an hour, at peak times, ploughing through the village was to seek refuge away from the village itself in exercise walks down the lane to the west of the village and between the village and the B1280. This facility had been made more important in the last 24 months during the pandemic.

Residents were now faced with the possibility that this tranquil rural setting, which had provided solace and sanity, with unbroken views of stunning countryside, and with wildlife encounters that many in town areas could only dream of, was going to be devastated, by the installation of hundreds upon hundreds of solar panels, turning the entire area into one of an industrial wasteland.

It was important that the Committee considered what was happening around Sheraton Village. There was, within a 5-mile radius of the village, no fewer than 41 wind generating turbines and numerous associated power lines and within two miles a recently approved solar farm at Hulam covering 200 acres and costing in excess of £20m. Within one mile of the village was Hartmoor Power Station with its £24m conversion, Worset Lane Solar Farm a further cost of £20m, and in addition new housing developments on the outskirts of Hartlepool costing £50m. This was well over a £114m all within a 2–3-mile radius of Sheraton, either under construction or granted permission to proceed.

To now put forward a further scheme for an additional 77 hectares of Solar Panels around the village was more than any small community could reasonably be expected to tolerate.

Residents of Sheraton were not anti-solar as many of them understood the need for alternative sources of power and the reduction of carbon footprint, but what they objected to was the choice of a beautiful rural setting, which

surrounded a vibrant community like Sheraton, with what at the end of the day could only be adequately described as an industrial invasion when there were many sites within the industrial heartland of Teesside that would be far more suited to this type of activity, and raise far fewer objections than this scheme had.

Mr Irvine placed the scheme into perspective. When completed the proposed scheme would cover all 115 football pitches in the Premier League, the Championship League, and League 1 of the National Leagues. That was some level of saturation and was on top of a scheme covering almost 200 acres already agreed upon, in the Parish of Sheraton with Hulam, at Hulam itself.

It was noted that the proposed scheme had a small number of supporters, but many more objectors. However 95% of supporters resided well outside of the Sheraton community and in some cases 30 miles away. The overwhelming majority of Sheraton residents did not want to see any part of this scheme developed.

Many of the village residents were now retired and chose Sheraton Village as their final dwelling to see out their final years and as such valued their leisure time in retirement, valued their village, valued their community spirit, but most of all valued their countryside and the pleasure derived from their surroundings. No number of amendments to this scheme by the applicant would placate the worries and fears residents had.

Durham County Council in their Durham Landscape Strategy clearly stated when it deals with the subject of understanding and conserving the diversity of the Durham County landscape, that 'Diversification of the rural economy is critical to the future of rural communities but brings its own challenges in terms of the scale and types of development appropriate to rural landscapes. The most sustainable forms of diversification are likely to be those which are closely associated with farming and forestry and which do not detract from the rural character of the countryside. It went on to point out that one of its main objectives was 'To encourage sustainable forms of farm diversification that respect the character of local landscapes.'

This scheme, in its entirety, did not respect the character of the landscape, in fact, just the opposite. It turned it into an outlook of complete industrial development and showed no respect whatsoever to either individual or wild animals living within its boundaries. Mr Irvine felt sure that had the applicant put forward a plan to cover the entire area with forestry, there would be very few within the community who would object and, what's more, look at the benefits that that would create for the climate.

The landscape report clearly stated at point 111, that landscape officers had 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 was 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 could not be adequately mitigated.

While studies had been carried out in relation to this application on the effects on wildlife habitat, birds, traffic flow, glint and glare and environmental impact, no study had been carried out on the effect that the scheme would have on the residents of Sheraton Village.

Mr Irvine then looked at the plight of those families that live on the outskirts of the village.

The Rixown Kennels community, which was situated on the corner of the B1280 and Hurworth Burn Lane had until now enjoyed unbroken views in all directions, as had the residents of East Grange Farm and the surrounding properties. Both dwellings would, if this application was allowed, be faced with solar panels either all around the property in the case of Rixown residents or be faced with looking onto a bankside which was covered from top to bottom with solar panels. No amount of tree and shrub planting would placate the owners of these properties, as the level of undulation of the land made it impossible to adequately reduce the visual impact on them.

With reference to the occupants at Rixown, there was major concern surrounding this application. These properties gained their running water from a deep well which was sunk into the fields where this development was to take place and should there be any damage to these panels then dangerous chemicals stored within the panels could very easily seep into the water course. These risks were enormous and had to be given a high level of priority during the Committee's deliberations. Despite the fact that these concerns had been raised with the applicant nothing had been done to placate the concerns of these residents on this issue.

Referring to East Grange Farm and the nearby West Grange Farm the applicant had done nothing in the way of amendments to understand or diminish the concerns of these homesteads in the subject of glint and glare from the panels and in the case of East Grange Farm did not even include them in the original visual impact considerations. Whilst that initial omission had now been rectified there were no amendments or considerations to their plight.

The applicant had stated that they had consulted fully with the local community. Mr Irvine informed the Committee that this was not the way residents saw it. The communication with residents had been nothing short of woeful, partly due to Covid restrictions, but many of the individual questions which had been asked directly of the applicant remained unanswered. In the area of the applicants attempt to amend the scheme in order to placate concerns, the amendments that were applied were only to an area known locally as the “Wet Lands” and were, without doubt, sacrificial areas included within the first application. These fields were always going to be far too wet and unstable to support the infrastructure required to assemble these panels on, and always had been. To remove them from the second application and then suggest that they had attempted to placate the residents’ concerns was simply misleading.

National Planning Practice Guidance notes issued in 2014 stated that when considering ‘Large scale ground mounted Solar PV developments’ that the considerations would include ‘the effective use of land by focusing large scale solar farms on previously developed and non-agricultural land, provided that it is not of high environmental value’.

There was adequate previously developed land that was ‘non agricultural’ in the region that was not of high environmental value and would be far better suited to this type of development than the beautiful rolling countryside surrounding Sheraton village.

The applicant had recently pointed out that a major part of their consideration of the land at Sheraton was because of the close proximity of the Hart Moor power station to the scheme, which meant that the costs in linking to the National Grid were significantly reduced. This was not an adequate or acceptable reason for placing this solar scheme in Sheraton Village, and defacing the countryside and there were many alternative sites that would be far more suitable to this type of scheme.

Guidance notes for Local Planning Authorities stated that when dealing with solar applications, the authority should approve small scale renewable developments, provided their impact could be made acceptable.

Local residents would argue that this was most certainly not a small-scale development. In fact it would appear to be one of the largest developments of its kind in the country, and when the cumulative effect of the already approved Hulam scheme was taken into consideration, its impact on the visual enjoyment of the area could never be made acceptable.

The entire proposed scheme was to be surrounded by 3 metre high post and wire fencing, with CCTV cameras positioned at various points, very similar to that around prisons. Couple this to the fact that there would be hundreds of

3 metre high panels within the fields, no fewer than 7 substations, 14 transformers with 14 invertors alongside, a substation alongside the B1280 with a monitoring building, a spare parts building and adjoined toilets this would appear industrial.

This scheme was described as a temporary structure with a total life of 40 years, and the applicant went to great lengths to explain how the entire system would be de-commissioned in years to come. 95% of the residents of Sheraton would never see this scheme de-commissioned and would have to live with the inconvenience of this visual blot on the landscape, not to mention the impact that it would have in de-valuing their property, for the rest of their lives.

On a further point, it was highly likely that technological developments would leave solar PV systems way behind in terms of energy production in future years, as further developments in renewable energy came to the fore, and there was great concern that the decommissioning process could very easily leave this land in an unusable state for years to come. The panels were constructed with some of the most dangerous materials known to man, and as already mentioned, residents were extremely concerned that if these panels were to break down and leak, these dangerous chemicals would make their way into the watercourse.

Last week it was announced that a further hydrogen power production plant was to be built on the redundant Redcar steel works site, and Rolls Royce were shortly to develop mini nuclear power stations which would be capable of producing infinitely more power from a small station than this proposal ever would and produce it 24 hours a day, 365 days a year. This would be the future of power development in the country in the not-too-distant future, and not solar farms, which spoiled the landscape and were at best only partly efficient and not particularly cost effective.

Mr Irvine urged the Committee to strongly consider the devastating effect this scheme would have on rural life and to reject the application.

Councillor Rob Crute, local Member, addressed the Committee in opposition to the application.

Councillor Crute informed the Committee he wished to make it clear thT he was not opposed to solar generated power. However he was opposed to any form of development in the wrong location or where it had an unacceptable impact on local residents and the settled community, which was the case in this particular application.

Councillor Crute informed the Committee he would refer to a number of general points raised by residents from Sheraton, and then link them to the

relevant material planning policies. Following his comments some of the residents themselves would like make further representations in more detail on the location and visual impact of the development, focussing specifically on problems associated with glint and glare coming from the development:

The first point related to energy generation. The applicant stated in their application that the proposed solar installation would generate enough electricity to power 9,444 typical homes and save approximately 9,771 tonnes in CO<sub>2</sub> emissions per annum. However there was no evidence to back this up. The loss of so much agricultural land or the disposal of the panels had not been taken into account to balance this assessment. The fields at the proposed site already provided vital energy in the form of food. The DCC Local Plan referred to sustainability of food production and losing another 160 acres to solar went against this commitment.

There were a couple of unanswered questions arising from this point, would each panel be in place for 40 years or would they be replaced and has this been taken into consideration, and would the solar installation provide this electricity 365 days per year, or was the applicant relying on the diesel generated back-up engines at Hart? What was the real source of the energy in this context?

In the past couple of months over 20 energy companies had gone out of business. Given this, how could there be any certainty that the applicant would exist in 20 or 40 years time. The scrap market was volatile and these panels may become worthless. Government strategy was already moving to smaller scale nuclear facilities, making this type of electricity provision potentially redundant, thus the company, even if it still existed, would not be in a position to fund the decommissioning. Councillor Crute requested that as a condition an assessment of the cost of decommissioning should be made prior to any construction and funds supplied by the applicant in the form of a bond to cover the full costs of decommissioning to protect DCC and the landowner/s from liability should the panels be left to rust in the fields.

If the panels did not produce energy for a set period of time Councillor Crute asked whether it would be stipulated that that they were removed.

The land proposed for development was privately owned. DCC's own policy was that priority for solar developments should be given to brown field sites and land that was Council owned. There were currently another three similar applications within County Durham, all of which were on privately owned land. Provision already existed within the Town and Country Planning Act 1990 to compulsorily purchase land for the public good. Given the scale and momentum of these applications, the position of any further applications should balance the needs of developers, landowners and the general public. Schemes such as this, if done fairly, on Council owned, on brown field sites

could generate substantial sums to level up deprived areas within County Durham.

The proposal must be seen within the wider context of over 400 acres of agricultural land already lost to solar generation at nearby Hulam and Hart. There would undoubtedly be a substantial cumulative effect when development was completed. The Council for the Protection of Rural England did not object to the solar installations at Hulam or Hart but had submitted objections to this scheme because the landscape was different and the countryside would be damaged. The network was surrounded by miles of 3 metre fencing and all the infrastructure that went with it. Taken as a whole, this development would completely industrialise this beautiful, unspoilt countryside. The community at large must be protected from this and all future thoughtless developments. Therefore, in terms of the applicant's application for cabling, Councillor Crute asked that if any of the proposal was granted, strict stipulations regarding the size and capacity of the cabling infrastructure were considered.

Residents in Sheraton felt that the applicant had not properly engaged with the community. Councillor Crute had been informed by residents that they had ignored emails and basically run roughshod over people's genuine concerns. To make matters worse, residents felt that the proposal offered no benefit to the community whatsoever. Sheraton was a small community of mostly older people who entered into discussion willingly and with open minds. Demographically the community was vulnerable because of the age of residents, most of whom would not live to see the projected end of the scheme in 40 years' time. They were vulnerable because they did not enjoy equitable access to amenities such as broadband, shops or even streetlights and they were mostly on their own when it came to crime. For the people living here, the countryside was the only amenity and to effectively consign residents to living in the middle of a solar power station was grossly unfair. The applicant was doing this at this location simply because they could.

County Hall was currently positioned on land that was flat and well screened. If a scheme like this would not be good enough in the centre of Durham City then it was not good enough in this location either.

Councillor Crute referenced the points raised to planning policies, namely NPPF 15 – conserving and enhancing the natural environment, Policy 14 – the best and most versatile agricultural land and soil resources, Policy 31 – amenity and pollution and Policy 39 – landscape. Councillor Crute drew attention to County Durham Plan Policy 39 which stated 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 high landscape value will only be permitted where it conserves and where appropriate enhances the special qualities of the landscape unless the benefits of the development in that location clearly outweigh the harm.

Finally Councillor Crute drew the attention of members to the statutory responses in the report. Sheraton with Hulam Parish raised concerns with regard to the proposed solar farm, classification of the proposed land, landscape and visual impact, glare, effects on wildlife, security, land drainage and flooding.

As for the public responses, 19 letters of objection had been received raising the issues of landscape harm, loss of open countryside, visual impacts, health risks associated with panels and contamination, nearby heritage assets, flood risk and water quality.

The Council for the Protection of Rural England objected to the application noting that the site would be highly visible from a number of locations and views are available into the parts of the site within the Area of High Landscape Value.

Concern had also been raised regarding the proximity to the Hulam solar farm site and it was considered that the sequential cumulative impact was an important factor. The application was not in an appropriate location, from a visual point of view, and CPRE consider that it would have a detrimental environmental impact, whatever the social or economic impacts may be.

In closing his representation, Councillor Crute drew the Committee's attention to the images he had circulated last week which illustrated the devastating impact that natural elements could have on developments of this nature. For comparative purposes the proposed solar farm at Sheraton was in a more exposed and elevated location and the potential consequences of constructing a solar farm at this location were there for all to see. Councillor Crute urged Committee members to take these comments into consideration before they came to a decision on the application. He hoped he had provided sufficient evidence, both in planning policy terms and on behalf of residents in Sheraton, to guide the Committee towards refusing the application on the grounds set out here and elsewhere by other organisations and members of the local community.

Richard McCabe addressed the Committee to object to the application.

Residents of Sheraton were shocked to learn of the proposal to house nearly 200 acres of solar panels on neighbouring fields in Sheraton.

The aggressive scale of the presentation would have a hugely damaging effect on the countryside for years to come and would blight the prime gateway route into Hartlepool in a serious way. While cheap and green energy generation and new investment was welcomed it should not be at the cost of a valued amenity, the countryside.

It was not fair that Sheraton should be shouldering the load of so many major developments close by, with this one alone being close to £20m, when there were plenty of more suitable locations elsewhere on backland, scrub, disused industrial quarries and airfields. Prime five star rural amenity land of great scenic value should be the very last choice.

Mr McCabe asked whether this scheme was a proper use of rural land, was it well suited, was it correct, was it apt and was it right for this location.

Developments close to Sheraton Village in recent months, to which residents had not made objection included Hulam Solar, Worset Lane Solar, Hartmore housing and Hart Power Station at a total value circa £100m, plus 4 giant wind turbines, all within 1 mile of Sheraton.

This application failed on the applicants own stipulations, namely that sites should be flat, this site was undulating, concealed behind trees and hedges, this site required much screening, away from historic monuments.

In conclusion residents of Sheraton Village refused to be collateral damage in this misplaced and badly conceived planning application. This scheme in its present form was wildly excessive and badly located and Mr McCabe asked the Committee to refuse the application.

Judith Booth, resident of Sheraton Grange Farm which was one of the homes adversely affected by the proposed development addressed the Committee to object to the application.

Ms Booth agreed with all that had been presented by other speakers and believed the application was contrary to policy. The development would result in the loss of 150 acres of food production and this went against the county's commitment to sustainability in food production.

The land was not flat. PV3 was on the side of a hill and screening would be impossible. The development would industrialise the landscape and would not conserve or enhance. This was a valued landscape which must be protected and enhanced in accordance with NPPF. The Council's own landscape report recognised this harm.

There would be cumulative, sequential damage to the whole area. The Independent Newspaper raised this cumulative harm in August 2021 under

the heading “Sun City”. CPRE did not object to Hulam but they did object here.

The countryside at this location was the only amenity. Local people would be further harmed in their own homes and gardens through unacceptable glint and glare impact.

Health and safety concerns had not been addressed. The applicant had ignored residents about water, ignored emails and no health and safety impact assessment had been done.

There were no benefits to the residents, or the wider community and Ms Booth urged the Committee to reject the application.

Nicol Perryman addressed the Committee to object to the application. Ms Perryman informed the Committee that she grew up at Sheraton West Grange Farm was representing her family and nearest neighbours. She was a Chartered Planner and had spent around half of her career as a renewable energy consultant.

As such, it pained her to have to object to this application because she supported the principle of solar development, but the landscape and amenity harm arising from the Hurworth Burn Road field in particular, which was 12 hectares of the 77 proposed, lead to valid material considerations that could not be outweighed by any benefits.

Due to the topography of this hillside, with a height differential of 17 metres, the landscape officer had identified landscape harm that she had stated could not be adequately mitigated for. Photographs demonstrating this field's visual prominence were displayed for the Committee.

It was important to consider that at no point had the Council's landscape officer stated that she has no objection. She had identified that the proposals would be prominent and visually intrusive from the areas in the photographs displayed and would lead to significant alterations and residual landscape harm. The inability to screen this significant harm, alongside part of the site being within the Area of Higher Landscape Value, meant that not only could the proposals not preserve and enhance, there were no appropriate measures to mitigate the basic adverse effects on this valued landscape, all of which was contrary to Policy 39 and Section 15 of the NPPF.

Ms Perryman had provided the Case Officer with her professional view on the shortcomings in the glint and glare assessment throughout and the report was now at version three, but it remained unsatisfactory. Members of the Committee needed to be aware of the following matters of fact:

- A highly impacted receptor, which required mitigation, receives 30 hours per year of solar reflections. The assessment confirmed that Sheraton Grange Farm breached this threefold and could receive over 93 hours of “yellow glare” per year. This had the potential to cause a temporary after image. Whilst the Environmental Health Team had no objection to the first version of the assessment, this was because the report completely overlooked the properties at Sheraton Grange Farm and excluded them from the assessment, whilst also downplaying other effects. As such, no properties received a high impact in this report. The Environmental Health Team had provided no follow-up comments.
- The council’s independent reviewer was not provided with the entire assessment and therefore made factually incorrect statements, such as, “It is likely that the Landscape Plan sufficiently closes out the impacts, but this was not received for review”
- The mounting systems had not been taken into consideration, which was contrary to the new Draft National Policy Statement EN-3.
- The applicant would say that panels were designed to absorb and not reflect, and that an anti-reflective coating was sufficient mitigation in the absence of screening, but it was not. The assessment had already factored this in. The company whose modelling software was used in the assessment cautioned users that “The oft-repeated claim that PV panels reflect less than 5% of sunlight only holds true when the panels directly face the sun. For fixed-mount panels, this claim only applies during a few minutes of the day, at most.”
- The most recent version of the report claimed that all of the properties receiving a high impact could tolerate this effect because it was no more distracting than the sun when it sat low in the sky. This was contrary to their own methodology and entirely unevidenced given the times of day these effects would actually occur, not to mention that this response was insulting to the environmental protections that this Council’s residential amenity policies sought to respect.

Glint and glare was a material planning consideration by virtue of national planning policy and Members had a legal obligation to consider this seriously. The applicant had failed to appreciate the topography of this part of the site and therefore had not recognised that the high impacts identified cannot be mitigated through screening or any other method. This would therefore lead to an unacceptable impact on living conditions, which was contrary to Policy 31.

In summary, the proposals were contrary to Policies 39 and 31 of the County Durham Plan and Section 15 of the NPPF and Ms Perryman requested that Members endorse the material planning issues and policy conflicts raised today and refuse the application.

Richard Turner of Lightsourcebp addressed the Committee in support of the application. Mr Turner informed the Committee that he was an Environmental Planner at Lightsourcebp.

Mr Turner asked the Committee to support the planning application for a solar farm at Sheraton Hall Farm which would produce competitively priced dependable clean energy for businesses and communities.

Lightsourcebp was a global market leader in the development, identification and long-term management of solar projects and smart energy solutions. The site, which had been carefully selected, was not positioned within or adjacent to any designated landscapes or areas designated for ecological sensitivity nor was it an area at a high risk of flooding. It had good connection to the grid network which was essential for any renewable energy project and was entirely comprised of lower grade agricultural land.

Council officers had provided a comprehensive assessment of the application, which was recommended for approval. Mr Turner highlighted key benefits:

- The project would help the Council achieve its vitally important renewable energy targets. These were supported by Policy 33 of the Development Plan and the Council's Climate Emergency Response Action Plan.
- The development would avoid 9,700 tonnes of carbon emissions every year which was a substantial reduction, the equivalent of taking over 5,300 family sized cars off the roads.
- Contributing towards the government's net zero commitments and obligations in the recently published Net Zero Strategy which brought forwards key targets so that by 2035 all electricity would need to come from low carbon sources.
- The development would provide over 2,510 linear metres of new hedgerow and 6,571 square metres of woodland planting. In addition to this biodiversity benefits across the site would secure at least a 22% biodiversity net gain.

The proposal represented a substantial investment into the area, supporting the important ambition to level up the region. The solar installation design would allow livestock to graze, retaining the lands agricultural use.

The Todd family who farmed the land at Sheraton Hall had said that farming faced an uncertain and challenging future. For them, diversifying with Lightsourcebp would provide the business with the security it desperately needed. The family was also very pleased the land would retain its agricultural link with the grazing of sheep and at the end of the term the land would return to its original agricultural use.

There were no statutory objections and the Council's landscape and ecology officers had not objected to the proposal. Lightsourcebp believed it had engaged extensively and had invited key elected stakeholders, all households and businesses within a 1-kilometre radius to an engagement event which was also advertised in the local media. Due to Covid 19 the event was held online and 13 people attended. A site meeting was then held in person to discuss the project in more detail and listen to the feedback. Eleven residents attended, as well as the Ward Councillors. Following the feedback from the community and the Council Lightsourcebp learned that the walk from Sheraton Village along West Lane had become very important for the local community, particularly during Covid 19. Lightsourcebp therefore removed approximately 50 acres from the project, including all of the land to the north of the lane. This would not have been included in the planning application had it not originally been intended to be developed, it was a genuine removal of the land to address the feedback.

Lightsourcebp had also listened to the feedback from those who travelled the local roads. The project had been set back to retain the original agricultural use on its road frontage and a landscape buffer between the road and the solar farm would reduce the visibility of the project.

Lightsourcebp was mindful that the Council had received representations, some of which were in opposition and some of which were in support.

In preparing the application Lightsourcebp had worked proactively with the Council's officers. This included extensive pre-application work to identify key issues and seek to avoid areas of high landscape sensitivity.

In February 2019 Durham County Council declared a Climate Emergency and when David Attenborough addressed COP26 last month he said 'Ultimately the Climate Emergency comes down to a single number, the concentration of carbon in our atmosphere. We now have to stop the number from rising and put it in reverse. We must fix our sights on keeping one and a half degrees within reach. A new industrial revolution powered by millions of sustainable innovations is essential and is indeed already beginning'.

Lightsourcebp firmly believed that the delivery of solar, alongside other smart energy solutions, was one such innovation that would play a future role in the delivery of global energy and the green revolution.

Before summing up Mr Turner responded to some of the points which had been raised. In terms of decommissioning, there was a proposed condition for the plant to be removed after 40 years and a decommissioning plan. As planning permission ran with the land Lightsourcebp also had a bond in place with the landowner so there were sufficient funds should Lightsourcebp no

longer exist at the end of this period. While the site area was of a size of the number of football pitches which had been quoted, this was the site area, the panels themselves were only 2-3% of the site area, the vast majority of which was open grassland with additional planting. Referring to the proposed fencing this would be 2 metres high and would be traditional timber post and wire fencing which bore no similarity to prison fencing.

Proximity of the substation was an important part of any energy project to make it viable.

The application represented a real opportunity to help significantly reduce carbon emissions and to help tackle climate change on lower grade agricultural land. There were no statutory objections and there was much support. The project had been tailored to reflect community feedback and was in accordance with the Local Plan and current government policy on how to achieve net zero.

Councillor Jopling asked whether the Council was in agreement with the estimation of glint and glare which had been mentioned by an objector. Councillor Jopling also expressed concern about the natural watercourse and possible seepage of toxins into it. The Senior Planning Officer replied that the objectors had a view on the glint and glare assessment to which the applicant had a contrary view. AECOM had assessed glint and glare and found no deficiencies in the conclusion to this. Although they found some points in the methodology which could have been done differently they did not disagree with the conclusion that it would be acceptable. Referring to the watercourse, no advice had been received from Environmental Health or Contaminated Land that this would be an issue. Solar panels were on land throughout the country and there was no government advice they should not be built.

Councillor Boyes noted that the application was a small part of a bigger scheme and asked how what the Committee decided would determine what would happen in Hartlepool Borough Council, whether their Planning Committee had considered the application and whether there was any consultation between the two Council's. The Senior Planning Officer replied that the solar farm was entirely within County Durham and only part of the cable route was within Hartlepool Borough Council who had not yet made a decision on the application.

Councillor Kellett referred to Paragraph 180 in the report which stated that while it was accepted the solar farm would have an impact on the landscape and the area of higher landscape value, it was considered that the harm would not be unacceptable. This was a subjective judgement and most local residents considered this damage to be unacceptable. There was an area of higher landscape value which should be protected. While solar energy

production was needed, this was the wrong location for the proposed solar farm. Councillor Kellett asked how unacceptable was defined. The Senior Planning Officer replied that the advice had been received from the Council's Landscape Team who had stated there would be harm but added this would not be unacceptable.

As a farmer, Councillor Richardson challenged the issue that this was low grade agricultural land as well as the statistics referred to by the applicant. Glint and glare was another area which was subjective.

Councillor Boyes referred to Paragraph 158 of the NPPF which stated that when determining planning applications for renewable and low carbon development, local planning authorities should 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. Councillor Boyes asked what weight the landscape value carried when compared to the NPPF. The Senior Planning Officer replied that there was a lot of weight attributed to renewable energy projects and the advice received was that the harm to the countryside was not unacceptable.

Councillor Hunt informed the Committee that she was not against solar power, but following the Committee's site visit yesterday she moved to refuse the application which she considered would have a detrimental effect on the landscape.

Councillor Martin did not doubt that there would be losses to visual amenity and impact on the countryside but he believed the Planning Officers had reached the correct decision in recommending the application for approval. He noted the point made regarding Paragraph 158 of the NPPF and considered what made the application acceptable was the renewable energy aspect of it. Councillor Martin moved that the application should be approved.

Councillor Molloy seconded Councillor Hunt's motion to refuse the application. He believed the environmental issue needed to be considered as well as the impact on agricultural land. While he was not against solar power he believed legislation should be introduced by government to mandate solar panels on new build properties. Councillor Molloy had sympathy with local residents regarding the size of the proposed development. The loss of agricultural land for food production could lead to increased imports of food which would increase the carbon footprint.

The Planning and Development Solicitor sought clarity on Councillor Hunt's reasons for refusing the application. He understood Councillor Hunt had concerns about the landscape and visual impact of the scheme and assumed

that her position was that the benefits of the scheme did not outweigh the landscape and visual harm. Councillor Hunt confirmed this was her position, adding that the land was agricultural land as well.

Upon a vote being taken it was

**Resolved:**

That application DM/20/03722/FPA be refused on the grounds of visual impact and amenity.

The Planning and Development Solicitor explained that there were two applications to be considered, one for the solar farm and infrastructure and a separate application for the underground power cabling. Having made a decision on the first application, Members would now need to reach a decision upon this second application.

Councillor Boyes considered that the Committee had only discussed the solar farm application and had not discussed the application for underground cabling. The Planning and Development Solicitor explained the way in which the officer's report was written was that both applications were dealt with together but with two separate recommendations and there were potentially different impacts from the two different applications. The Planning and Development Solicitor sought the views of Councillor Hunt on the cabling application.

Councillor Jopling found it difficult that the Committee was being asked to determine an application for cabling which would be redundant following the refusal of the solar farm application and asked whether this application should be deferred. The Planning and Development Solicitor advised this was a live application which needed to be determined.

Councillor Martin reminded the Committee it would need credible planning reasons for refusal of the application and encouraged the Committee to vote to approve the cabling application to avoid further appeals costs should the applicant appeal the solar farm decision.

Councillor Hunt moved that the application be refused on the grounds that the site was not suitable for a solar farm. This was seconded by Councillor Molloy.

The Planning and Development Solicitor expressed concern at the reason for refusal. The application was for cabling which would be entirely underground and he was struggling to understand what would be a sustainable reason for refusal.

Councillor Molloy assumed the cable would be for no other use except for that associated with the solar farm. The Committee had refused the application for the solar farm and therefore common sense dictated that there was no requirement for the cable.

Councillor Jopling agreed with Councillors Hunt and Molloy and asked whether the Council would lose the solar farm refusal decision at appeal should the applicant appeal the decision.

The Planning and Development Solicitor advised the Committee it needed to be clear there were two separate applications to be determined. The Committee had already taken a vote on the solar farm application. In order to operate the solar farm permission on both applications was required, however the Committee needed to make a decision on the application for the cabling and the reasons stated for refusal of the solar farm application did not relate to the cable application, which would be underground and have no visual impact. The Planning and Development Solicitor advised the Committee he could see no planning reason for refusal of the cable application but as it was for the Committee to determine the application any reason for rejection needed to come from the Committee. The Planning and Development Solicitor informed the Committee he could only advise on how sustainable any reason was and the Committee was able to reject this advice if it was so minded.

Councillor Molloy asked whether a decision on the cable application could be deferred until it was known whether the applicant was appealing the solar farm decision. The Planning and Development Solicitor advised that deferral was usually to allow further information to be provided but if it wished the Committee could defer making a decision. Councillor Boyes asked whether a reason for deferral would be needed. While the situation was anomalous, the Committee could not reject the cable application without valid planning reasons.

Councillor Crute referred to Paragraph 19 of the Committee report which stated that the two applications were intrinsically linked and suggested that if the solar farm had been refused then the cable application could not be sustained and could be refused on the grounds of sustainability.

The Planning and Development Solicitor informed the Committee it was for reasons of pragmatics that the two applications were being dealt with under the same report and this was the reason for Paragraph 19 stating what it did. The Senior Planning Officer further advised that the cable application had not been called to Committee but had been included as part of the development.

Councillor Boyes considered the application could not be rejected on planning grounds, adding that if the Committee rejected the application it

would be against the advice given by the Planning and Development Solicitor.

The Chair summed up that there was a motion from Councillor Hunt to refuse the application, seconded by Councillor Molloy. Councillor Martin sought advice whether the Committee could refuse an application without having any grounds for refusal. The Planning and Development Solicitor advised the Committee it would need grounds for refusal before the motion was put to the vote. He advised the Committee could put forward need as a reason for refusal but did not consider this would be sustainable on appeal.

Upon a vote being taken it was

**Resolved:**

That application DM/21/02333/FPA be refused on the grounds of need.

Councillors Martin and Simpson left the meeting.

**c      DM/21/02816/FPA - Land west, north And east of Whinfield Farm, Brafferton, DL1 3LE**

The Committee considered a report of the Principal Planning Officer regarding an application for the installation of a solar photovoltaic array/solar farm with associated infrastructure on land west, north and east of Whinfield Farm Brafferton (for copy file of Minutes).

C Teasdale, Principal Planning Officer provided a detailed presentation which included a site location plan, aerial photograph of the site, site layout and site photographs.

Chris Sowerbutts of Lightrock Power addressed the Committee in support of the application. Mr Sowerbutts thanked the planning officer for the diligent and professional manner she had dealt with the application process. The process had been so diligent, and the Committee report was so thorough that Mr Sowerbutts did not have a great deal to add.

Mr Sowerbutts founded Lightrock Power with a focus on designing solar power farms to be wildlife friendly because there was a real opportunity for solar to do so. Their partnership with the RSPB enabled them to go above and beyond industry best practice, for example this proposal achieved a 62% biodiversity net gain where the recently passed Environment Act sought to achieve 10%. This had been a project which clicked from the start with a lot of people supporting solar energy if it was in the right location. This was such a location, as evidenced by the lack of objectors. From community to county stakeholders, everyone had been supportive and encouraging from the outset and it was testament to the people of County Durham that it was

attractive to make this kind of investment where it was sensitively located. County Durham was already recognised as among the leaders of local authorities seeking to address the Climate Emergency through its Climate Emergency Response Plan and there was cross-party support for efforts to address the crisis at every level of government. The proposal contributed the efforts of the community to address one of the greatest challenges of our time. There were no objections from statutory stakeholders, there was a supportive local community and a recommendation for approval from the planning officer.

Councillor Jopling considered this was an application she could support. It met the challenge of climate change and targets for 2050 and would save 12,600 tonnes of CO<sub>2</sub> a year. Councillor Jopling moved approval of the application.

Councillor Hunt agreed with Councillor Jopling and seconded approval of the application.

Upon a vote being taken it was

**Resolved:**

That the application be approved subject to the Conditions contained within the report.

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# COMMITTEE REPORT

## APPLICATION DETAILS

APPLICATION No:	DM/21/02468/FPA
FULL APPLICATION DESCRIPTION:	Erection of 9no. B2/B8 blocks together with associated car parking and service areas
NAME OF APPLICANT:	Mandale Construction Limited
ADDRESS:	Former LG Philips Site Belmont Industrial Estate Durham
ELECTORAL DIVISION:	Belmont
CASE OFFICER:	Barry Gavillet Senior Planning Officer 03000 263968 <a href="mailto:barry.gavillet@durham.gov.uk">barry.gavillet@durham.gov.uk</a>

## DESCRIPTION OF THE SITE AND PROPOSALS

### Site:

1. The former LG Philips site lies within the eastern part of the Belmont Industrial Estate, a mixed B1, B2 and B8 employment land site, which is in turn located on the north eastern edge of Durham City.
2. The site is accessed directly from the estate's distributor road, which in turn joins Belmont Road to the south that leads to the A690 via a grade separated junction to the west, and this dual carriageway directly links the city centre to the south, and Junction 62 of the A1 (M) to the north.

### Proposal:

3. This application proposes the erection of 9no. B2/B8 blocks together with associated car parking and service areas with a total site area of 5.2 hectares and a floorspace of 20,425 square metres along with 437 car parking spaces. The site comprises the unbuilt areas to the remainder of the former LG Philips site, where it is bounded by adjacent employment units (existing and under construction) to the south and west and a local access road. A previous application has been approved on the site for the erection of 9no. B2/B8 blocks (total floorspace of 21,073 square metres) together with associated car parking and service areas. Although originally intended to be predominantly for B1 office floorspace, in light of the changing market conditions in the intervening years, however, the landowner has varied the type and format of employment floorspace provided.
4. The proposed buildings follow an established scale and appearance of existing structures of the same proposed uses (B2/B8) featuring lower level brick walls, upper level cladding to walls and saw-tooth rooflines. Car parking areas to each of the

proposed buildings with rear service yard areas are proposed and would follow in the established palette of materials to the already constructed development adjacent.

5. The application is being reported to committee as it constitutes a major development.

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## PLANNING HISTORY

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6. DM/18/03605/VOC Variation/removal of condition number(s): 1, 2, 3, 6, 8, 9, 10, 11, 12, 13, 14, 15 pursuant to planning permission DM/16/01744/VOC (Phase 2). Approved 9<sup>th</sup> January 2020
7. DM/18/03604/VOC Variation of conditions 2, 5, 6, 7 and 9 and removal of condition 8 pursuant to planning permission DM/15/02309/FPA Approved 28th November 2019 DM/18/03358/FPA Erection of 3no. blocks comprising 6no. industrial units (Use Class B2/B8) with associated car parking and service areas. Approved 31st May 2019 DM/16/02335/FPA Distribution centre with associated vehicular and pedestrian access, car parking and landscaping, and erection of 4 units (blocks 1, 6, 8 and 9) for B2 and B8 use. Approved subject to S106 16th December 2016
8. DM/16/01744/VOC Variation of condition no.2 (approved plans) of DM/15/00973/VOC (erection of office development) Approved 18th August 2016 DM/15/03764/FPA Change of use of units from B1 Office Use to Class B2 / B8 with associated external alterations Approved 27th April 2016 DM/15/02309/FPA Erection of 5 No. B1 office blocks (4,532 sq.m GIA) and A1 / A3 unit (88 sq.m GIA) with associated vehicular and pedestrian access, car parking, landscaping, bin stores and external plant Approved 30th October 2015 DM/14/03181/VOC Variation of condition 2 (approved plans) pursuant to planning permission CE/14/00032/VOC Approved 3rd December 2014
9. DM/20/01923/FPA - Erection of 9no. B2/B8 blocks (total floorspace of 21,073 square metres) together with associated car parking and service areas. Application approved

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## PLANNING POLICY

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### NATIONAL POLICY

10. 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.
11. 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.
12. *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.

13. *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.
14. *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.
15. *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.
16. *NPPF Part 9 Promoting Sustainable Transport* - Encouragement should be given to solutions which support reductions in greenhouse gas emissions and reduce congestion.
17. *NPPF Part 11 Making Effective Use of Land* - Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Strategic policies should set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously-developed or 'brownfield' land.
18. *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.
19. *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.
14. *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, site 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.

15. *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>

16. 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>

#### **LOCAL PLAN POLICY:**

The County Durham Plan (October 2020)

17. *Policy 1 – Quantity of new development.* Allocates 300ha of employment lands for office, industrial and warehousing purposes up to 2035 in order to meet employment land needs and deliver a thriving economy.
18. *Policy 2 – Employment Land.* Sets out employment allocations throughout the County. In respect of this application, it is stated that in order to continue to progress the regeneration of Consett the council will support mixed use development on the Project Genesis site, as shown on the policies map, including a site of 10.8 hectares at Hownsgill Industrial Estate for general employment land, provided the development accords with relevant development plan policies.
19. *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.
20. *Policy 29 – Sustainable Design.* Requires all development proposals to achieve well designed buildings and places having regard to SPD advice and sets out detailed criteria which sets out that where relevant development is required to meet including; making a positive contribution to an areas character and identity; provide adaptable buildings; minimise greenhouse gas emissions and use of non renewable resources; providing high standards of amenity and privacy; contributing to healthy neighbourhoods; providing suitable landscape proposals; provide convenient access for all users; adhere to the Nationally Described Space Standards (subject to transition period).

21. *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.
22. *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.
23. *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.
24. *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 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.
25. *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.
26. *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.
27. *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.

28. *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.

#### **NEIGHBOURHOOD PLAN:**

29. 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)*

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## **CONSULTATION AND PUBLICITY RESPONSES**

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#### **STATUTORY RESPONSES:**

30. *Highway Authority* - consider the proposals are acceptable and comment that the site benefits from an extant permission. The proposals should be subject to conditions in relation to cycling and electric vehicle charging provision.

#### **INTERNAL CONSULTEE RESPONSES:**

32. *Business Durham* - the principle of constructing small factory workshops and offices at Belmont is proven to be successful and is supported by Business Durham.
33. *Landscape* - Raise no objection. The landscape strategy for the site is appropriate, however the detailed scheme is lacking sufficient quality and should be agreed by condition.
34. *Environment, Health and Consumer Protection (Nuisance)* – Raise no objections subject to a condition requiring submission of a Construction Management Plan.
35. *Drainage* - no objections subject to the development being carried out in accordance with the submitted drainage scheme.

#### **PUBLIC RESPONSES:**

39. The application was advertised in the local press, by site notice and by direct notification to neighbouring properties. No letters of objection have been received in response to the consultation process.

*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=QVX97IGDH3O00>

#### **APPLICANTS STATEMENT:**

40. Having examined the policy context, it is clear the development proposals will accord with all of the relevant development plan policies, and there are no material considerations that indicate planning permission should be restricted. This is on the basis the proposals:
- Are largely the same as those consented recently;
  - Will support the Government's key objective of securing economic growth;
  - Will not introduce an incompatible land use;
  - Will complement the existing and approved built form in the locality;
  - Will not have an adverse impact on the safe operation of the local highway network; and
  - Are well-placed for access via sustainable means of transport and active travel modes.
41. To confirm, this application proposes no fundamental design changes to any of the buildings previously consented. In addition, the new hybrid units introduced (block 37 and Wharfe House) will be the same in design as the hybrid units already approved on the southern part of the site (Redlake and Ottery House). Consequently, it can be seen that the design of the proposals is acceptable when considered against Local Plan Policy 29 and relevant NPPF provisions.
42. In view of all the above, and as a policy compliant form of development, we respectfully request that the Council resolves to grant planning permission without delay in line with the NPPF's presumption in favour of sustainable development, subject to any conditions deemed appropriate on this occasion.

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## **PLANNING CONSIDERATIONS AND ASSESSMENT**

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43. Having regard to the requirements of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the relevant Development Plan policies, relevant guidance and all other material planning considerations, including representations received, it is considered that the main planning issues raised relate to the principle of development, locational sustainability, highway safety and access, impact on residential amenity, its layout, design and scale, and other matters.

### Principle of the Development

44. 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 and 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. Paragraph 11 of the NPPF establishes a presumption in favour of sustainable development.
45. 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.
46. Policy 1 of the County Durham Plan (CDP) allocates 300ha of employment lands for office, industrial and warehousing purposes up to 2035 in order to meet employment land needs and deliver a thriving economy.
47. Policy 2 of the CDP identifies that there is approximately 36.1Ha of protected employment land to the wider Belmont Industrial Estate, with a further 5.5Ha of employment land that is allocated by the policy and which makes up most of this application site. This development would draw direct support from both Policies 1 and 2 of the CDP through the provision for B2 and B8 uses within the 9no. buildings proposed. It should also be noted that the site benefits from an extant permission which could be implemented and, therefore, there is a fallback position should this application not be approved. The current proposal would seek to build out 20,425 sqm of B2/B8, rather than 21,073 sqm of consented use with a slight variation to the layout. It is, therefore, considered that the proposed development has already been accepted in principle and is in an acceptable use in this location on the industrial estate.

#### Locational Sustainability of the Site

48. Policy 21 of the CDP requires all developments to deliver sustainable transport by providing appropriate, well designed, permeable and direct routes for walking, cycling and bus access, so that new developments clearly link to existing services and facilities together with existing routes for the convenience of all users. Policy 29 of the CDP requires that major development proposals provide convenient access for all users whilst prioritising the needs of pedestrians, cyclists, public transport users, people with a range of disabilities, and emergency and service vehicles whilst ensuring that connections are made to existing cycle and pedestrian networks. Specifically, the NPPF sets out at Paragraph 105 that significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. At Paragraph 110 the NPPF states that appropriate opportunities to promote sustainable transport modes should be taken whilst Paragraph 112 amongst its advice seeks to facilitate access to high quality public transport.
49. Belmont Industrial Estate features bus stops which are within the estate and are served four times daily in the AM and PM peaks. Further development within the estate will have access to these stops and the services they provide. Bus stops to Broomside Lane feature a regular service through most of the day and weekend into the city centre of Durham and to Sunderland and East Durham. While not within ideal walking distances to the application site, they remain accessible and therefore options for future users and occupiers of this development. Opportunities exist to provide cycle parking within the proposed layout to each building and a conditional approach to securing the relevant amount of cycle parking to each unit would be suitable route to ensuring that there is sufficient provision at the time of construction of each unit. In addition to this highways officers have requested the provision of electric vehicle charging points. Subject to the provision of the aforementioned cycle parking provision and electric vehicle charging points, the proposals would adhere to the requirements of Policies 21 and 29 of the CPD, together with Paragraphs 105, 110 and 112 of the NPPF.

#### Highway Safety and Access

50. Policy 21 of the CDP outlines that development should not be prejudicial to highway safety or have a severe cumulative impact on network capacity and that developments deliver well designed pedestrian routes and sufficient cycle and car parking provision. Similarly, Policy 29 advocates that convenient access is made for all users of the development together with connections to existing cycle and pedestrian routes. Specifically, the NPPF sets out at Paragraph 110 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.
51. A Transport Statement (TS) has been submitted to consider the potential highway and transport related impacts associated with this proposal and any mitigation required. This was provided in response to the Highway Authority requesting an up to date understanding of the situation at and around the Belmont Industrial Estate and impacts of a shift in planning use class from the existing planning permissions on the site for B1 use to B2/B8 use. It is noted in the report that there would be a reduction in the number of vehicle trips into and out of the Belmont Industrial Estate as a result of this shift from Office space to general industrial and storage and distribution. While this level of traffic is not present on the network currently it is consented and so would be expected to come forward at some point in the future. A switch in the remaining developable area of the LG Philips site to B2 / B8 uses would reduce the level of vehicular traffic accessing the industrial estate in the view of the Highway Authority.
52. The Highway Authority is therefore satisfied with that the submitted TS and the conclusions reached by the transport consultant which indicate that the proposed development will not result in severe residual cumulative impacts on the operation of the highway network and therefore no mitigation is required.
54. Overall, the highway impacts of the proposed development are considered to be acceptable and in accordance with Policies 21 and 29 of the CDP as well as Part 9 of the NPPF.

#### Impact upon Residential Amenity

55. Policies 29 and 31 of the CDP outline that developments should provide high standards of amenity and privacy, minimise the impact of development upon the occupants of existing adjacent and nearby properties and not lead to unacceptable levels of pollution. Paragraph 127 of the NPPF states that planning should always seek to secure a good standard of amenity for existing and future occupants of land and buildings. Part 8 of the NPPF amongst other guidance advises on the need to create safe and accessible environments where crime and disorder and the fear of such are considered. Part 15 of the NPPF seeks to avoid noise from giving rise to significant new impacts.
56. It is likely that a proposed use of B2/B8 would be a noise generating use, however the site is located within the centre of an established industrial estate and along side a significant noise generator in the A1(M). It is therefore considered that there would be limited impacts from this development upon the existing noise climate of the area. Impacts are also possible at the construction phase of the development and can include noise and dust impacts. A Construction Management Plan would be required by way of condition in order to control the impacts from each phase of the development upon the surrounding area.
57. Air quality impacts are possible from all new development. In this case, the existing planning permission for the site is considered to be the baseline against which air

quality impacts should be measured. A reduction in vehicle movements resulting from the requested change in proposed uses of new buildings, as discussed earlier in this report, would be considered to have a negligible to slightly beneficial impact upon air quality in and around the industrial estate.

58. The development would not lead to a significant reduction in residential amenity for existing or future nearby residents which are approximately a 120 metre distance away at their closest point beyond the A1(M) to the east, or existing and future occupiers on the industrial estate, subject to appropriate conditions. Overall, the scheme would comply with Policies 29 and 31 and Parts 12 and 15 of the NPPF.

#### Layout, Design and Scale

59. Policy 29 of the CDP outlines that development proposals should contribute positively to an area's character, identity, heritage significance, townscape and landscape features, helping to create and reinforce locally distinctive and sustainable communities. Policies 39 and 40 require new development to respect landscape designations as well protecting existing trees and hedges. Policy 44 requires new development not adversely impact upon heritage assets or designations. Parts 12 and 15 of the NPPF also seek to promote good design, while protecting and enhancing local environments, with Part 16 seeking to protect heritage assets. Paragraph 130 of the NPPF also states that planning decisions should aim to ensure developments function well and add to the overall quality of the area and establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit.
60. The proposed layout of the application site follows the broad ethos of the remaining areas of the former LG Philips site, following established road patterns and building designs. This continued use of building scales, materials palettes and layout will further reinforce the current elevated level of design quality for the proposed building uses. The scale of the proposed new buildings would be commensurate with previous planning permissions for development at the site and the industrial estate locality and it is considered that the historic centre of the city and heritage assets therein are not impacted upon by the development given its scale and distance from heritage assets.
61. The nature and location of the proposed development leaves limited opportunity for new landscaping given the ability of existing structure planting to the eastern boundary to suitably limit the views of the development from the A1(M) in this location. There is opportunity to soften the hard-paved areas throughout the development with suitable soft landscaping and a strategy to that effect has been submitted for review. Landscape Officers agree with this in principle but highlight that the detailed implementation of this strategy is crucial to the survival of any planting undertaken. Therefore, a condition to agree this detailed landscaping scheme is a suitable route forward.
62. In this regard, the overall design and layout of the development would be compliant with Policy 29, 39, 40 and 44 of the CDP and Parts 12, 15 and 16 of the NPPF.

#### Drainage

63. Policies 35 and 36 of the emerging CDP relate to flood water management and infrastructure. Policy 35 requires development proposals to consider the effects of the scheme on flood risk and ensure that it incorporates a Sustainable Drainage System (SuDs) to manage surface water drainage. Development should not have an adverse impact on water quality. Policy 36 seeks to ensure that suitable arrangements are made for the disposal of foul water.

64. The submitted Flood Risk Assessment confirms that the development lies in Flood Risk Zone 1 and at the lowest potential risk from flooding. The submitted drainage strategy has been reviewed by the Lead Local Flood Authority who consider that it meets the principles of the requirements of Policy 35 in terms of disposal and treatment of surface water run-off from the site. They request that the strategy and detailed design is conditioned as part any approval to ensure that the development adheres to these principles. Northumbrian Water have previously requested that a condition to ensure that details of the foul water drainage is conditioned with any approval. It is not considered that circumstances have changed on the site since the previous approval and therefore the same condition should be applied.
65. It is considered that the development would not result in an unacceptable flood risk and development is therefore compliant with Policies 35 and 36 of the CDP and Part 14 of the NPPF.

#### Other Matters

66. Policies 41 and 43 of the CDP seek to secure net gains for biodiversity and coherent ecological networks. Policy 43 relates to protected species and nationally and locally protected sites. Part 15 of the NPPF seeks to ensure that development protect and mitigate harm to biodiversity interests, including at Paragraph 175 which states that if significant harm to biodiversity resulting from a development cannot be avoided or adequately mitigated, that planning permission should be refused. Ecology officers have previously concluded that the application site comprises unmade earth that has been in situ since the demolition of the former LG Philips factory in excess of 16 years previous. The site is therefore of limited ecological value and a subsequent landscaping scheme will provide for improvements over the existing condition of the site, complying with Policies 41 and 43 of the CDP and Part 15 of the NPPF.
67. The site has been subject to a previous review of the ground conditions upon which the development would be located. The Council's Contaminated Land Officer has previously confirmed that they would remain satisfied should the development be carried out in accordance with previously agreed reports and methodologies and this should be conditioned. The Coal Authority have again reviewed the development of this site and have requested conditions be included with any approval that requires further details of an existing mine shaft cap are provided prior to construction within the application site. Both would ensure that the site is suitable for its intended use taking account of any risks arising from contamination and legacy coal mining activity and so the proposal would accord with CDP Policy 32 and Part 15 of the NPPF.
68. In addition to the above Policy 29 of the County Durham Plan requires all major new non-residential development to achieve Building Research Establishment Environmental Assessment Method (BREEAM) minimum rating of 'very good'. A condition should, therefore, be applied to ensure that the development achieves a very good BREEAM rating.

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## CONCLUSION

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69. The proposed development would be located on allocated and protected employment land at Belmont Industrial Estate, Durham City. It would feature buildings in keeping with those already constructed adjacent in terms of scale and appearance and there would be limited to negligible impacts upon existing users on the industrial estate. Impacts from drainage, ground conditions, landscaping and construction can be adequately mitigated by conditions.

70. The proposal has generated no public interest with no representations having been received. Other concerns raised have been taken account and addressed within the report with suitable conditions proposed to mitigate their concerns. It is considered that proposals are acceptable, in accordance with relevant national and local planning policies, and the application is recommended for approval.

## **RECOMMENDATION**

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

PROPOSED SITE LAYOUT PLAN	LO21035-001 REV G	27/08/21
2 UNIT BLOCK - PLANS AND ELEVATIONS	LO21035-028 REV A	27/08/21
4 UNIT BLOCK - PLANS AND ELEVATIONS	LO21035-029 REV A	27/08/21
6 UNIT BLOCK - PLANS AND ELEVATIONS	LO21035-030 REV A	27/08/21
PROPOSED LEVELS GA	0001.P5	28/07/21
PROPOSED ROAD PROFILES	0003.P1	28/07/21
PROPOSED SITE SECTIONS	0004.P1	28/07/21
PROPOSED HIGHWAY CONSTRUCTION DETAILS	0005.P1	28/07/21
EXTERNAL WORKS	0010.P3	28/07/21
PROPOSED DRAINAGE GA	0100.P2	28/07/21
PROPOSED DRAINAGE CATCHMENT AREAS	0103.P2	28/07/21
PROPOSED MANHOLE SCHEDULE	0104.P1	28/07/21
SUDS DRAINAGE DETAILS	0105.P2	28/07/21
TYPICAL DRAINAGE DETAILS SH1	0106.P1	28/07/21
TYPICAL DRAINAGE DETAILS SH2	0107.P1	28/07/21
PROPOSED COMPLEX CONTROL DETAILS	0108.P1	28/07/21
PROPOSED HYDROBRAKE CONTROL DETAIL	0109.P1	28/07/21
PROPOSED FLOOR PLANS - OTTERY HOUSE	L021035-020	08/07/21
PROPOSED ELEVATIONS - OTTERY HOUSE	L021035-021	08/07/21
PROPOSED FLOOR PLANS - REDLAKE HOUSE	L021035-022	08/07/21
PROPOSED ELEVATIONS - REDLAKE HOUSE	L021035-023	08/07/21
PROPOSED BASEMENT FLOOR PLAN - WALDON HOUSE	L021035-024	08/07/21
PROPOSED GROUND FLOOR PLAN - WALDON HOUSE	L021035-025	08/07/21
PROPOSED ELEVATIONS - WALDON HOUSE	L021035-026	08/07/21
PROPOSED SITE LAYOUT PLAN	LO21035-001 REV D	08/07/21
PROPOSED DRAINAGE PLAN	LO21035-002D	08/07/21
PROPOSED FLOOR PLAN GRETA HOUSE - B36	LO21035-006	08/07/21
PROPOSED ELEVATIONS GRETA HOUSE - B36	LO21035-007	08/07/21
PROPOSED FLOOR PLAN OUSE AND TEES HOUSE B31/B33	LO21035-008	08/07/21
PROPOSED ELEVATIONS OUSE AND TEES HOUSE	LO21035-009	08/07/21
PROPOSED FLOOR PLAN FOSS HOUSE - B32	LO21035-010	08/07/21
PROPOSED ELEVATIONS FOSS HOUSE - B32	LO21035-011	08/07/21
PROPOSED FLOOR PLAN WHARFE HOUSE - B34	LO21035-012	08/07/21
PROPOSED ELEVATIONS WHARFE HOUSE	LO21035-013	08/07/21
PROPOSED FLOOR PLAN SKERNE HOUSE	LO21035-014	08/07/21
PROPOSED ELEVATIONS SKERNE HOUSE	LO21035-015	08/07/21
PROPOSED FLOOR PLANS - BLOCK 37	LO21035-016 REV A	08/07/21
PROPOSED ELEVATIONS - BLOCK 37	LO21035-017 REV A	08/07/21

*Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with Policies 1, 2, 21, 29, 31, 32, 35, 36, 39, 30, 41 and 44 of the County Durham Plan and Parts 2, 4, 6, 8, 9, 11, 12, 14, 15 and 16 of the National Planning Policy Framework.*

3. 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 include as a minimum 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.
  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.*

4. No development works (including demolition) shall be undertaken outside the hours of 8am and 6pm Monday to Friday and 8am and 1pm on a Saturday with no works to take place on a Sunday or Bank Holiday.

*Reason: In the interests of residential amenity having regards to policy 31 of the County Durham Plan.*

5. No development other than ground clearance, site preparation, or remediation works shall commence until a scheme for the provision of foul water drainage works have been submitted to and approved in writing by the Local Planning Authority. The development thereafter shall be completed in accordance with the details and timetable agreed.

*Reason: To ensure that foul water is adequately disposed of, in accordance with Policies 35 and 36 of the County Durham Plan and Parts 14 and 15 of the National Planning Policy Framework.*

6. Prior to construction of each building hereby approved, a detailed landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The landscape scheme shall include the following:
  - Any trees, hedges and shrubs scheduled for retention, including method of protection.
  - Details soft landscaping including planting species, sizes, layout, densities, numbers.
  - Details of planting procedures and/or specification.
  - Finished topsoil levels and depths.
  - Details of temporary topsoil and subsoil storage provision.
  - The timeframe for implementation of the landscaping scheme.
  - The establishment maintenance regime, including the replacement of vegetation which die, fail to flourish within a period of 5 years from planting.
  - A plan showing the public/structural landscaping and private/in-curtilage landscaping.
  - Full details of the management, maintenance and accessibility of all areas of open space in perpetuity.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 and Parts 12 and 15 of the National Planning Policy Framework.*

7. Notwithstanding any details of materials submitted with the application prior to the construction of external walling or roofing on any building details of the make, colour and texture of all walling and roofing materials shall be 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 and Part 12 of the National Planning Policy Framework.*

8. Notwithstanding any details of materials submitted with the application prior to the construction of hard paved areas to any building details of the make, colour and texture of all materials shall be 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 and Part 12 of the National Planning Policy Framework.*

9. No development shall commence until remediation works (including shaft recapping) and any necessary mitigation measures have been carried out to address land instability arising from the presence coal mine shaft 430544-002, in order to ensure that the site is made safe and stable for the development proposed. The remedial works shall be carried out in accordance with authoritative UK guidance.

*Reason: To ensure that the presence of identified legacy coal mining activity has been satisfactorily remedied with measures agreed in order to ensure the site suitable for use, in accordance with Policy 32 of the County Durham Plan and Part 15 of the National Planning Policy Framework. Required to be pre-commencement to ensure that the development can be carried out safely.*

10. Prior to the occupation of the development a signed statement or declaration prepared by a suitably competent person confirming that the site has been made, safe and stable for the approved development shall be submitted to the Local Planning Authority for approval in writing. This document shall confirm the completion of the remedial works and any necessary mitigation necessary to address the risks posed by past coal mining activity.

*Reason: To ensure that the remediation works are fully implemented as agreed and the site is suitable for use, in accordance with Policy 32 of the County Durham Plan and Part 15 of the National Planning Policy Framework.*

11. Prior to the first use of the development, 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 adhered to, 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.*

12. Prior to the first occupation of each building hereby approved a scheme for the ongoing maintenance of the areas of public open space and structural landscaping within the development shall be submitted to and approved in writing by the Local Planning Authority. In the event of proposals to maintain the public open space by means other than through transfer to the Local Authority then the scheme shall provide for details of an agreed maintenance schedule in agreement in writing with the Local Planning Authority.

*Reason: In the interests of the visual amenity of the area and to comply with Policies 26 and 29 of the County Durham Plan and Parts 12 and 15 of the National Planning Policy Framework.*

13. The development hereby approved shall be provided with electric vehicle charging points in accordance with a scheme to be submitted and agreed in writing with the Local Planning Authority. The agreed scheme of charging points must be installed and available for use before occupation of each unit.

*Reason: In the interests of sustainable construction and in accordance with Policy 29 of the County Durham Local Plan and Part 14 of the National Planning Policy Framework.*

14. All of the units hereby approved shall be provided with private bike storage points in accordance with a scheme to be submitted and agreed in writing with the Local Planning Authority. The agreed storage scheme must be installed and available for use before occupation of each dwelling.

*Reason: To encourage sustainable transport modes of travel having regard to CDP Policy 21 and Part 9 of the NPPF.*

15. Throughout the completion of all phases of the development, all documents as detailed below shall be carried out by competent person(s) and shall be submitted to and agreed in writing with the Local Planning Authority.

Wardell Armstrong LLP (April 2006) LPA Receivers, Validation Report, LG Philips Displays, Belmont

Solmek (October 2015) Mandale Business Park, Belmont, Phase 2 Site Investigation Report, S150932, Mandale Group

Solmek (22nd January 2016) Ground Gas Risk Assessment, Mandale Business Park, Belmont, Durham, S1509332/GAS

(a) During the implementation of the development if any contamination is identified that has not been identified previously, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment shall be carried out in accordance with the YALPAG guidance and where necessary a Phase 3 Remediation Strategy shall be prepared in accordance with the YALPAG guidance. The development shall be completed in accordance with any amended specification of works.

(b) Upon completion of the development, a Phase 4 Verification Report (Validation Report) confirming the objectives, methods, results and effectiveness of all remediation works detailed in the Phase 3 Remediation Strategy (if necessary) shall be submitted to and agreed in writing with the Local Planning Authority within 2 months of completion of the development or prior to occupancy.

*Reason: The site may be contaminated as a result of past or current uses and/or is within 250m of a site which has been landfilled and the Local Planning Authority wishes to ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems in accordance with Part 15 of the National Planning Policy Framework.*

16. No building shall be occupied until a final certificate has been issued certifying that BREEAM (or any such equivalent national level of sustainable building which replaces that scheme) rating 'very good' has been achieved for this development.

*Reason: In the interests of sustainable development and in accordance with Policy 29 of the County Durham Plan and Part 2 of the National Planning Policy Framework.*

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## **STATEMENT OF PROACTIVE ENGAGEMENT**

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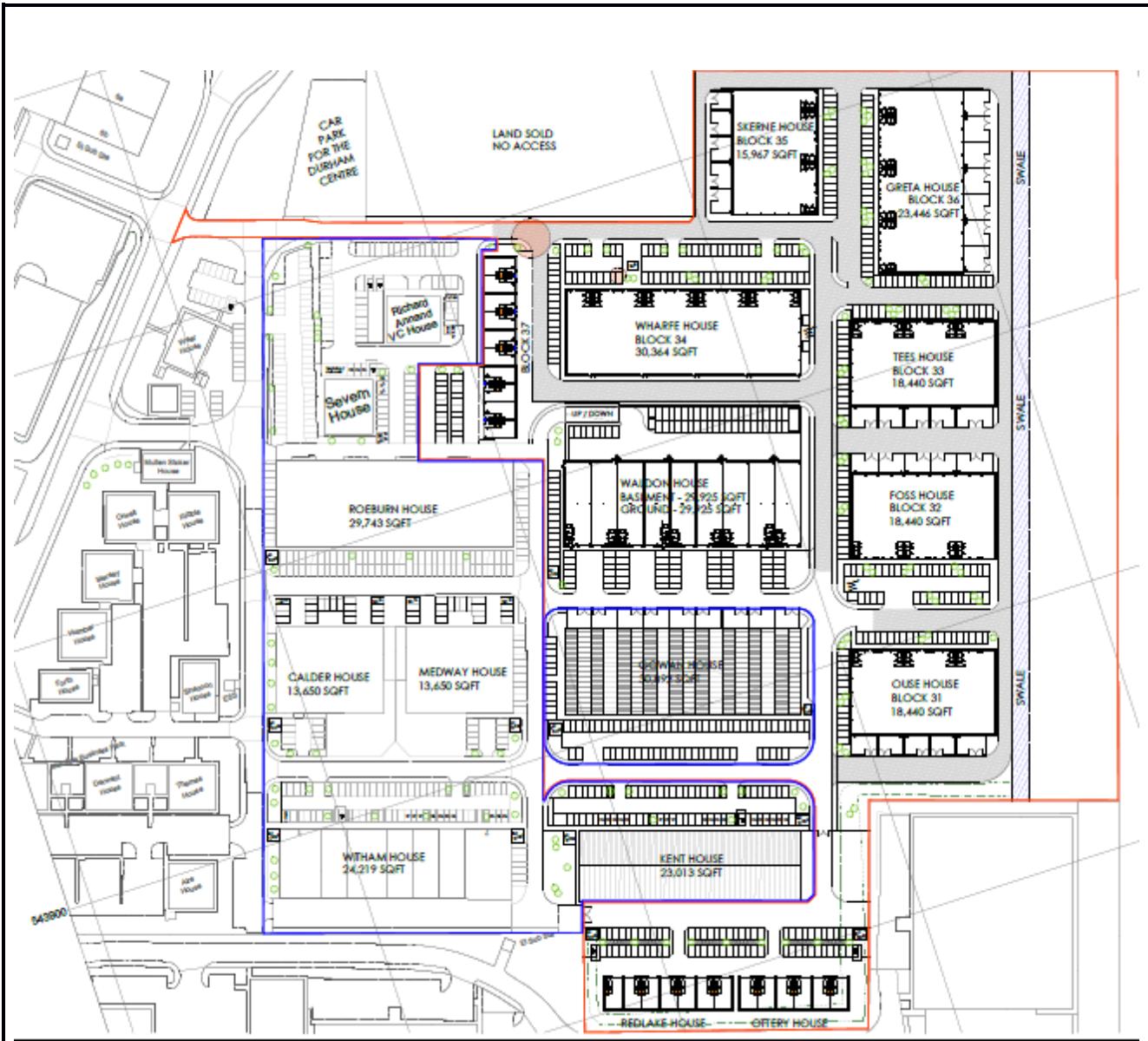
In accordance with Article 35(2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015, the Local Planning Authority has, without prejudice to a fair and objective assessment of the proposals, issues raised and representations received, sought to work with the applicant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

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## **BACKGROUND PAPERS**

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- 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
- Statutory, internal and public consultation responses



 <b>Planning Services</b>	<b>Erection of 9no. B2/B8 blocks together with associated car parking and service areas</b>	
<p>This map is based upon Ordnance Survey material with the permission of Ordnance Survey on behalf of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceeding. Durham County Council Licence No. 100022202 2005</p>	<b>DM/21/02468/FPA</b>	<b>Date</b> January 2022 <b>Scale</b> Not to Scale



# COMMITTEE REPORT

## APPLICATION DETAILS

APPLICATION No:	DM/21/02336/FPA
FULL APPLICATION DESCRIPTION:	Construction of underground electricity cables and associated infrastructure to connect Hulam Solar Farm (DM/19/03959/FPA) to the existing substation near Hart in Hartlepool.
NAME OF APPLICANT:	Lightsource BP
ADDRESS:	Hulam Farm Hutton Henry Hartlepool TS27 4SA
ELECTORAL DIVISION:	Blackhalls
CASE OFFICER:	Chris Shields Senior Planning Officer 03000 261394 <a href="mailto:chris.shields@durham.gov.uk">chris.shields@durham.gov.uk</a>

## DESCRIPTION OF THE SITE AND PROPOSALS

### Site

1. The application site would link the approved Hulam Solar Farm (DM/19/03959/FPA) to a substation to the south. The proposed cable route begins at the southern boundary of the site to the east of Hulam Farm. The cable route follows a broadly south-easterly direction along field boundaries and follows the edge of Porrit's Close Plantation for approximately 1.4km before reaching a corner on Bellows Burn Lane. This corner of Bellows Burn Lane links to Byway No. 18 (Sheraton with Hulam Parish) to Bridleway No.20 (Sheraton with Hulam Parish). From the corner of Bellows Burn Lane the cable route follows Bridleway No.20 (Sheraton with Hulam Parish) along Bellows Burn Lane for approximately 390m.
2. 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 for the proposed development, but the majority of the site lies within Hartlepool Borough.
3. The length of the cable route within County Durham would be approximately 1.8km, running through a mixture of agricultural fields, field boundaries and roads. The maximum length of the cable route within Hartlepool would be approximately 2.2km. The total length being 4km. The total area of the application site is approximately 15 hectares with approximately 5.39 hectares being within County Durham and the remaining 9.45 hectares being in Hartlepool.
4. The nearest residential properties to the cable route within County Durham are located within the Hulam Farm farmstead approximately 100m to the west, Sheraton Hill Farm and associated properties approximately 750m to the west and Hart Moor Farm and associated properties approximately 500m to the west. The nearest properties in

Hartlepool are Hart Moor Farm approximately 150m to the west and Thorpe Bulmer Farm approximately 270m to the north east.

5. The proposed cable route would not be within any ecological designations in County Durham or Hartlepool. Hart Bog SSSI is located approximately 210m to the south, Hesledon Dene LWS and Thorpe Bulmer Dene Ancient Woodland is located immediately to the east of the final length of the route within County Durham. Approximately 450m of the route within County Durham is within an Area of Higher Landscape Value.
6. The cable route would with Flood Zones 2 and 3 for a short section of the Bellows Burn and would also be required to cross this watercourse. The remainder of the site is within Flood Zone 1.
7. There are no designated heritage assets within the boundary of the site. The Grade II Sheraton Hall and Sheraton Hall Cottage are located approximately 1km to the west within the settlement of Sheraton. A Scheduled Monument (Sheraton medieval settlement and open field system) is positioned to the east of the A19 and approximately 950m south east of the site at its closest point. There are no Conservation Areas in the vicinity of the site.

#### Proposal

8. The proposed development is for an underground cable route that would connect the approved Hulam solar farm (DM/19/03959/FPA) to the grid via a substation within Hartlepool. The proposal initially included a substation, but this was subsequently removed, and all works would be underground once completed.
9. The proposed cable would be buried at a minimum depth of approximately 0.75m. The cables would be laid within a uPVC duct and marked with markers. The routing of the cable has given specific consideration to making use, wherever possible, of the existing gaps in field boundary vegetation. Open cut trenches would be utilised where appropriate and where the cable route meets any vegetation underground directional drilling could be used as an alternative where necessary.
10. It is envisaged that the cable would be installed at the same time as the construction of the solar farm which limits the need for additional plant and equipment to be brought to site independently. The construction period would take between 8 to 12 weeks.

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## PLANNING HISTORY

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11. DM/19/03959/FPA Installation of ground mounted photovoltaic (PV) solar energy generation system (Solar Farm), associated infrastructure and the creation of an electricity substation (132kV) Approved 17th June 2020

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## PLANNING POLICY

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### NATIONAL POLICY

12. 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.

13. 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.
14. *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.
15. *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.
16. *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.
17. *NPPF Part 9 Promoting Sustainable Transport* - Encouragement should be given to solutions which support reductions in greenhouse gas emissions and reduce congestion.
18. *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.
19. *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, site 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.
20. *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>

21. 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>

22. 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)

23. *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.
24. *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.
25. *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.
26. *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.

27. *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.
28. *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.
29. *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.
30. *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.
31. *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.
32. *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.

33. *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.

#### Hartlepool Local Plan (HLP) (adopted May 2018)

34. *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.
35. *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 CO<sub>2</sub> 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.
36. *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.
37. *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.
38. *Policy NE1 – Natural Environment* - Confirms that Hartlepool's natural environment will be protected, managed and enhanced
39. *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.
40. *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.
41. *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:

42. 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](https://www.hartlepool.gov.uk/info/20209/local_plan/312/local_plan_planning_policy)*

## **CONSULTATION AND PUBLICITY RESPONSES**

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### **STATUTORY RESPONSES:**

43. *Hartlepool Borough Council* - has not provided any comments.
44. *National Highways (formerly Highways England)* - has raised no objections to the proposal subject to the imposition of conditions relating to the control routeing of vehicles on to the A19.
45. *Durham County Highway Authority* - has raised no objections to the proposal. Conditions have been requested to require highway condition surveys of Bellows Burn Lane both pre and post development and a final construction traffic management plan. Information is also provided in relation to the County Council of Durham Road and Street Works Permit Scheme.
46. *Natural England* - Has raised no objections to the proposal. Based on the plans submitted, Natural England considers that the proposed development would not damage or destroy the interest features for which the Hart Bog SSSI has been notified and has no objection. The localised construction techniques and short-term impact will result in minimal disturbance to the nearby designated sites
47. *Lead Local Flood Authority (Drainage and Coastal Protection)* - has raised no objections to the proposal. Officers initially raised concerns regarding the permeability of the crushed stone for the base of the substation and access track, but these elements have now been removed. Advice has also been provided in relation to Environmental Permitting for crossing watercourses, if necessary.
48. *Environment Agency (EA)* - has raised no objections to the proposal subject to conditions being imposed to require the submission of a construction environmental management plan. It is requested this includes the recommendations set out in the submitted Ecological Assessment Report. Informatives have been provided in relation to crossing the Bellows Burn and in relation to Great Crested Newts. The EA has also advised that the proposal would not have an increased risk of on or off-site flooding.

### **INTERNAL CONSULTEE RESPONSES:**

49. *Archaeology* - has raised no objections to the proposal subject to investigation works being carried out. Pre-commencement conditions are recommended to secure these works
50. *Ecology* - has raised no objections subject to the proposed mitigation measures being secured by condition.
51. *Environmental, Health and Consumer Protection (Air Quality)* - has raised no objections to the proposal. Officers have confirmed that the development would not lead to an adverse impact on air quality. 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. Officers have requested a dust action plan be submitted by condition. This would form part of the wider Construction Management Plan criteria.

52. *Environment, Health and Consumer Protection (Nuisance Action)* - has raised no objections to the proposal.
53. *Landscape* - has raised no objections to the proposal. Concern was initially raised in respect of the substation, which was subsequently removed from the application.
54. *Public Rights of Way* - has raised no objections to both proposals. Officers have stated that Bridleway 20 and Footpath 14 (both 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.

#### **PUBLIC RESPONSES:**

55. The application was advertised in the local press, by site notice and by direct notification to neighbouring properties. One letter of objection has been received from a neighbouring land owner concerned about the impact to Bellows Burn Lane from HGV construction traffic. It is stated that the road would need significant work to cope with the development.

*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=QLH3JW GDKZE00&documentOrdering.orderBy=documentType&documentOrdering.orderDirection=ascending>

#### **APPLICANTS STATEMENT:**

Not provided.

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### **PLANNING CONSIDERATIONS AND ASSESSMENT**

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56. 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 and cultural heritage.

#### Principle of Development

57. 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.
58. 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.
59. The key policy for the determination of this application 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.
60. 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.
61. 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.
62. It should be noted that the CDP has identified areas suitable for wind turbine development but not for solar.
63. The purpose of the proposed development is to transmit renewable energy from an approved solar farm to the national grid. CDP Policy 33 and HLP Policy CC5 are permissive towards infrastructure relating to 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.

## Landscape

64. 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.
65. 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.
66. 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.
67. 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 CO<sub>2</sub> 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.
68. The cable route 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 copse with larger tracks of ancient woodlands in the incised denes. Part of the site lies in an Area of Higher Landscape Value and is adjacent to an Ancient Woodland.
69. Landscape officers raised initial concerns regarding the substation that initially formed part of this application due to its size and location with an Area of Higher Landscape Value. The substation was subsequently removed from the application and officers have no further concerns.

70. The proposed cable route would be underground for the full length. Whilst there may 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 design of the scheme would avoid loss or harm to trees and hedgerows where possible. 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

71. 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.
72. It is anticipated that the proposed cable would be installed concurrently with the construction of the approved solar farm. Vehicles movements associated specifically with the cable route would be negligible in relation to the solar farm and in total would peak at approximately 30 HGV movements per day. Access to the site would be via Bellows Burn Lane to the north.
73. Concerns have been raised by a local resident in relation to the impact that construction traffic would have on Bellows Burn Lane. It has been stated that the road is not wide enough for HGV traffic and is already in a deteriorated condition.
74. Highways officers have considered the proposal and find the access arrangements to be acceptable. Officers have, however, requested that pre and post development condition surveys of Bellows Burn Lane be imposed as a planning condition. In the event that the road condition has deteriorated during the construction period this would need to be rectified to the satisfaction of the Local Planning Authority. A final construction traffic management plan is also requested by condition.
75. National Highways has also raised no objections to the proposal and has requested conditions to restrict construction traffic associated with the development from crossing the central reservation of the A19 road to either enter or exist Bellows Burn Lane.
76. The proposed cable route would have a very limited highway impact for the temporary construction period and no impact following construction. Subject to conditions it is considered that the proposed cable route would not conflict with CDP Policy 21 or Part 9 of the NPPF.

#### Residential Amenity

77. 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).

78. 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.
79. 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.
80. The nearest residential properties to the cable route are located within the Hulam Farm farmstead approximately 100m to the west, Sheraton Hill Farm and associated properties approximately 750m to the west and Hart Moor Farm and associated properties approximately 500m to the west. The nearest properties in Hartlepool are Hart Moor Farm approximately 150m to the west and Thorpe Bulmer Farm approximately 270m to the north east.
81. Environmental Health and Consumer Protection officers have considered the proposals and raise no objections in respect of potential nuisance but have requested a dust management plan be submitted by condition. 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 are managed amongst other matters.
82. It is considered that the proposed development would not create an unacceptable impact on health, living or working conditions or the natural environment. The proposals would not result in unacceptable noise or dust 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 Policy 31 and Part 15 of the NPPF.

#### Flooding and Drainage

83. 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 167 of the NPPF states that 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 (and the sequential and exception tests, as applicable.) 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.

84. 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.
85. HLP Policy CC2 confirms that development proposals need to demonstrate how they will minimise flood risk to infrastructure, property and people.
86. A Flood Risk Assessment has been submitted in support of the application which confirms that as the cable route is below ground it will not be affected by any flooding which may occur. Part of the site is within Flood Zones 2 and 3 and there would be a requirement to cross over the Bellows Burn watercourse. As the development is considered to be essential infrastructure related to an electricity generating scheme it is considered to be appropriate development within Flood Zones 2 and 3. With respect to the Exception Test the development provides a wider sustainability benefit to the community by assisting in the generation of “green” electricity. The cable itself is “safe” from flooding and there is no increase in flood risk elsewhere. On this basis the Exception Test is satisfied in accordance with Paragraph 167 of the NPPF.
87. Drainage and Coastal Protection officers initially requested additional information to confirm the permeability of the crushed stone base for the substation and access track, but these elements were subsequently removed from the development. Officers also noted the requirements for a permit to cross over the watercourse and this would be added as an informative. The Environment Agency has suggested conditions relating to construction management and have also noted the requirement for a permit to cross the watercourse. Subject to the recommended conditions being imposed it is considered that the proposal would not conflict with CDP Policy 35, HLP Policy CC2 and Part 14 of the NPPF.

## Ecology

88. 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.

89. 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.
90. 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.
91. The proposed cable route would be within any ecological designations. Hart Bog SSSI is located approximately 210m to the south, Hesledon Dene LWS and Thorpe Bulmer Dene Ancient Woodland is located immediately to the north and east of the cable route before it crosses the boundary into Hartlepool.
92. An Ecological Assessment Report has 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 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 the site may also support brown hare and hedgehog. The assessment does not identify any likely harm to protected species or habitat.
93. Ecology officers have considered the proposals and raised no objections. Officers have requested that the mitigation measures set out in the Ecological Assessment Report be secured by condition. Natural England has considered the proposals and also raised no objections noting that the proposal would not harm the European designated site. Subject to the recommended condition it is considered that the proposed development would not conflict with CDP Policies 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

94. 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.
95. The application site would follow the route of Byway No. 18 (Sheraton with Hulam Parish) to Bridleway No.20 (Sheraton with Hulam Parish). From the corner of Bellows

Burn Lane the cable route follows Bridleway No.20 (Sheraton with Hulam Parish) along Bellows Burn Lane for approximately 390m. These routes 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.

96. Access and Rights of Way officers have raised no objections to the proposal. Officers have advised that the temporary impacts to Bridleway No. 20 (Sheraton with Hulam Parish) and Byway No. 18 (Sheraton with Hulam Parish) can be mitigated through a diversion or 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

97. 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 must be given considerable importance and weight by the decision-maker.
98. 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.
99. 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.
100. There are no designated heritage assets within the boundary of the site. The Grade II Sheraton Hall and Sheraton Hall Cottage are located approximately 1km to the west within the settlement of Sheraton. A Scheduled Monument (Sheraton medieval settlement and open field system) is positioned to the east of the A19 and approximately 950m south east of the site at its closest point. There are no Conservation Areas in the vicinity of the site.
101. An Historic Environment Desk Based Assessment has been submitted in support of the application. This assessment shows that the northern part of the study site has a known potential to contain buried remains likely to date to the late Iron Age to Romano-British periods, as well as artefactual remains from the Saxon period. There is a moderate potential for the presence of peripheral remains associated with the potential Roman Fortlet, although at present the full nature and significance of this feature is not well understood. There is a general potential for the presence of other Roman remains, such as field boundaries and artefacts, as well as the potential road from Sheraton to Hart, as well as for the presence of the remnants of Medieval and Post-Medieval agricultural activity. A WWII spigot mortar base is also located within the study site, opposite to Bellows Burn Lane, 1km to the southeast of Hulam Farm.

102. The available evidence suggests that the buried archaeological remains that could be affected by the proposed development are of no more than local interest. It is therefore considered that the impact to the Iron Age/Romano-British occupation site, peripheral remains associated with the potential Roman fortlet and any other as yet unknown remains could be adequately mitigated by a programme of archaeological works prior to the construction works. This could comprise archaeological monitoring works secured via planning condition.
103. The Council's Archaeology officers have stated that the desk-based assessment provided has identified heritage assets which may be impacted by the proposed development including a prehistoric settlement. As this site has been evaluated in the past, the proposed mitigation of archaeological monitoring of the cable trenches would be acceptable with conditions to secure this work
104. Due to the proposed development being entirely underground and at a distance of at least 950m, 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. It is therefore considered that the proposed development 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.

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## **CONCLUSION**

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105. 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 approved solar farm.
106. The proposed development has generated one public representation. Concerns expressed regarding the proposal have been taken into account, and carefully balanced against the scheme's wider social, economic and public benefits.
107. The proposal is considered to broadly accord with the relevant policies of the County Durham Plan, Hartlepool Local Plan and relevant sections of the NPPF.

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## **RECOMMENDATION**

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108. That the application made to Durham County Council 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 in accordance with a scheme to be submitted to and approved by the Local Planning Authority, and such scheme as approved shall be completed within 6 months of the date of the 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 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:

UK_Hulam Castle Eden Cable Route_LP1-IDL_03	UK_HUL-CR_LP1-IDL	11/11/21
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*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.

Geomorphology of the river (to be included if a direct cable route crossing is required through the Bellows Burn watercourse)

Invasive species

- o Water Framework Directive (to be included if a direct cable route crossing is required through the Bellows Burn watercourse)

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-DOC05 FRA: June 2021) 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. The development shall be carried out in accordance with the mitigation and avoidance measures set out in the Ecological Assessment Report (Pegas-075-1502).

*Reason: To prevent harm to biodiversity interests within and around the site in accordance with County Durham Plan Policies 41 and 43 and Part 15 of the National Planning Policy Framework.*

9. Prior to the commencement of development a condition survey of Bellows Burn Lane shall be carried out and submitted to the Local Planning Authority. Following the completion of the development a further condition survey of Bellows Burn Lane shall be carried out. In the event that there has been any degradation in the condition of the road a scheme shall be produced to return the road to its pre-development condition (or better) and submitted to the Local Planning Authority for approval in writing. The approved scheme shall be completed in full within 12 months of the development being brought into use.

*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. Required to be pre-commencement as the works must consider condition prior to development work being undertaken.*

10. 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.*

11. 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.*

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, 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.*

13. No part of any individual phase of the development as set out in the agreed programme of archaeological works shall be brought into use 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. Required to be a pre-commencement condition as the archaeological investigation/mitigation must be devised prior to the development being implemented.*

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, a scheme for the removal of infrastructure works 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 31 and 39, Policy CC5 of the Hartlepool Local Plan and Part 15 of the National Planning Policy Framework.*

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## **STATEMENT OF PROACTIVE ENGAGEMENT**

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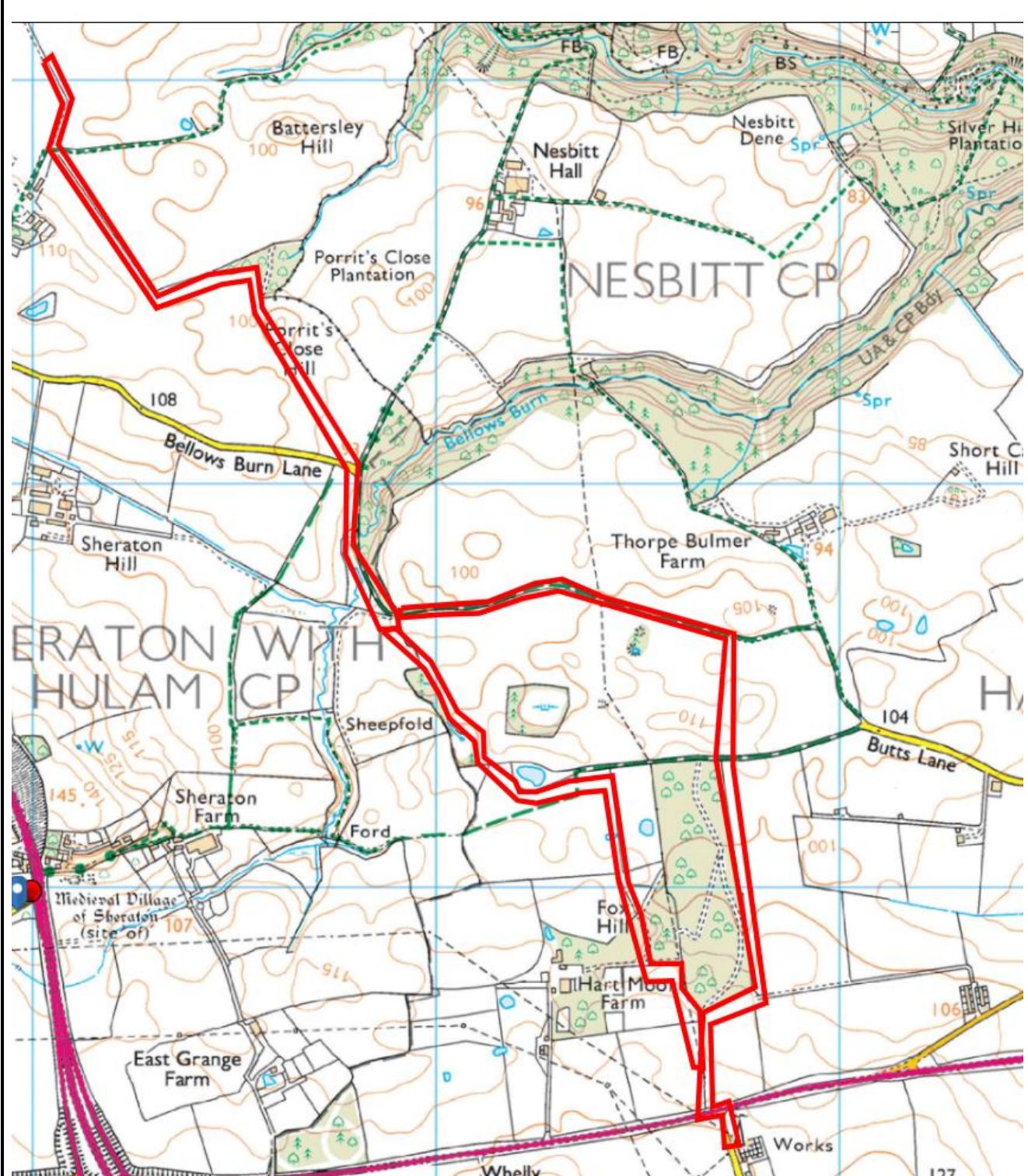
In accordance with Article 35(2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015, the Local Planning Authority has, without prejudice to a fair and objective assessment of the proposals, issues raised and representations received, sought to work with the applicant 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.

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## **BACKGROUND PAPERS**

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- 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
- 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



 <b>Planning Services</b>	DM/21/02333/FPA - Construction of underground electricity cables and associated infrastructure to connect Hulam Solar Farm (DM/19/03959/FPA) to the existing substation near Hart in Hartlepool	
This map is based upon Ordnance Survey material with the permission of Ordnance Survey on behalf of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceeding. Durham County Council Licence No. 100022202 2005		<b>Comments</b>
<b>Date</b> December 2021		<b>Scale</b> Not to Scale

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