



## County Planning Committee

**Date** Tuesday 5 July 2022  
**Time** 9.30 am  
**Venue** Council Chamber, County Hall, Durham

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### Business

#### Part A

1. Apologies for Absence
2. Substitute Members
3. Declarations of Interest
4. Minutes of the meeting held on 7 June 2022 (Pages 3 - 10)
5. Applications to be determined
  - a) DM/22/01005/FPA - The Waterside Building, Riverside Place, Durham, DH1 1SL (Pages 11 - 38)  
Change of use of office headquarters (sui generis) to higher education (Durham University Business School) (Use Class F1a)
  - b) DM/21/03420/FPA - Land At Croup Hill South Of Beaconsyde Farm, Broadoaks, Murton, SR7 9SF (Pages 39 - 70)  
Installation and operation of a ground mounted photovoltaic solar farm, inclusive of solar arrays, transformers, substation, landscaping, fencing, internal access tracks, access, CCTV and other associated works.
6. Such other business as, in the opinion of the Chairman of the meeting, is of sufficient urgency to warrant consideration
7. Any resolution relating to the exclusion of the public during the discussion of items containing exempt information

## **Part B**

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

8. 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  
27 June 2022

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 June 2022 at 9.30 am**

**Present:**

**Councillor G Richardson (Chair)**

**Members of the Committee:**

Councillors D Boyes, P Heaviside, J Higgins, P Jopling, C Martin, M McGaun, B Moist, P Molloy, I Roberts and S Zair

**1 Apologies for Absence**

Apologies for absence were received from Councillors A Bell, C Hunt, M McKeon, K Shaw, A Simpson and S Wilson.

**2 Substitute Members**

Councillor P Heaviside as substitute Member for Councillor A Bell and Councillor M McGaun as substitute Member for Councillor C Hunt.

**3 Declarations of Interest**

There were no declarations of interest.

**4 Minutes**

The minutes of the meeting held on 3 May 2022 were confirmed as a correct record and signed by the Chair.

**5 Applications to be determined**

**a DM/21/02990/FPA - Croxdale Farms, Hett Moor Farm, Hett, Durham, DH6 5LJ**

The Committee considered a report of the Senior Planning Officer regarding an application for the installation and operation of a Solar Farm together with all associated works, equipment and necessary infrastructure at Croxdale Farms, Hett Moor Farm, Hett, Durham, DH6 5LJ (for copy see file of Minutes).

C Shields, Senior Planning Officer provided a detailed presentation of the application which included a site location plan, aerial photograph, site photographs, proposed site plan and landscape strategy.

Kelsi Bolstad from Lightsource BP addressed the Committee in support of the application.

The application was a proposal to bring sustainable energy to County Durham, helping the UK to decarbonise.

Lightsource bp was both a national and international leader in the funding, development, and long-term management of large-scale solar projects with many years of industry experience. They delivered responsible solar and championed the rural community seeking mutually beneficial solutions for all.

This application for a solar farm would help to significantly tackle the issues of energy security and climate change through increasing renewable energy generation whilst reducing carbon emissions. Over 14,000 tonnes of carbon would be saved annually, the equivalent of taking over 7,000 large cars off the road. This would help Durham County Council achieve the ambitions set out in its Climate Emergency Response Action Plan.

The application would also help to meet national commitments and obligations to Net Zero, including those set out by the Government in its 'Net Zero Strategy' as well as the recently published 'energy security strategy'. The generation of solar power was one of many initiatives that would play an important role in meeting the Government's 2035 target for all electricity to come from low carbon sources.

If approved, in addition to the generation of homegrown and secure renewable energy, the proposed installation would provide several other benefits including:

- 3,950m of hedgerow planting to enhance the natural screening of the solar farm and support local wildlife;
- other biodiversity enhancements including bird and bat boxes and areas of wildflower meadow which would result in a significant biodiversity net gain of 155%;
- helping to support the long-term viability of Croxdale and Hett Farms and their continued agricultural operations through the continuation of livestock grazing
- economic benefits, including a contribution of approximately £165,000 per annum in business rates direct to Durham County Council

Lightsource bp believed in sharing the benefits of renewable energy with the wider community and, if the application was approved, would contribute £1,000 per megawatt through a community benefit fund.

An Agricultural Land Classification Survey had been conducted which had classified the land as Grade 3b, which was classed as 'not best and most versatile land'. However, the site still enabled sheep grazing between the panels ensuring that agricultural operations could continue.

Lightsource bp carried out extensive pre-application consultation, and engaged with local residents and community, and other key stakeholders. The majority of written and verbal feedback received was positive.

Since submission of the application Lightsource bp had engaged with Officers and submitted further details to address queries raised.

The application accorded with both the Local Plan and with current and emerging Government policy on achieving Net Zero. This was reflected in the County Durham Local Plan with Policy 33 for renewable energy development, stating that these benefits would be given great weight in the decision-making process.

Safe, secure and low impact domestic energy supply had never been more of necessity as it was today in the face of climate change and geopolitical events pushing supplies to the brink. The climate was already in trouble, stability was breaking and industrial resolution powered by sustainable forms of energy was urgently required. The UN reiterated the message that it was truly 'now or never' to act on climate change, stressing those global emissions of CO<sub>2</sub> would need to peak before 2025, solar was ready to act.

After carefully weighing up all the planning considerations Council Officers had recommended approval for this application. Accordingly, and with the need to act on climate change and energy security now, Ms Bolstad asked the Committee to grant planning permission in accordance the Officers recommendation.

Councillor Jopling commented that the proposed solar farm was on a large swathe of arable land and asked whether the proposed solar farm would be one of the larger ones in County Durham. Kelsi Bolstad replied there were a few solar farms of this scale in County Durham. Lightsource bp had consent for two solar farms approved in County Durham which would be constructed in the next few years. Although the development looked to be large scale enhance landscaping was proposed to help with the impact of the scale of the proposal with a biodiversity net gain of 155%. The solar farm would have a lifetime of 40 years after which all equipment would be removed and the land revert to agricultural use.

Councillor Molloy referred to the presentation by the applicant and asked what research the applicant had undertaken to ascertain whether climate change was man-made or was cyclical.

Kelsi Bolstad replied that this was not a material planning consideration. Lightsource bp carried out a lot of research into climate change, where it sourced material uses and how calculations were carried out to realise the benefits of carbon savings.

Councillor McGaun asked what level of employment the proposed development would bring and sought clarity on the £1,000 per megawatt contribution referred to in the presentation.

Kelsey Bolstad replied that an economic benefits assessment had been carried out which calculated that 100 people would be directly employed during construction and 150 indirectly employed. Over the lifetime of the project 10-15 staff would carry out operational maintenance and management of the solar farm. The community benefit fund would be £1,000 per megawatt of installed capacity which would be paid to the local Parish Council once the solar farm was up and running.

The Senior Planning Officer confirmed that Lightsource bp had two approved solar farms at Sedgefield and at Hulam which were of a similar scale to this application. The Planning Policy Framework indicated that climate change was happening and there was support for project which addressed this.

Councillor Martin informed the Committee he could see no objections to the proposal which, although had some detrimental impact in terms of views and loss of agricultural land, also had a significant planting scheme to mitigate this impact. Councillor Martin **moved** approval of the application.

Councillor Molloy considered that a considerable amount of arable land was being taken over by the proposed solar farm. Paragraph 171 of the report stated that the proposed development would result in unacceptable landscape harm in conflict with CDP Policies 10 and 39. Additionally, the removal of arable land may result in the need to import more food and this would lead to an increase in the carbon footprint which would not be negated by this development. On these grounds Councillor Molloy informed the Committee he was unable to support approval of the application.

Councillor Jopling agreed with Councillor Molloy. There was a need to balance the ability to produce food with the ability to produce energy from sustainable sources and as such this was a difficult application to determine.

Councillor Moist, while appreciating the concerns which had been expressed, reminded the Committee that the solar farm should be considered in terms of

a planning application. The proposed solar farm would be on a very small percentage of the land area of County Durham and the benefits of the development far outweighed the cost of it. Councillor Moist informed the Committee that he would be supporting approval of the application.

Councillor Zair agreed that the application was a difficult one to determine, with arguments both for and against approval. County Durham already had two large solar farms and Councillor Zair feared that if this application was approved it could encourage further large applications in the future or an application to expand this site. Councillor Zair expressed his worry at the loss of agricultural which reduced the ability for the country to be more self-sufficient in food production.

Councillor Richardson informed the Committee that he was a farmer. While the population needed electricity, first and foremost it needed food. This application was on 260 acres of crop producing agricultural land and Councillor Richardson informed the Committee that on this occasion he would be voting on the application.

Councillor Roberts **Seconded** approval of the application.

Upon a vote being taken there was an equality of votes, therefore upon the Chairman using his casting vote the motion to approve the application was **Lost**.

N Carter, Planning and Development Solicitor explained that the motion for approval had been lost and therefore to make a determination on the application a mover and seconder was needed for an alternative proposal which would then be put to the vote. Members had mentioned landscape impact as a reason for refusal of the application and while the report recognised the residual landscape harm there was a balancing exercise whether the benefits of the development outweighed the landscape harm. Referring to issues of food production and impact on agriculture which had been mentioned by the Committee the Planning and Development Solicitor expressed concern that there was no evidence to support this as a reason for refusal.

Councillor Jopling considered that the application was contrary to Policies 10 and 39 of the County Durham Plan and **Moved** refusal of the application on the grounds of unacceptable landscape and visual impact which was not outweighed by the benefits of the scheme. **Seconded** by Councillor Molloy.

Upon a vote being taken there was an equality of votes, therefore upon the Chairman using his casting vote it was:

**Resolved:**

That the application be refused on the grounds of unacceptable landscape and visual impact contrary to Policies 10 and 39 of the County Durham Plan. This impact was not outweighed by the benefits of the scheme.

**b DM/21/04097/FPA - Site of Former Tudhoe Grange Comprehensive School, Durham Road, Spennymoor, DL16 6SQ**

The Committee considered a report of the Senior Planning Officer regarding an application for a new 630 place Primary School on the site of the former Tudhoe Grange Comprehensive School, Durham Road, Spennymoor, DL16 6SQ (for copy see file of Minutes).

C Shields, Senior Planning Officer provided a detailed presentation of the application which included a site location plan, aerial photograph, site photographs and visualisations of the proposed new school.

Councillor Jopling **Moved** approval of the application which she considered would be of great benefit to Spennymoor.

Councillor Molloy informed the Committee that the proposed development neighboured his electoral division. While he had received no representations on the application, he had some reservation that the new school would have no facility for drive in and drop off and asked why no consideration had been given to providing this. Durham Road already had issues with parking and Councillor Molloy considered these would be exacerbated by the proposed school. Councillor Molloy also asked how the timings for the school would conflict with the two other schools in the area.

Councillor Boyes informed the Committee that he supported the application but considered that a drop off/pick up point should be incorporated into the proposed development.

The Senior Planning Officer informed the Committee that the proposed car park for the school was slightly oversize for the school itself. The issue of providing parent drop off/pick up was that this encouraged parents to use their cars to drop children off rather than using an alternative. The application had been accompanied by a Travel Plan to encourage use of alternative modes of transport and there was provision on site for cycle and scooter storage and bus stops outside of the school site.

Councillor McGaun informed the Committee that he supported the application but considered that a condition relating to parking or school timings with neighbouring schools was vital to enable the Committee to make an informed decision.

P Harrison, Highway Development Manager informed the Committee that a car parking management plan may be a solution. A pick up and drop off facility would require a significant redesign of the proposal and would lead to a lot of dead space. A car parking management plan could lead to an area of the car park being set aside at pick up and drop off times. The Senior Planning Officer informed the Committee that the applicants could be requested to revisit the Travel Plan to look at the operating times of the neighbouring schools.

Upon a vote being taken it was

**Resolved:**

That the application be approved subject to an amendment to the Travel Plan to include working with neighbouring schools on start and finish times.

**c DM/21/04047/FPA - Site of Former Electrolux, Merrington Lane Industrial Estate, Spennymoor, DL16 7EY**

The Committee considered a report of the Senior Planning Officer regarding an application for the erection of 27 dwellings with associated infrastructure (revised description 16/05/2022) on the site of former J Mitchinson, Merrington Lane Industrial Estate, Spennymoor, DL16 7UT (for copy see file of Minutes).

L Eden, Senior Planning Officer provided a detailed presentation of the application which included a site location plan, aerial photograph, site photographs, proposed site plan and proposed elevations.

The Senior Planning Officer informed the Committee that since the publication of the Committee report further discussions had taken place with the applicant regarding the wording of the proposed conditions who had requested that a number of the triggers be moved back slightly into the development phase to ensure the smooth deliverability of the scheme. Officers had no objection to this and requested delegated authority to make these changes should the application be approved.

Councillor Martin referred to this development being part of a larger development site and asked what amenities would be provided. James Hall, agent for the application confirmed this application was part of a larger development site which would include commercial uses.

Councillor Boyes asked whether the affordable housing would be on-site or off-site. Mr Hall replied that the affordable housing would be delivered through a legal agreement with Home Housing Group and would be delivered on site.

Councillor Molloy informed the Committee that the proposed development neighboured his electoral division. This was a brownfield site and he had received representations on the proposal. Councillor Molloy **moved** approval of the application. **Seconded** by Councillor Jopling and

**Resolved:**

That the application be approved subject to the completion of a S106 Legal Agreement to secure the following:

- £43,930 towards improving offsite open space and recreational provision within Tudhoe Electoral Division;
- £13,041 to increase GP surgery capacity;
- provision of 15% affordable housing units on site comprising of 3no. units for affordable home ownership and 2no. unit for affordable rent.

and the Conditions contained in the report, subject to delegation to Officers to negotiate trigger points.

## Planning Services

# COMMITTEE REPORT

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### APPLICATION DETAILS

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<b>APPLICATION No:</b>	DM/22/01005/FPA
<b>FULL APPLICATION DESCRIPTION:</b>	Change of use of office headquarters (sui generis) to higher education (Durham University Business School) (Use Class F1a)
<b>NAME OF APPLICANT:</b>	Durham University
<b>ADDRESS:</b>	The Waterside Building, Riverside Place, Durham DH1 1SL
<b>ELECTORAL DIVISION:</b>	Elvet and Gilesgate
<b>CASE OFFICER:</b>	Claire Teasdale, Principal Planning Officer 03000 261390 <a href="mailto:claire.teasdale@durham.gov.uk">claire.teasdale@durham.gov.uk</a>

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### DESCRIPTION OF THE SITE AND PROPOSALS

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#### The Site

1. Planning permission was previously granted for the erection of office headquarters with associated car parking (inclusive of a multi-storey car park) with associated landscaping, highway and infrastructure works and demolition of existing structures (Planning Permission No. DM/18/02369/FPA). The office headquarters being originally intended for use by Durham County Council. The application area comprised two parcels of land on the eastern and western sides of Freemans Place within Durham City centre with a combined area of 1.4ha. The western area being the site of the office building and the eastern area, on land adjacent to Durham Sixth Form Centre, being the site of the multi story carpark. Subsequent variation of condition applications have been approved (Planning Permission Nos. DM/20/00702/VOC and DM/20/03394/VOC).
2. The current application site covers an area of approximately 0.9ha comprising: the new constructed office headquarters building; the maximum extent of the surrounding public realm on the boundaries of the building where this was designed to manage surface flows during storm or flood events, and the surface level car park adjacent to the building and the sprinkler tank within it. The building has been completed but is not yet occupied. The multi storey car park which formed part of the previous applications, and also now completed, is not included in the application.
3. To the south, the site borders the recent Freemans Reach development, to the west is the River Wear, to the east is Durham Sixth Form Centre (DSFC) and in the north the open land of the Sands.

4. Freemans Place is approximately 500m in length and runs on a north/south alignment. It forms a priority junction with Providence Row to the north east of the application site and extends southwards where it meets the A690. The section of the route adjacent to Walkergate is one-way only. Providence Row, which runs on a north west/south east alignment, which rises on the approach to Claypath where it forms a signalised T junction.
5. The application site lies within the Durham City Town Centre boundary as defined by the County Durham Plan.
6. The site is located within the Durham (City Centre) Conservation Area. It is within the setting of the Durham Castle and Cathedral World Heritage Site (WHS), the boundary of which is situated approximately 400m to the south. The WHS site itself contains a host of listed buildings including the grade I listed Cathedral and Castle and several individually listed associated features and structures.
7. There are no Public Rights of Way (PRoW) within or abutting the site, though Footpath No. 77 (Durham City Parish) is located opposite the DSFC car park.
8. The application site is immediately adjacent to the River Wear. The application site is principally located within Flood Zone 3a as defined by the Environment Agency.
9. The site is not covered by any national or local landscape designations. An Area of Higher Landscape Value as defined by the County Durham Plan lies to the north of the site as is a tree belt between car park adjacent to the existing building and the River Wear. The Sands also to the north of the site is designated Green Belt.
10. The application site does not contain any statutory or locally designated ecological sites. The closest designated sites being Frankland Pond Local Wildlife Site (LWS) approximately 450m to the north, Pelaw Wood LWS approximately 815m to the south-east and Flass Vale LWS and Local Nature Reserve (LNR) approximately 650m to the south-west.
11. The site is located within a River Sand and Gravel Mineral Safeguarding Area, Coal Resource Mineral Safeguarding Area, Surface Mined Coal Resource Area and Coalfield Development High Risk Area.

## The Proposal

12. The proposed development is for a change of use from office headquarters (Sui Generis) to further education use (F1.a) specifically the Durham University Business School (DUBS). It is proposed that the current internal layout could be adapted to meet the requirements of the University, and any such changes would not require planning permission. No amendments or external alterations to the building or external areas as previously consented and now in situ are proposed. No change to the previously approved access arrangements to the building are proposed. No changes are proposed to the previously approved landscaping or lighting details secured through previous grant of planning permission. In areas such as the civic square that hard landscaping would be managed and maintained by the University.
13. Although the area of car parking adjacent to the building is included within the application area the University does not intent to make use of it. It would remain in the ownership of the Council along with any maintenance responsibilities associated with car park landscaping. The tree belted area would be retained thus securing continued screening of the car park from the River.

14. It is anticipated that the building would have a capacity for up to 2,300 students and staff and that the building would be open 24 hours and 7 days a week during term time (with out of hours porter staff coverage) with core teaching hours being typically 9am to 6pm on Monday to Friday with the approved ancillary café spaces also retained as per the consented development and operational from 8am to 5pm (also Monday to Friday). Some deviation from these times may occur during Epiphany and Easter terms whereby teaching may take place until 9pm and where some teaching spaces are used on Saturdays and Sundays. Lighting would only be utilised when required. The café may also be required to occasionally open late if late night teaching was taking place for some classes but would only be open to those using the building at that time. The building would be closed during the University's Christmas closure period but monitored by University Security at all times.
15. Under the extant planning permission for the office building, the roof terrace space cannot be used or occupied outside of the hours of 7am to 11pm except in an incidence where access is needed for essential maintenance purposes. The occupancy level of the roof terrace space is limited to no more than 163 persons. No changes are proposed to this use.
16. The original application was Environment Impact Assessment (EIA) development having regards to the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (EIA Regulations) and the application was accompanied by an Environmental Statement (ES). During consideration of that application further information was submitted. The report that was presented to the County Planning Committee took into account the information contained in the ES and subsequently submitted details and that arising from statutory consultations and other responses. The subsequent variation of condition applications were accompanied by ES Addendums. The current application has been the subject of a Screening Opinion prior to submission of the application. It was concluded that the proposal is not EIA development, and any future planning application would not need to be supported by an Environmental Statement in line with the Regulations.
17. The application is being presented to County Planning Committee as in the opinion of the Head of Development and Housing it relates to a previous application for a development that was particularly controversial.

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## **PLANNING HISTORY**

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18. Historically the original application site has been subject to development with an industrial laundry dating from the early 20<sup>th</sup> Century being located on the Sixth Form Centre car park. Historical evidence highlights a mill race being located on the Sands car park dating from the 18<sup>th</sup> Century with an incinerator located on the site up until the mid 20<sup>th</sup> Century.
19. The Sixth Form Centre car park was occupied by the Sorting Office until its relocation in 1995. Since this time the following planning history has occurred at the site.
20. In January 2004 Planning Permission No. 04/00009/FPA was granted for the creation of a public surface car park for a temporary period. This permission was then renewed in October 2006 (Planning Permission No. 06/00726/FPA).
21. Planning permission for a temporary construction compound was approved in July 2013 (13/00484/FPA).

22. Planning Permission No. DM/18/02369/FPA for the erection of office headquarters with associated car parking (inclusive of a multi-storey car park) with associated landscaping, highway and infrastructure works and demolition of existing structures was approved in April 2019.
23. In June 2020 Planning Permission No. DM/20/00702/VOC for a variation of condition 2 of DM/18/02369/FPA (Erection of office headquarters with associated works and car parking) to permit installation of PV cells and roof terrace was approved.
24. Planning Permission No. DM/20/03394/VOC was granted in March 2021 for a variation of Conditions 1 (approved plans) and 7 (lighting) of planning permission DM/20/00702/VOC (Erection of office HQ with associated works and car parking) to facilitate amendments to the design of the MSCP stair and lift core, increased curtain walling, escape stair lighting, installation of lighting on the top two parking decks and re-configuration of 277 parking bays including reduction of 4 accessible bays and provision of larger dual accessibility bays together with variation of condition 3 so as to permit adherence to a revised ground gas remediation strategy.
25. The coach park which formed part of the original application and forms part of the current application, was registered as Common Land. The land was deregistered in October 2021 by the Secretary of State for Environment, Food and Rural Affairs following a public inquiry.

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## **PLANNING POLICY**

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### **NATIONAL POLICY**

26. 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.
27. 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.
28. *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.
29. *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.

30. *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.
31. *NPPF Part 7 - Ensuring the Vitality of Town Centres.* Planning policies and decisions should support the role that town centres play at the heart of local communities, by taking a positive approach to their growth, management and adaptation.
32. *NPPF Part 8 – Promoting healthy and safe communities.* The planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. Developments should be safe and accessible; Local Planning Authorities should plan positively for the provision and use of shared space and community facilities. An integrated approach to considering the location of housing, economic uses and services should be adopted.
33. *NPPF Part 9 – Promoting sustainable transport.* Encouragement should be given to solutions which support reductions in greenhouse gas emissions and reduce congestion. Developments that generate significant movement should be located where the need to travel will be minimised and the use of sustainable transport modes maximised.
34. *NPPF Part 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.
35. *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.
36. *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.
37. *NPPF Part 15 Conserving and Enhancing the Natural Environment.* Conserving and enhancing the natural environment. The Planning System should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, geological conservation interests, recognising the wider benefits of ecosystems, minimising the impacts on biodiversity, preventing both new and existing development from contributing to or being put at unacceptable risk from pollution and land stability and remediating contaminated or other degraded land where appropriate.
38. *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>

39. The Government has consolidated a number of planning practice guidance notes, circulars and other guidance documents into a single Planning Practice Guidance Suite. This document provides planning guidance on a wide range of matters. Of particular relevance to this application is the practice guidance with regards to: air quality; before submitting an application; consultation and pre-decision matters; flood risk and coastal change; health and well-being; travel plans, transport assessments and statements.

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

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

## **LOCAL PLAN POLICY:**

The County Durham Plan (October 2020)

40. *Policy 6 – Development of Unallocated Sites* – states the development on sites not allocated in the Plan or Neighbourhood Plan, but which are either within the built-up area or outside the built up area but well related to a settlement will be permitted provided it: is compatible with use on adjacent land; does not result in coalescence with neighbouring settlements; does not result in loss of land of recreational, ecological, or heritage value; is appropriate in scale, design etc to the character of settlement; it is not prejudicial to highway safety; provides access to sustainable modes of transport; retains the settlement’s valued facilities; considers climate change implications; encourages the use of previously developed land and reflects priorities for urban regeneration.
41. *Policy 9 – Retail Hierarchy and Town Centre Development* – seeks to protect and enhance the hierarchy of Sub Regional, Large Town, Small Town, District and Local retail centres in the county
42. *Policy 16 – Durham University Development, Purpose Built Student Accommodation and Houses in Multiple Occupation* – seeks to provides a means to consider student accommodation and proposals for houses in multiple occupation in ensure they create inclusive places in line with the objective of creating mixed and balanced communities.
43. *Policy 21 – Delivering Sustainable Transport* – states that the transport implications of development must be addressed as part of any planning application, where relevant this could include through Transport Assessments, Transport Statements and Travel Plans.
44. *Policy 22 – Durham City Sustainable Transport* – seeks to reduce the dominance of car traffic, address air quality and improve the historic environment within the Durham City area.
45. *Policy 28 – Safeguarded Areas* – Within safeguarded areas development will be subject to consultation with the relevant authority and will be permitted within the defined consultation zones of the Major Hazard Sites and Major Hazard Pipelines, where it can be demonstrated that it would not prejudice current or future public safety. The Policy also requires that development would not prejudice the safety of air traffic

and air traffic services, that there would be no unacceptable adverse impacts upon the operation of High Moorsely Meteorological Officer radar and the operation of Fishburn Airfield, Shotton Airfield and Peterlee Parachute Drop Zone Safeguarding Areas.

46. *Policy 29 – Sustainable Design* – requires all development proposals to achieve well designed buildings and places and sets out criteria for development to be considered acceptable, including: making positive contribution to areas character, identity etc.; adaptable buildings; minimising greenhouse gas emissions and use of non-renewable resources; providing high standards of amenity and privacy; contributing to healthy neighbourhoods; and suitable landscape proposals.
47. *Policy 31 – Amenity and Pollution* – sets out that development will be permitted where it can be demonstrated that there will be no unacceptable impact, either individually or cumulatively, on health, living or working conditions or the natural environment and that can be integrated effectively with any existing business and community facilities. Development will not be permitted where inappropriate odours, noise, vibration and other sources of pollution cannot be suitably mitigated against, as well as where light pollution is not suitably minimised. Permission will not be granted for locating of sensitive land uses near to potentially polluting development. Similarly, potentially polluting development will not be permitted near sensitive uses unless the effects can be mitigated.
48. *Policy 35 – Water Management* – states that all development proposals will be required to consider the effect of the proposed development on flood risk, both on-site and off-site, commensurate with the scale and impact of the development and taking into account the predicted impacts of climate change for the lifetime of the proposal. This includes completion of a Flood Risk Assessment (FRA) where appropriate.
49. *Policy 56 – Safeguarding Mineral Resources* – states that planning permission will not be granted for non-mineral development that would lead to the sterilisation of mineral resources within a Mineral Safeguarding Area. This is unless it can be demonstrated that the mineral in the location concerned is no longer of any current or potential value, provision can be made for the mineral to be extracted satisfactorily prior to the non-minerals development taking place without unacceptable adverse impact, the non-minerals development is of a temporary nature that does not inhibit extraction or there is an overriding need for the non-minerals development which outweighs the need to safeguard the mineral or it constitutes exempt development as set out in the Plan. Unless the proposal is exempt development or temporary in nature, all planning applications for non-mineral development within a Mineral Safeguarding Area must be accompanied by a Mineral Assessment of the effect of the proposed development on the mineral resource beneath or adjacent to the site of the proposed development.

#### **NEIGHBOURHOOD PLAN:**

Durham City Neighbourhood Plan (June 2021)

50. *Policy S1 – Sustainable Development Requirements of all Development and Re-development Sites Including all New Building, Renovations and Extensions* – seeks to sets out the economic, social and environmental criteria that development proposals will be required to meet.
51. *Policy T1 – Sustainable Transport Accessibility and Design* – seeks to ensure that development proposals will be required to demonstrate best practice in respect of sustainable transport accessibility and design.

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## CONSULTATION AND PUBLICITY RESPONSES

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### STATUTORY RESPONSES:

52. *Highway Authority* – Raise no objections. From a Highways perspective, this application is considered acceptable. It is not considered that the trip generation of the proposed use would materially differ from the existing use. It is considered that the building is located in a location which maximises the potential for use by sustainable modes of transport. The applicant has proposed a Travel Plan which would need to be implemented and incorporated into the University's wider Travel Plan. Parking provision would not alter from that proposed for the original use of the building. Given the sustainable location, this is acceptable.
53. *Environment Agency* – Raise no objection to the proposed change of use to a More Vulnerable classification of development, which is appropriate within Flood Zone 3 once passed the exception test, along with the proposed change of use having no increase in on or off-site flood risk. It is requested that the submitted Flood Risk Assessment and Flood Risk Management Plan are listed as approved documents should planning permission be granted, to which the development must adhere. Advice is also provided with regard to flood resistance and resilience, and flood warning and emergency response. With the latter, the Environment Agency recommend the Council undertake appropriate consultation with emergency planners and the emergency services to confirm the adequacy of the evacuation proposals.
54. In response to a query regarding the applicability of the exception test, the Environment Agency advise that the sequential and exception tests would not apply in this case and that the reference to the exception test in its response was in error.
55. *Lead Local Flood Authority (Drainage and Coastal Protection)* – Raise no objections noting that the surface water management for this scheme has been previously approved and the scheme is now constructed

### INTERNAL CONSULTEE RESPONSES:

56. *Spatial Planning* – Raise no objections. It is considered that the proposed use is acceptable for this building and the proposal would not conflict with CDP Policy 9 and can also satisfy the relevant criteria laid out within CDP Policies 6 and 16. For these reasons there are no policy objections to the proposal.
57. *Environment, Health and Consumer Protection (Nuisance Action)* – Raise no objections. Officers have assessed the noise impact assessment submitted with the application and agree with the conclusions drawn therein. Concurring that any conditions regarding noise, such as mechanical plant rating level limits, roof terrace usage hours and occupancy numbers attached to the previous usage be maintained and adhered to. It is considered that the application complies with the Council's Technical Advice Notes and indicates that the development would not lead to an adverse impact. Furthermore, officers are satisfied, based on the information submitted with the application, that the development is unlikely to cause a statutory nuisance.
58. *Environment, Health and Consumer Protection (Air Quality)* – Raise no objections. Officer have considered the application and on the basis that the proposed

development is now fully constructed and there would no dust or air quality emitting activities associated with construction activity, the development would not increase traffic generation compared to that assessed in the original air quality assessment, and that no energy plant is proposed, it is considered that no further air quality assessment is required.

59. *Ecology* – Raise no objection. No ecological issues are identified especially given that there are no changes to the lighting arrangements as previously proposed.
60. *Design and Conservation* – Raised no objections. Officers note that given the highly prominent riverside location, any proposed changes to the previously approved lighting strategy need to be considered in the context of impact on the conservation area and night-time setting of the World Heritage Site. In addition, any signage strategy for building would need to be considered in any future application for advertisement consent.
61. *Sustainable Travel* – Raise no objections considering that the submitted Travel Plan has been assessed as meeting the required standard.
62. *Emergency Planning/Civil Contingencies Unit* – advise it has no major comments to make.

#### **PUBLIC RESPONSES:**

63. The application has been publicised by way of press notice, site notice and individual notification letters to 825 neighbouring residents and occupiers. 3 representations have been received, 1 objection, 1 support and 1 representation commenting on the application.

#### Objection

64. The objection received from a member of the public states that a robust case was made for the original application for a Council building and the benefits associated with it. Concerns are raised regarding statements from the current political administration that members of the public do not approve of the site for its permitted use, but evidence of this is not provided.

#### Support

65. *North East Chamber of Commerce* – supports the application recognising the benefits for the wider North East area. It notes that the Business School is one of the University's most important assets, attracting students locally, nationally and internationally, delivering academic excellence, and generating revenue, providing direct social and economic benefits to the local area and County. The Sands relocation presents an opportunity to maximise the benefit of DUBS to the City, making a unique contribution to the County.
66. The role of the Chamber and the partnership with the University is highlighted and it is noted that the Chamber supports initiatives which help to create new jobs and investment in the region, enable the growth of international trade, and provide a catalyst for investment and collaboration for innovation. Promoting the academic excellence of the North East as a global asset is part of that mission. It understands that the University has been looking to relocate its world-renowned Business School for the last five years and that this proposal represents an important opportunity to deliver on that strategic ambition, whilst adding economic and social value to the heart of Durham. The most recent economic impact assessment of the Business School

demonstrates that DUBS already delivers £83.1m in GVA and supports 617 jobs. The assessment estimates an additional £32.2m GVA and 185 more jobs could be generated from the proposed new Sands site.

67. The Chamber goes on to say that Durham's heritage as England's third oldest university is well-known. It is an important anchor organisation within the County: for every £1 the University generates it levers £4.56 back, much of which is invested in City, County and wider region. County Durham, in line with the wider North East, still faces some challenges around productivity and employment. The Chamber recognise that the University is working closely with the Council and business networks to address these challenges collaboratively as an example of positive 'place-shaping and making'. The Business School's vision to "lead business thought and practice to improve global wealth and well-being" is ambitious, progressive and aligns strongly with the work of regional partners in thinking about how the North East can be a leading voice in conversations around planet, people and profit. The Chamber states that the University is putting this vision into practice with a greater focus on first generation graduates and £10m of academic support and scholarships to improve opportunities for young people from County Durham and the North East to access the University and DUBS. It is also stated that Durham University plays an important leadership role in a number of strategic development programmes.

#### Comments

68. *City of Durham Trust* – Notes the change of use but has substantial concerns about aspects of the change and its implications. The Trust states it objected to the original building and the absorption of the adjacent car park and its release from the Sands Common. The building remains a concern because of the continuing potential for flood and concerns are raised regarding comments made by the Environment Agency concerning potential danger to life. The Trust seeks reassurance that there would be more further changes to external spaces to counter the risk and public users are adequately protected.
69. The Trust welcomes reassurances regarding the growth of the university set out in the application, however due to the proposed 24/7 use the Trust seeks reassurances that this would not result in as yet unidentified changes to the building or greater impacts on surrounding areas. It is also stated that there is public access across the released common area which is the car park now included in the change of use application. The Trust states that the application boundary excludes landscaping that surrounds the car park adjacent to the building to the west and south. This is considered to make little sense and would subdivide future responsibility for its upkeep. The Trust is of the view that the application offers no certainty of screening for the car park or whether the public are to be excluded. The impact of the roof terrace is raised as a concern given the change of use is significant and the building would be in 24/7 use, the Trust seeks reassurance that this negative impact from terrace use would not be increased. The future of art related to the County Council, installed etched glass panels, is queried.
70. It seems to the Trust that there are loose ends yet to be resolved and the application appears a little rushed. It is concerned that there may be unidentified changes necessary to accommodate the new use. The Trust considers that the issues it identifies should be resolved at this application stage, at least in principle, rather than being held over to be dealt with under planning conditions.
71. Specific comments are made in respect of the submitted Transport Statement and Travel Plan. With regard to the Transport Statement reservations are made regarding the method of calculating car trip generation. With regard to pedestrian traffic the Trust

considers that there would likely be a marked increase in foot traffic along New Elvet and Church Street which have congestion at peak times and are identified for improvement in the Local Cycling and Walking Infrastructure Plan for Durham City and would like to see the footway widths evaluated. The evidence presented does not rule out the possibility of severe cumulative impact on the highway network. In terms of cycle access and parking it is stated that the lack of a dedicated network would substantially reduce the numbers of people likely to cycle. A condition requiring identification of space for additional cycle parking spaces and their future installation is requested as the Trust considers that there would be insufficient. In terms of car parking, it is considered unclear whether the County Council or the University would manage the surface car park. It is also suggested that overall car parking provision will soon exceed that required to accommodate staff. A reduction in the car parking available for University use across the estate, combined with charging for permits or use, would be appropriate. A condition requiring the Travel Plan and the annual survey to be updated to reflect the opportunities to reduce travel demand through working from home should be required should planning permission be granted. With regard to the Travel Plan the Trust considers that overall, it shows a well-evidenced level of ambition, and includes many practical and effective measures, especially regarding bus travel. More work is needed on management of car parking, and on aspects outside the University's direct control, such as the walking and cycling infrastructure.

#### **APPLICANTS STATEMENT:**

72. It has been demonstrated that the change of use of the Durham County Council headquarters to higher education and more specifically, Durham University Business School, is acceptable in planning terms and accords with the Policies within the County Durham Plan. The Development Plan is explicit in its support for the sustainable improvement of facilities associated with Durham University. More specifically, it is demonstrated via BiGGAR economics that it is crucial that the Durham University Business School retains its leading status through the continued delivery of world class teaching and investment in new facilities. Durham University are clear that in order to achieve this they need to relocate the existing school to a new site.
73. There is a dearth of suitable and available alternative sites within Durham City for the Business School to relocate. If the School is unable to relocate to a new facility it is anticipated by BiGGAR economics that, to the detriment of Durham City, income, staff numbers and student numbers would decrease by at least £4.2m GVA and 31 jobs. Whilst there is a clear preference and objective to remain within County Durham, it is imperative that new facilities are provided. It is estimated that the improved facilities at Freeman's Place would result in an increase of £32.2 million GVA and 185 jobs by 2032 taking the overall impact of the business school to £111.2 million GVA and 770 jobs in County Durham.
74. The original proposal to relocate County Council operations to Freemans Place formed part of a wider programme of public and private investment in Durham City Centre (including Milburngate, Riverwalk, North Road Bus Station and the Aykley Heads Strategic Employment Site) much of which would retain or increase the number of people and associated spend within the heart of the City. Whilst the proposed change of use would no longer relocate Council staff, the relocated post graduate and mature students and staff would meet the same objective. At a time when many city centres are struggling the relocated Business School would act as an "anchor" and assist in retaining pedestrian footfall between the campus and Freemans Place.
75. Notwithstanding the socio economic considerations, very little has changed since the grant of planning consent for the building now in situ. There are no proposed changes

to the design of the building within this application and the identified civic spaces immediately outside the building would remain accessible to the public.

76. The application has been subject to extensive pre-application consultation with the Environment Agency prior to submission to ensure that the updated Flood Risk Management Plan is suitable for the use of the building by the University and it has been demonstrated that the requirements of policy and guidance are met in full.
77. Furthermore, the application has been subject to extensive community consultation with the City of Durham Parish Council and other stakeholders. The proposal is within a location that is accessible to all via a range of means of transport. Indeed, as the majority of students do not travel to University by car it has been demonstrated that there would be net reduction in vehicle movements to and from the building (320 trips per day). This city centre building represents a truly sustainable location for the Business School.
78. In summary, Durham University is recognised as a global asset to County Durham. England's 3rd oldest University (Established 1832) contributes over a billion pounds of GVA to the UK economy. It supports 6,670 jobs in the County alone, attracts over a quarter of a million visitors to Durham City, provides £10m of academic support and scholarships to local people and supports 35,000 hours of volunteering every year for local charities across Durham. The proposed relocated Business School competes at the top of the world rankings and is connected to a 38,000 strong alumni network across 140 countries – each influential person spreading the good word about Durham. The Business School needs a new home to welcome some of the world's most recognisable and influential organisational brands, inspire the UK's most important employers and jointly collaborate with County Durham's most ambitious and innovative companies. This proposal for a new and relocated Business School therefore represents an essential step for Durham City and the wider region.

*The above represents a summary of the comments received on this application. The full written text is available for inspection on the application file which can be viewed at:*

<http://publicaccess.durham.gov.uk/online-applications/search.do?action=simple&searchType=Application>

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## **PLANNING CONSIDERATIONS AND ASSESSMENT**

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79. 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. The National Planning Policy Framework (NPPF) and the policies contained therein are material considerations that should be taken into account in decision-making. Other material considerations include representations received.
80. Under the original planning permission DM/18/02369/FPA the main planning issues for consideration were: the principle of the development; visual, townscape, landscape and heritage impact; transport, highways, accessibility and equality issues; air quality; other pollution and amenity; socioeconomic and city centre impact; flood risk and drainage; ecology and consultation and determination matters.
81. The original application therefore dealt with all the 'in-principle' matters in terms of: whether the site represented an acceptable location in relation to city centre policies for office headquarters; whether the design of the building was acceptable in this sensitive location (being within the Durham Conservation Area and within the setting of other heritage assets); whether the proposal provided a suitable location in terms of flood risk and whether the site was suitable in terms of transport and accessibility.

82. The principle of the building and its use as an office has therefore been established under the original planning permission and with the assessment of the more recent Planning Permissions Nos. DM/20/00702/VOC and DM/20/03394/VOC, and the subsequent substantial completion of the building.
83. The current planning application seeks to change use of office headquarters (*sui generis*) to higher education (Durham University Business School) (Use Class F1a). The main issue with the current application relates to whether its use for educational purposes is acceptable. The matters to consider therefore are the principle of the development, flood risk and drainage, transport and highways, residential amenity and air quality, other matters and public sector equality duty. It is considered that there are no new issues in relation to matters previously considered.

#### The Principle of the Development

84. 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 the Durham City Neighbourhood Plan (DCNP) comprise the statutory development plan relevant to this proposal and are the starting point for determining applications as set out in the Planning Act and reinforced at Paragraph 12 of the NPPF. The CDP was adopted in October 2020 and provides the policy framework for the County up until 2035. The DCNP was adopted in 2021 and is intended to cover the period to 2035.
85. 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.
86. In light of the adopted CDP and DCNP, the Council has an up to date development plan. Paragraph 11 of the NPPF establishes a presumption in favour of sustainable development. For decision taking this means approving development proposals that accord with an up to date development plan without delay (Paragraph 11 c). Accordingly, Paragraph 11(d) of the NPPF is not engaged.
87. The key policies for the determination of this application are CDP Policies 6 (Development on Unallocated Sites), 9 (Retail Hierarchy and Town Centre Development) and 16 (Durham University Development, Purpose Built Student Accommodation and Houses in Multiple Occupation). In addition, there are a number of applicable environmental protection policies within the CDP and relevant DCNP policies to consider.

88. The building is located within the defined city centre boundary, and the CDP, through Policy 9, protects and enhances Durham City's role as a sub-regional centre through the promotion of main town centre uses (as defined within Annex 2: Glossary of the NPPF).
89. Educational facilities fall within Use Class F.1(a) (Learning and non-residential institutions), but it is recognised that this particular proposal for the business school shares many characteristics to that of a traditional office in the sense that users would visit the building and likely remain there for the majority of the day.
90. Whilst educational facilities are not specifically mentioned as a main town centre use under Annex 2 of the NPPF, it is considered that they are still appropriate uses within town centres, and with specific regard to this proposal and location, it is likely that students would use shops and facilities within the city centre which would help with its vitality and viability and associated trade levels.
91. Durham University has aspirations to move its Business School to a new facility to remain competitive with academic institutions in the UK and beyond. This includes an aspiration to become one of the top 20 business schools in Europe. This target and wider goals of the University to develop academic estate that will allow Durham University to deliver world-class education and research whilst also improving student experience, are set out in the Durham University Strategy 2017 – 2027. The University has been looking at sites in Durham to build or accommodate a new Business School but no suitable sites have been identified. A planning application for a Business School had been submitted for a site at Elvet Waterside (Application No. DM/19/02553/FPA) in 2019 but this has not progressed, and the University considers that the current application site represents a suitable and better alternative. The application is clear that the search for a new site is not related to an anticipated growth in student numbers, rather the need to improve facilities and remain competitive.
92. In terms of Durham University Development, CDP Policy 16 recognises that the University will continue to evolve and compete as a vibrant, diverse and high quality education-led mixed-use establishment, including arts and cultural uses, managed workspace for start-up businesses and other complementary uses. Planning permission will be granted for new University facilities including academic, residential, sport and cultural floor space and for the refurbishment of existing buildings where it satisfies criteria (a – h) within the Policy. These being:
  - a. the proposal respects the character and setting of the area and has regard to the needs and requirements of the local community;
  - b. there is no unacceptable impact on the Durham Castle and Cathedral World Heritage Site or its setting as assessed against the Outstanding Universal Values and opportunities are taken to enhance and better reveal its significance;
  - c. it sustains and enhances the significance of designated heritage assets, including the conservation area, including their settings and where appropriate, better reveals their significance. Development that results in harm to the setting and/or significance of designated or non designated heritage assets will not be supported unless the harm is outweighed by the public benefit;
  - d. there is no unacceptable harm on ecology and biodiversity;
  - e. the movements of staff and students around the city have been considered for all users and, where necessary, measures are provided for this demand such as widening footways, improving junctions, or through the provision of new routes for pedestrians and cyclists;

- f. parking spaces and electric vehicle charging points are provided having regard to the County Durham Parking and Accessibility Supplementary Planning Document (SPD);
  - g. in the case of sport and recreation facilities a community access agreement will be required; and
  - h. the proposal will enhance or create well-designed spaces, and exploit sustainable energy opportunities, including the delivery of district heating, where possible.
93. With regard to CDP Policy 16 criteria a, the design and appearance of the building has previously been considered and found to be acceptable. No external changes are proposed. The delivery of a new Business School would be in accordance with the Durham University Strategy and would result in socio-economic benefits to the wider community. Use as a University building by students and staff would ensure a vibrancy within the immediate area which reflects the character of neighbouring uses inclusive of Durham Sixth Form Centre, Durham Leisure Centre, neighbouring offices and leisure uses at Walkergate and Milburngate. Traffic and highways are considered below.
94. As the proposal would be utilising an existing building which was recently purpose built, it is considered that the matters covered by CDP Policy 16 criteria b, c, d, f and h have already been addressed in the assessment of the original application and found to be acceptable. Criteria g is not considered to be relevant given the nature of the proposal.
95. With regard to CDP Policy 16 criteria e, many of these issues would also have been relevant to the original application in assessing the movement of Council staff who would work at the proposed new headquarters. It should be recognised that the site is located within the city centre boundary with good walking connections into the primary shopping areas. Furthermore, the site already benefits from pedestrian and cycle infrastructure as well as public transport connections which would accommodate the Business School. Compared to the currently permitted use a lower trip rate is expected as the majority of students are likely to use sustainable and active modes of transport.
96. CDP Policy 6 permits the development of sites which are not allocated in the CDP or in a Neighbourhood Plan which are within the built-up area provided that the proposal accords with all relevant development plan policies and:
- a. is compatible with, and is not prejudicial to, any existing, allocated or permitted use of adjacent land;
  - b. does not contribute to coalescence with neighbouring settlements, would not result in ribbon development, or inappropriate backland development;
  - c. does not result in the loss of open land that has recreational, ecological or heritage value, or contributes to the character of the locality which cannot be adequately mitigated or compensated for;
  - d. is appropriate in terms of scale, design, layout, and location to the character, function, form and setting of, the settlement;
  - e. will not be prejudicial to highway safety or have a severe residual cumulative impact on network capacity;
  - f. has good access by sustainable modes of transport to relevant services and facilities and reflects the size of the settlement and the level of service provision within that settlement;
  - g. does not result in the loss of a settlement's or neighbourhood's valued facilities services unless it has been demonstrated that they are no longer viable; or
  - h. minimises vulnerability and provides resilience to impacts arising from climate change, including but not limited to, flooding;

- i. where relevant, makes as much use as possible of previously developed (brownfield) land; and
  - j. where appropriate, it reflects priorities for urban regeneration.
97. The majority of the matters set out in the above criteria were taken into consideration when assessing the original planning application under relevant development plan policies in place at that time, and it is considered that only criteria a. is relevant to the current application. This requires a proposal to be compatible with, and not prejudicial to, any existing, allocated or permitted use of adjacent land. Given that the proposed business school shares similar characteristics to an office, and that neighbouring uses include the passport office, Freemans Quay leisure centre and the Durham Sixth Form Centre, it is considered that the proposal would satisfy the requirements of criteria a. and it would be compatible with adjacent uses.
98. DNCP Policy S1 relates to sustainable development requirements of all development and re-development sites including all new building, renovations and extensions and sets out the economic, social and environmental criteria that development proposals will be required to meet. The current application is for a change of use and DNCP Policy S1 is not considered to be of relevance to its determination.
99. It is considered that the proposed use is acceptable for this building and the proposal does not conflict with CDP Policy 9 and can also satisfy the relevant criteria set out within CDP Policies 6 and 16 and Parts 6, 7 and 8 of the NPPF.

#### Flood Risk and Drainage

100. Part 14 of the NPPF directs Local Planning Authorities to guard against flooding and the damage it causes. Protection of the water environment is a material planning consideration and development proposals, including waste development, should ensure that new development does not harm the water environment. Paragraph 174 of the NPPF advises that planning decisions should contribute to and enhance the natural and local environment by preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of water pollution. Development should, wherever possible, help to improve local environmental conditions such as water quality.
101. 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.
102. Paragraph 167 of the NPPF states that when determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment. Development should only be allowed in areas at risk of flooding where, in the light of this assessment it can be demonstrated that it incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate, and any residual risk can be safely managed.
103. The application site is immediately adjacent to the River Wear. The application site is principally located within Flood Zone 3a which is land identified as having a 1 in 100 year or greater annual probability of river flooding. Land in Flood Zone 3a is land which is therefore at a higher risk and probability of flooding.

104. When development is proposed in an area of higher flood risk the NPPF advises that there is a requirement to undertake a sequential test, the aim of which is to steer new development to areas with the lowest risk of flooding. In order to meet the requirements of the sequential test it should be demonstrated that there are no reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding.
105. The Planning Practice Guidance (PPG) provides further advice on the sequential test and advises that a pragmatic approach on the availability of alternative sites should be taken. Table 2 of the PPG categorises different types of uses & development according to their vulnerability to flood risk. Table 3 of the PPG maps these vulnerability classes against the flood zones set out in Table 1 to indicate where development is 'appropriate' and where it should not be permitted. In Table 2 educational establishments are categorised as a 'more vulnerable' use whereas offices are classed as 'less vulnerable'.
106. The PPG advises that the sequential test does not need to be applied for individual developments on sites which have been allocated in development plans through the sequential test, or for applications for minor development or change of use (except for a change of use to a caravan, camping or chalet site, or to a mobile home or park home site).
107. In addition to the sequential test, there can be instances when development is proposed in higher flood risk zones to be required to meet an exceptions test. Paragraph 163 of the NPPF advises that the need for the exception test will depend on the potential vulnerability of the site and of the development proposed, in line with the Flood Risk Vulnerability Classification set out in Annex 3 of the NPPF. The exception test, as set out in Paragraph 164 of the NPPF, is a method to demonstrate and help ensure that flood risk to people and property will be managed satisfactorily, while allowing necessary development to go ahead in situations where suitable sites at lower risk of flooding are not available.
108. Paragraph 164 of the NPPF states that to pass the exception test it should be demonstrated that: a) the development would provide wider sustainability benefits to the community that outweigh the flood risk; and b) the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall. Paragraph 165 of the NPPF states that both elements of the exception test should be satisfied for development to be allocated or permitted.
109. Table 3 of the PPG identifies that the exception test is required for a 'more vulnerable' use in Flood Zone 3a. However, notes to Table 3 state that the sequential and exceptions tests do not need to be applied to minor developments and changes of use, except for a change of use to a caravan, camping or chalet site, or to a mobile home or park home site.
110. The original application considered the issue of flood risk and drainage, and a sequential test was undertaken. Overall, no objections to the development were raised on flood risk and drainage grounds. It was considered that the development would not result in an unacceptable flood risk and the development was therefore considered compliant with relevant development plan policies and the NPPF.
111. Whilst the applicant has provided evidence that the proposal meets the exception test, the exception test is not applicable. The PPG is clear, the sequential test and the exception test are not required for this current development because it is for a change

of use. The Environment Agency has confirmed that the sequential and exception tests would not apply in this case and that the reference to the exception test in its consultation response was in error.

112. The PPG considers the flood risk issues raised by changes of use. It notes that a change in use may involve an increase in flood risk if the vulnerability classification of the development is changed. In such cases, the applicant will need to show in their flood risk assessment that future users of the development will not be placed in danger from flood hazards throughout its lifetime. Depending on the risk, mitigation measures may be needed. It is for the applicant to show that the change of use meets the objectives of the Framework's policy on flood risk. For example, how the operation of any mitigation measures can be safeguarded and maintained effectively through the lifetime of the development.
113. The proposed change of use application is accompanied by a Flood Risk Management Plan to ensure that the site can be managed appropriately, with evacuation as and when required and installation of temporary demountable flood defences. It includes details of the trigger levels and flood warning system, which will be monitored 24/7, and sets out the responsibilities of the various teams involved. The flood warning triggers are unchanged from those previously consented for the original application and are set at levels that ensures sufficient response time is provided in advance of evacuation and deployment of the flood barrier.
114. The Environment Agency raises no objection to the proposed change of use to a More Vulnerable classification of development, which is appropriate within Flood Zone 3, along with the proposed change of use having no increase in on or off-site flood risk.
115. As requested by the Environment Agency the submitted Flood Risk Assessment and Flood Risk Management Plan would be listed as approved documents should planning permission be granted, to which the development must adhere. Through condition, an updated Flood Risk Management Plan would be required to allow the update of some of the appendices with DUBS specific plans should planning permission be granted as the current version includes plans related to the currently permitted use.
116. The Environment Agency has also provided advice with regard to flood resistance and resilience, and flood warning and emergency response. It states that it has considered the findings of the flood risk assessment in relation to the likely duration, depths, velocities and flood hazard rating against the design flood for the proposal. The Environment Agency agrees that this indicates that there will be a danger for all people (e.g. there will be danger of loss of life for the general public and the emergency services) but states that this does not mean it considers that the access is safe, or the proposals acceptable in this regard. The Environment Agency recommends the Council undertake appropriate consultation with emergency planners and the emergency services to confirm the adequacy of the evacuation proposals. The Council's Emergency Planning/Civil Contingency Team advise they have no major comments to make.
117. Drainage and Coastal Protection officers have considered the proposals and raise no objections noting that the surface water management for this scheme has been previously approved and the scheme is now constructed.
118. The City of Durham Trust has raised concerns regarding flood risk and has sought reassurances that there would be more further changes to external spaces to counter the risk and public users are adequately protected. No external changes are proposed, and any change may require planning permission.

119. Subject to a condition securing approved documents to be adhered to as requested by the Environment Agency, the proposed development would not lead to increased flood risk, both on and off site, and through the use of SUDs would ensure there is no net increase in surface water runoff for the lifetime of the development. The proposal is, therefore, considered to not conflict with CDP Policy 35 and Part 14 of the NPPF with regards to flood risk.

## Transport and Highways

120. Paragraph 110 of the NPPF states that safe and suitable access should be achieved for all people. In addition, Paragraph 111 of the NPPF states that development should only be refused on transport grounds where the residual cumulative impacts on development are severe. CDP Policy 21 states that the transport implications of development must be addressed as part of any planning application, where relevant this could include through Transport Assessments, Transport Statements and Travel Plans. CDP Policy 22 seeks to reduce the dominance of car traffic, address air quality and improve the historic environment within the Durham City. DNCP Policy T1 relates to sustainable transport accessibility and design and seeks to ensure that development proposals will be required to demonstrate best practice in respect of sustainable transport accessibility and design.
121. Under the original grant of planning permission matters surrounding transport, highways, accessibility and equality issues were one of the most significant considerations in the determination of the application and drew significant public representation. The matters were however assessed and considered to be acceptable.
122. A Transport Statement (TS) has been submitted with the current application. This seeks to demonstrate that the site is highly accessible on foot, by cycle and public transport to numerous local facilities and residential areas providing future staff, students and visitors with the choice to travel via alternatives modes of transport and minimise trips made by the private car. No design changes are proposed to the local highway network or to access into the site. It has been demonstrated that safe and suitable access can be achieved on to the local highway network as per the previously approved design. There would be no changes to car parking provision in the vicinity of the site which are separate from DUBS but available for users of the building. It has been shown that the proposed change of use would generate fewer vehicle trips both during the network peak hours and throughout the day. The proposed change of use of the building is predicted to generate fewer trips at both peak hours and over the day. The reduction in trips is estimated to be a reduction of 320 trips per day (including -66 to -47 two way trips during AM and PM peak).
123. The TS states that the proposed change of use of the building to higher education would therefore not result in a material impact on the operation of the local highway network and may in fact result in betterment in overall trip generation terms. The parking associated with the prior DCC Office HQ consent is now in situ and would be managed by DCC as a separate entity. The parking would be available for the proposed users of the building but, as it has been demonstrated that the use of the building for F1 a use is likely to generate fewer trips than an office use, there would be no change to the current 2022 baseline conditions on the local highway network as a result of the proposed change of use. The TS concludes that it has demonstrated that safe and suitable access to the proposed development can be achieved for all users and that there would be no unacceptable impacts from the development on the transport network or on highway safety. It states that the proposed change of use accords with both National and Local transport-related policy and concludes that there

are no reasons on highways or transport grounds why the proposed change of use of DCC Office HQ to higher education should not be acceptable.

124. The Highway Authority has no objection to the proposal considering it to be acceptable from a highways perspective and that the trip generation of the proposed use would not materially differ from the existing use. It is considered that the building is located in a location which maximises the potential for use by sustainable modes of transport. The applicant has proposed a Travel Plan which would need to be implemented and incorporated into the University's wider Travel Plan. Parking provision would not alter from that proposed for the original use of the building. Given the sustainable location, this is acceptable.
125. A Travel Plan has been submitted with the application which demonstrates that the site is highly accessible by foot, bike and public transport to local facilities and residential areas. The Travel Plan encourages sustainable and active travel methods and use of the existing traffic-free routes around the City Centre. 50 cycle storage spaces are provided for by the current planning permission, 20 of which are located inside the building to allow bikes to be safely left unattended for longer periods of time while staff are working and students are in classes. Sustainable Travel officers consider the submitted Plan to be appropriate and compliance would be secured through condition.
126. The views of the City of Durham Trust in relation to the transport statement and travel plan have been considered, however, the Highway Authority and Sustainable Travel officers raise no objection. Should further cycle storage be required then this would be subject to a separate planning application. It is considered that the proposed development does not raise new issues in relation to transport and highways and trip generation is predicted to be reduced. It is therefore considered that the current application does not conflict with CDP Policies 6, 21 and 22, DCNP Policy T1 and Part 9 of the NPPF.

#### Residential Amenity and Air Quality

127. 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).
128. 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.

129. With regard to noise, the previous assessment of the building in terms found that it was suitable for the office use and did not need any additional mitigation beyond the standard glazing approach proposed. With regard to external plans and the use of the roof terrace in relation to the proximity of residential properties, it was reported that any noise impacts would be minor and likely imperceptible against background noise levels however a condition was attached to the most recent consent to control the capacity of the terrace (163 people) and its permitted hours of use from 7am-11pm. Whilst the Proposed Business School is to be operational 24/7 during term time, this would retain control of use of the roof terrace to previously approved times. With regard to the wider use of the building, it is not anticipated that there would be unacceptable levels of noise at any time of the day or night and the University already operates its existing Business School next to residential dwellings and residential colleges on the main campus without amenity issues and whilst retaining flexible opening hours for students and staff.
130. An updated noise assessment has been submitted which concludes that, given that the change would relate to educational uses and studying which is not a dissimilar environment to that of an office headquarters and as there would be no proposed changes to the use or capacity of the roof terrace, there is no reason to consider that the change of use would result in any new effects. There would be no increase in noise affecting the amenity of the future occupiers and nearby uses and restrictions relating to the hours of use and capacity of the roof terrace would be controlled through condition.
131. Environment, Health and Consumer Protection (Nuisance) officers agree with the conclusions of the submitted noise impact assessment and consider that any conditions regarding noise, such as mechanical plant rating level limits, roof terrace usage hours and occupancy numbers attached to the previous usage be maintained and adhered to. Officers also consider that the development is unlikely to cause a statutory nuisance.
132. Conditions relating to the current planning permission have either been discharged or would remain extant under that permission and it is not considered necessary to replicate existing controls through condition. Irrespective of the possible 24 hour use of the building existing conditions would control any potential impact.
133. Durham City has a declared Air Quality Management Area (AQMA). Within the AQMA there are particular “hotspots” locations where air quality is identified as being at its worst – with New Elvet (in the vicinity of the junction of Church and Hallgarth Streets), Highgate, Gilesgate Bank and on Alexandra Crescent/Sutton Street identified particularly. The application site is not within the AQMA though it is approximately 200m away. Air quality was specifically considered as part of the original planning application and no new issues arise as a result of the current planning application. Environment, Health and Consumer Protection (Nuisance) officers advise that on the basis that the proposed development is now fully constructed and there would no dust or air quality emitting activities associated with construction activity, the development would not increase traffic generation compared to that assessed in the original air quality assessment, and that no energy plant is proposed, it is considered that no further air quality assessment is required.

134. The amenity and pollution related impacts of the amendments have been assessed and are considered to be acceptable, compliant with CDP Policies 6, 29 and 31 and Part 15 of the NPPF.

#### Other Matters

135. This application is for the change of use of an existing building. No external changes are proposed to it. Harm to designated heritage assets has previously been assessed and found to be acceptable and the current proposal for a change of use raises no new issues. The proposals would not give rise to any additional heritage impact to that previously assessed. Design and Conservation officers have no objections but given the location highlight that any proposed changes to the previously approved lighting strategy need to be considered in the context of impact on the conservation area and night-time setting of the World Heritage Site. In addition, any signage strategy for building would need to be considered in any future application for advertisement consent. No changes are proposed to the lighting scheme approved under the original planning permission.
136. Impacts upon ecology have previously been considered and found to be acceptable. The current proposal raises no new issues and would not give rise to any additional impact to that previously assessed. Ecology officers have considered the proposals and raise no objection. No ecological issues are identified especially given that there are no changes to the lighting arrangements as previously proposed.
137. The site lies within the safeguarding area for the High Moorsley Meteorological Office radar site. CDP Policy 28 states that within safeguarded areas, development will be subject to consultation with the relevant authority and be permitted within the defined Major Hazards Sites where it can be demonstrated that it would not prejudice current or future public safety. Policy 28 also requires that development would not prejudice the safety of air traffic and air traffic services, that there would be no unacceptable adverse impacts upon the operation of High Moorsley Meteorological Officer radar. CDP Policy 28 is not relevant to consideration of the current application given the building has been completed and the end user would not impact on radar operations
138. CDP Policy 29 requires all development proposals to achieve well designed buildings and places and sets out criteria for development to be considered acceptable, including: making positive contribution to areas character, identity etc.; adaptable buildings; minimising greenhouse gas emissions and use of non-renewable resources; providing high standards of amenity and privacy; contributing to healthy neighbourhoods; and suitable landscape proposals. In terms of the sustainability of buildings CDP Policy 29 states that all major new non-residential development will be required to achieve Building Research Establishment Environmental Assessment Method (BREEAM) minimum rating of 'very good'. This application is for the change of use of an existing building and CDP Policy 29 is not relevant to consideration of the current application. The recently completed building however does include a number of sustainable features and has been designed and constructed to a high standard.
139. The application site is underlain with minerals deposits with coal, river sand and gravel under and in the vicinity of the site. CDP Policy 56 seeks to ensure that non-minerals related development that would lead to the sterilisation of mineral resources does not occur unless certain circumstances or exemptions apply. One such exemption is where the application relates to a proposal to a change of use of an existing building as is the case here.
140. Prior to submission of the application the applicant undertook consultation with local County Councillors, City of Durham Parish Council and, a number of community

groups as well as with regional bodies to explain the proposal. The submitted Statement of Community Involvement states that the theme of questioning broadly related to the scope of proposed changes, the use of public spaces and key routes, the management of flood risk and the highways impact. Additional questioning also related to the use of lighting and the potential impacts on residential amenity. There were no objections or concerns raised during this meeting to the change of use of the building in principle.

141. The socio-economic and city centre impact were considered at the time of the original application. It was concluded that socio-economic benefits would, it was considered, emerge because of the development. The current application is accompanied by a socio economic report which outlines the economic impact of the relocation of Durham University. The report demonstrates that there would be economic benefits associated with the proposed change of use which would also contribute towards the creation of a lively and vibrant city centre. Socio-economic benefits would include: direct employment by the University, staff and student spending which in turn supports other employment in the City, supplier support through the purchase of goods and services by the University, and the long-term productivity impacts arising from DUBS graduates. In addition, the proposals would support the Business School to remain competitive within the global higher education market and remain a presence within Durham.
142. The City of Durham Trust has raised a number of matters which have been addressed in this report. In addition, the Trust queries the future of art related to the County Council which has been installed in etched glass panels. The current application is for a change of use of the building and not for external alterations to the building. The condition on the extant planning permission relating to art work has not been discharged, and it is considered appropriate that this condition is included on the proposed development should planning permission be granted.

#### Public Sector Equality Duty

143. Section 149 of the Equality Act 2010 requires public authorities when exercising their functions to have due regard to the need to i) the need to eliminate discrimination, harassment, victimisation and any other prohibited conduct, ii) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it and iii) foster good relations between persons who share a relevant protected characteristic and persons who do not share that characteristic.
144. In this instance, officers have assessed all relevant factors and do not consider that there are any equality impacts identified. The current proposal does not give rise to new issues.

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## **CONCLUSION**

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145. Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. The NPPF is a material consideration in planning decisions.
146. The principle of the development proposal as an office is established under the original planning permission and more recent variation of condition applications. Furthermore, construction of the building has been completed. The current planning application seeks to the change use of office headquarters (sui generis) to higher education (Durham University Business School) (Use Class F1a). No exterior alterations are proposed as part of the current application.

147. Consideration has been given to the principle of the development as an educational facility and impact of the proposals in terms of flood risk and drainage, transport and highways, residential amenity and air quality and other matters and, subject to appropriate conditions where appropriate, the impacts are considered to be acceptable.
148. In terms of flood risk the proposed change of use would be from a 'less vulnerable use' to a 'more vulnerable' use. There is no requirement for a sequential or exceptions test to be undertaken given the development is for a change of use. Nevertheless, the applicant has provided evidence that the proposal meets the exception test. The proposals have been considered and subject to condition are acceptable. Consideration has been given to transport and highways. The trip generation of the proposed use would not materially differ from the existing use and there are no objections to the proposed change of use. Residential amenity and air quality have also been considered concluding that the change of use would result in any new effects.
149. The proposal would permit the approved floorspace to be used by the University thus satisfying its aspiration for a new Business School within an accessible city centre location. The socio-economic benefits associated with the proposal would benefit not only Durham University but also County Durham and the wider North East area both individually and as part of the wider programme of investment in Durham City. Furthermore, the introduction of students at Freemans Place would add to the vibrancy of the northern part of Durham City Centre, acting as an anchor for pedestrian footfall and spending within the City.
150. The proposal has generated some public interest with representations reflecting the issues and concerns of those making representations. These have been weighed along with other responses including those of statutory consultees that have raised no objections to the scheme based on the submitted details and assessments and subject to conditions were appropriate. Whilst mindful of the public representations it is considered that these are not sufficient to outweigh the planning judgement in favour of the proposed development.
151. It is considered that the proposed development accords with relevant policies of the County Durham Plan, the Durham City Neighbourhood Plan and relevant sections of the NPPF.

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## **RECOMMENDATION**

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152. That the Committee **APPROVE** the application 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 approved plans and documents listed below:
    - Site Location Plan Rev P3 dated 17/02/2022

- 'DCC HQ - Change of Use Flood Risk Assessment' (70090555\_FRA01, January 2022) produced by WSP
- 'Durham University Business School Flood Risk Management Plan' (70090555\_FRMP04, June 2022) produced by WSP
- 'Durham University Business School Travel Plan' (April 2022 (Rev 4)) produced by Optima

*Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with County Durham Plan Policies 6, 9, 16, 21, 22, 28, 29, 31, 35, 56, City of Durham Neighbourhood Plan Policy T1 and Parts 2, 6, 7, 8, 9, 11, 12, 14 and 15 of the National Planning Policy Framework.*

3. Notwithstanding the requirements of Condition 2, prior to first occupation of the building the document entitled 'Durham University Business School Flood Risk Management Plan' (70090555\_FRMP04, June 2022) produced by WSP shall be updated and submitted to the Local Planning Authority for approval. Thereafter the development must be undertaken and subsequently occupied and managed in full accordance with the approved details.

*Reason: To prevent the increased risk of flooding, both on and off site for the lifetime of the development and in accordance with County Durham Plan Policy 35 and Part 14 of the National Planning Policy Framework.*

4. Within 6 months of the occupation of the building, details of a scheme of public art shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme must include details of the timescales for the installation/completion of the agreed public art scheme.

*Reason: In interests of good design, in accordance with County Durham Plan Policy 29 and Part 12 of the National Planning Policy Framework.*

5. Any operational phase plant shall ensure that the rating level of noise emitted from the operational plant on the building shall not exceed a rating level of 39 LAeq (1 hour) between 07.00- 23.00 and 27dB LAeq (15 mins) between 23.00-07.00. The measurement and assessment shall be made according to BS 4142: 2014.

*Reason: In the interests of the amenity of the area having regards to County Durham Plan Policy 31 and Part 15 of the National Planning Policy Framework.*

6. The roof terrace space hereby approved shall not be used or occupied outside of the hours of 7am to 11pm except in an incidence where access is needed for essential maintenance purposes.

*Reason: To limit the potential noise impact of occupation of the roof terrace in the interests of residential amenity having regards to County Durham Plan Policy 31 and Part 15 of the National Planning Policy Framework.*

7. The occupancy level of the roof terrace space hereby approved shall be limited to no more than 163 persons.

*Reason: To limit the potential noise impact of the occupation of the roof terrace in the interests of residential amenity having regard to County Durham Plan Policy 31 and Part 15 of the National Planning Policy Framework.*

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## **STATEMENT OF PROACTIVE ENGAGEMENT**

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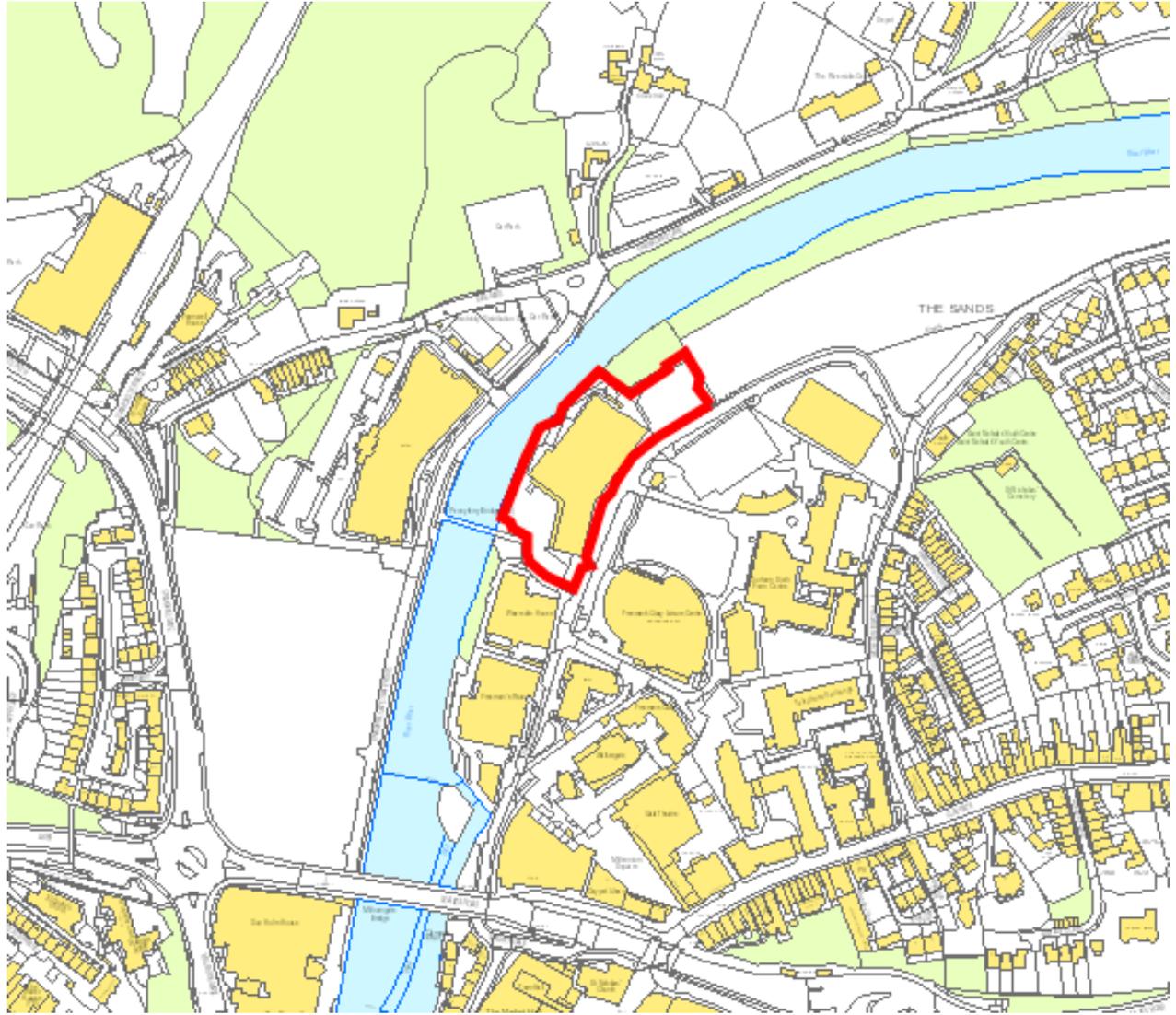
In accordance with Article 35(2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015, the Local Planning Authority has, without prejudice to a fair and objective assessment of the proposals, issues raised and representations received, sought to work with the applicant 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
- National Planning Practice Guidance
- The County Durham Plan
- Durham City Neighbourhood Plan
- Statutory, internal and public consultation responses



**Planning Services**

DM/22/01005/FPA

Change of use of office headquarters (sui generis) to higher education (Durham University Business School) (Use Class F1a)

Durham County Council, The Waterside Building, Riverside Place, Durham, DH1 1SL

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**Comments**

**Date**  
June 2022

**Scale**  
Not to scale

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# COMMITTEE REPORT

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## APPLICATION DETAILS

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<b>APPLICATION No:</b>	<b>DM/21/03420/FPA</b>
<b>FULL APPLICATION DESCRIPTION:</b>	<b>Installation and operation of a ground mounted photovoltaic solar farm, inclusive of solar arrays, transformers, substation, landscaping, fencing, internal access tracks, access, CCTV and other associated works</b>
<b>NAME OF APPLICANT:</b>	<b>Aura Power Developments Ltd</b>
<b>ADDRESS:</b>	<b>Land At Croup Hill South Of Beaconsyde Farm, Broadoaks, Murton, SR7 9SF</b>
<b>ELECTORAL DIVISION:</b>	<b>Murton</b>
<b>CASE OFFICER:</b>	<b>Chris Shields Senior Planning Officer 03000 261394 <a href="mailto:chris.shields@durham.gov.uk">chris.shields@durham.gov.uk</a></b>

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## DESCRIPTION OF THE SITE AND PROPOSALS

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### Site

1. The site of the proposed solar farm occupies an area of 52 hectares (ha) comprised of a series of agricultural fields, with some hedges and vegetation present adjacent to the site boundaries. The site is located to the north of the former Hawthorn Colliery site. To the south are the existing substations and the capped mine shaft. Overhead power lines cross the site in several places.
2. The site would either be accessed from the A182 in South Hetton via an existing access track, or from Jade Business Park using the service road associated with the existing electrical substations.
3. The site does not lie in an area covered by any national or local landscape designations. An Area of Higher Landscape Value (AHLV) is located approximately 900m to the west of the site.
4. Two Sites of Special Scientific Interest (SSSIs) lie in close proximity of the development site with Hesledon Moor East lying approximately 900m to the east and Hesledon Moor West being located approximately 370m to the south. There are Local Wildlife Sites at Coop House Wood approximately 650m to the south, South Murton Marsh is approximately 600m to the east, Hesledon Moor East approximately 847m to the east and Hesledon Moor West approximately 470m to the south. More distant the Durham Coast SSSI and Durham Coast Special Areas of Conservation (SAC) lie some 4.8km to the east. Some 5.25km to the north east is the Northumbrian Coast Special Protection Area. Durham Heritage Coast lies 4.79km at its closest point to the east of the proposed site.

5. The site is located entirely within Flood Zone 1, within Groundwater Protection Zone 3 and within a major Groundwater Vulnerability area. The site is also entirely within a Coalfield Low Risk Development area. Patches of the site are designated as Mineral Safeguarding Areas for glacial sand and gravel.
6. There are no designated heritage assets within the solar farm application boundary. The Grade II Listed East Farmhouse, Grade II Listed Stable and Attached Byres and Grade II Listed Granary and Meal House and Grade II Listed War Memorial are all located approximately 500m to the north in Murton. The Grade II Listed Church of the Holy Trinity is located approximately 550m to the north east, also in Murton. Hawthorn Conservation Area is located approximately 2.8km to the east of the site. Easington Conservation Area is some 3.35km to the south east and Seaham Conservation Area approximately 4.5km to the north east, both containing a number of Grade II listed buildings
7. Within the site are a number of public rights of way. Footpath No. 9 (Murton Parish) passes through the site from west to east where it joins Footpath No. 11 (Murton Parish), which has a broadly north to south alignment with a 'dogleg' where it wraps around field boundaries in the approximate middle of the site. Footpath No. 11 continues south the perimeter of the site where it travels east to join Footpath No.26 (Murton Parish), which continues east and Footpath No.13 (Murton Parish), which heads north towards Murton. To the north of the site is Footpath No. 8 (Murton Parish) which connects Footpath No. 11 with Bridleway No. 7 (Murton Parish) to the west. The proposed access route through South Hetton is shared with Bridleway No. 26 (Murton Parish).
8. The nearest residential properties are located at Windsor Drive in Easington Lane approximately 175m to the south west, and Clarence Gate in South Hetton approximately 190m to the south. To the north in Murton the closest properties would be approximately 260m distant at Winds Lonnen Estate, Melrose Avenue and Beaconsyde Farm.

## Proposal

9. The proposed development comprises solar panels arranged into linear arrays facing to the south. The solar panels would be composed of photovoltaic cells designed to maximise the absorbency of the sun's rays and to minimise solar glare. The development would comprise of approximately 93,132 solar panels with a maximum capacity of up to 49.9MW, together with 15 localised transformers and a grid connection will be made by direct connection to the Hawthorn Pit substation which adjoins the site
10. The solar panels would be fitted on metal framework to form arrays with a maximum height of 2.7m with 22 inverters and 22 transformers spaced around the adjoining the internal access roads. Within the southern part of the site, adjacent to the existing Electricity Distribution Site, there would be a compound area including a Distribution Network Operator (DNO) substation, a customer substation, an auxiliary transformer, storage building, monitoring and communications building with associated weather station and communications equipment and a composting toilet. The site would have crushed aggregate internal access tracks.
11. The solar panels would be set back from the site boundaries to allow for perimeter security fencing, CCTV coverage and maintenance access. A corridor would be created around Footpath No's.9 and 11 (Murton Parish) to ensure that it would remain accessible. The solar panels would be mounted on a metal framework supported by

pile driven foundations, without the need for concrete foundations. Between each line of solar panels there would be a gap of approximately 3.6m to avoid overshadowing from one solar panel to another. The solar panels would be tilted at 20 degrees from the horizontal axis and orientated south. The height of the solar panels would be to a maximum height of 2.7 metres above ground level, with the lower edge of the solar panel elevated to 0.7 metres off ground level.

12. The solar PV installation would require supporting infrastructure including gravel maintenance tracks, transformers, switchgear substations and security systems. The cabling that links the solar panels and inverters to the substation would be connected via a network of shallow trenches which would be backfilled. The arrays would be set within a 2m high deer stock fence around the application site. The stock fence is fitted with small mammal gates fitted at appropriate points near the bottom of the fence to enable free access. CCTV cameras will be positioned to cover the site access points to provide security to the site and prevent unauthorised access by members of the public. The proposal would also include additional native tree planting and native hedgerows.
13. There are currently two options for accessing the site. The first, and preferred option, is to enter the service road associated with electrical substations from Jade Business Park, which in turn connects directly to the A19. However, access through Jade Business Park is restricted and may not be available to the developer. Therefore, the second option is route traffic to the site along a private track from Front Street (A182) in South Hetton at Logan Terrace towards Croup Hill at the Old Station Hotel.
14. The construction phase of the development would create up to 100 full time equivalent (FTE) on site jobs and a further 135 indirect and induced FTE jobs from the supply chain and related services. The construction phase of the development would last for approximately 12 to 18 weeks. Working hours for construction are proposed to be 0800 to 1800 hours Monday to Friday and 0800 to 1300 hours on Saturdays. There would be no work undertaken on Sundays or Bank Holidays.
15. The solar PV installation would result in a reduction in carbon emissions associated with energy generation equating to approximately 15,203 tonnes of CO<sub>2</sub> per annum. The proposed solar PV installation of up to 49.9MW is the equivalent to providing for the energy needs of approximately 17,305 homes within the UK. The development would occupy the site for a temporary period of 35 years, after which the equipment would be removed and the land reinstated.
16. The application is being reported to Planning Committee as it is a major development with a site area greater than 1 hectare

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## **PLANNING HISTORY**

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

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## **PLANNING POLICY**

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### **NATIONAL POLICY**

18. 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.

19. 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.
20. *NPPF - 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.
21. *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.
22. *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.
23. *NPPF - Part 9 Promoting Sustainable Transport* - Encouragement should be given to solutions which support reductions in greenhouse gas emissions and reduce congestion.
24. *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.
25. *NPPF - 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.
26. *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>

27. 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>

28. 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)

29. *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.
30. *Policy 14 – Best and Most Versatile Agricultural Land and Soil Resources* – States that development of the best and most versatile agricultural land, will be permitted where it is demonstrated that the benefits of the development outweigh the harm, taking into account economic and other benefits. Development proposals relating to previously undeveloped land must demonstrate that soil resources will be managed and conserved in a viable condition and used sustainably in line with accepted best practice.
31. *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.

32. *Policy 25 – Developer Contributions* – advises that any mitigation necessary to make the development acceptable in planning terms will be secured through appropriate planning conditions or planning obligations. Planning conditions will be imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects. Planning obligations must be directly related to the development and fairly and reasonably related in scale and kind to the development.
33. *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.
34. *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.
35. *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.
36. *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.
37. *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.
38. *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.

39. *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.
40. *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.
41. *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.
42. *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.
43. *Policy 56 – Safeguarding Mineral Resources* – states that planning permission will not be granted for non-mineral development that would lead to the sterilisation of mineral resources within a Mineral Safeguarding Area. This is unless it can be demonstrated that the mineral in the location concerned is no longer of any current or potential value, provision can be made for the mineral to be extracted satisfactorily prior to the non-minerals development taking place without unacceptable adverse impact, the non-minerals development is of a temporary nature that does not inhibit extraction or there is an overriding need for the non-minerals development which outweighs the need to safeguard the mineral or it constitutes exempt development as set out in the Plan. Unless the proposal is exempt development or temporary in nature, all planning applications for non-mineral development within a Mineral Safeguarding Area must be accompanied by a Mineral Assessment of the effect of the proposed development on the mineral resource beneath or adjacent to the site of the proposed development.

#### **NEIGHBOURHOOD PLAN:**

44. 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:

45. *Murton Parish Council* – has objected to the development. It is stated that green energy schemes are supported when sited in the appropriate location. The Parish Council has raised issues in respect of the size of the development, risks associated with battery storage, fire risk, impacts to rights of way, development in the greenbelt, impact to agricultural land and food production and a preference for this type of development to be located on brownfield sites.
46. *Highway Authority* – has raised no objections to the proposals. Officers have commented on the condition of the proposed access track and note that the route also serves a bridleway, public footpath and part of National Cycle Network Route 1. Notwithstanding this, the route is considered to be acceptable. Conditions are requested to improve the condition of the proposed access route, for a road condition survey to be carried out on the A182 road between the junction of the access track and the A19 with provisions within the condition survey for road repairs to be carried out if any deterioration in the condition of the highway is due to the development.
47. *Natural England* - Has raised no objections to the proposed solar farm. Based on the plans submitted it is stated that the proposed development would not have significant adverse impacts on designated sites or landscapes and has no objection. Officers also provided general advice in respect of protected species, agricultural land and other natural environment issues.
48. *Lead Local Flood Authority (Drainage and Coastal Protection)* – has raised no objections in relation to the proposed solar farm. Officers have provided standard guidance that applications conform with.

### INTERNAL CONSULTEE RESPONSES:

49. *Spatial Policy* – has raised no objections to the proposed solar farm. Officers identify the key planning policies and their current status relevant to the consideration of this proposal. Comments also highlight any policy related material considerations relevant to the consideration of this proposal in terms of national policy, guidance and locally derived evidence bases. Officers consider that the key determining factors will be the renewable energy and economic benefits of the proposals balanced against potential harm to the countryside, and possible surface water issues that could result from the development.
50. *Landscape* – Officers have not specifically objected to the proposals but have stated that the development would cause some harm to the character, quality and distinctiveness of the local landscape when compared to the existing baseline landscape and to views out from neighbouring settlements and vantage points. It is unlikely that this harm could be reduced other than through design changes. Officers have stated that the proposals would conflict with CDP Policies 10 and 39 unless the benefits of the development are considered to outweigh the harm.
51. *Archaeology* – has raised no objections to the proposals. An initial phase of trial trenching was carried out and showed there to be archaeological remains of probable Regional significance, comprising of enclosures of Iron age and Romano-British date as well as a Roman Road. Other undated features were identified, and their significance is therefore unknown. Officers have agreed that the remaining trial

trenching works could be carried out prior to commencement of the development and conditions are recommended to secure this.

52. *Design and Conservation* – has raised no objections to the proposals. Officers have commented that the submitted heritage statement correctly identifies that there are no known heritage assets within the application site. It accurately identifies those assets beyond the site boundary, the setting of which may be affected. The conclusion that there will be no harmful impacts to built cultural heritage is accepted and reflects the opinion given at the pre application stage.
53. *Ecology* – has raised no objections to the proposals. Officers initially requested that the application be supported by a Biodiversity Management Plan, which was subsequently submitted. Ecology officers were satisfied with the content of the biodiversity management plan, subject to it being secured by legal agreement.
54. *Low Carbon Economy* – has supported the application. Officers have stated that the UK needs to increase its percentage of renewable energy installations and this development will help to achieve the medium term ambitions of a decarbonised electricity grid, helping to reduce reliance on foreign imports of oil and gas.
55. *Environmental, Health and Consumer Protection (Contaminated Land)* – has raised no objections in relation to the proposed solar farm.
56. *Environmental, Health and Consumer Protection (Air Quality)* – has raised no objections to the proposals. Officers have confirmed that the development would not lead to an adverse impact on air quality.
57. *Environment, Health and Consumer Protection (Nuisance Action)* – has raised no objections to the proposals. Officers have considered the submitted information in relation to noise and glint and glare and found this to be acceptable. The submission of a Construction Management Plan is noted, and a request is made that this is secured by condition. Further, a condition is recommended to restrict daytime and night time noise from the development at the nearest residential receptor.
58. *Public Rights of Way* - Officers note that all existing public rights of way would be retained on the current routes and that traffic control and signage would be in place to protect users of footpath 10 during the construction period. However, officers have stated that they are aware of several Bridleway Definitive Map Modification Order applications within the site. They have stated that the applicant may wish to incorporate the alleged bridleway routes within their site design. The applicant has considered this issue and resolved to allow a broad corridor for Footpath No. 11, in the event that it is redesignated as a bridleway in the future.

#### **PUBLIC RESPONSES:**

59. The solar farm application has been advertised in the local press and by site notice as part of planning procedures. In addition, neighbour notification letters were sent to 507 neighbouring properties. A total of 75 letters of objection and 3 letters of support have been received in response to the consultation.

#### **Objection**

60. Nearly all objections to the development raise impact to landscape as the main issue. This is both from views from residential properties and from public rights of way within and around the site. It is also stated that the value of rights of way would be diminished

due to them being enclosed by fences with this impacting on perceived feeling of safety.

61. Issues are raised in respect of harm to biodiversity on and around the site, particularly birds with a suggestion that some birds may collide with the panels. It has been suggested that biodiversity value of the site would take many years to recover.
62. The loss of farmland for food production has been raised and objectors have stated that the UK is not self sufficient in terms of food and that this should be prioritised.
63. In respect of residential amenity, it has been stated that the development would be noisy both during construction and in operation and that residents would be exposed to glare once the site is operational. Residents are also concerned about safety risks from electrical equipment and the potential for fire, explosion and toxic fumes. It has been requested that if the development is permitted that noise limits be restricted.
64. Objectors have raised the concerns about the inefficiency of solar panels and have stated that better alternatives are available. It is suggested that coastal sites and brownfield sites would be preferable, along with installing panels on factory roofs. It is also suggested that wind turbines away from the general public and residential areas would be preferable.
65. Concerns have been raised regarding water runoff from the site.
66. Several objectors have raised concerns about the safe operation of battery storage on the site.
67. Impact to house prices has been raised as an issue and queries have been made about compensation if houses devalue as a result of the development.
68. It has been stated by many objectors that the development is to be located in the greenbelt and that alternative sites away from residential properties, or brownfield sites should be used instead.
69. It has been stated that the proposed community fund is insufficient.
70. A concern has been raised about electromagnetic radiation and the potential for 'arc flash' from solar panels.
71. *Murton Residents Action Group* – has objected to the development. Residents have provided a detailed document setting out their objections with key issues being topography of the site, distance to grid connection, impact to landscape and local amenity, loss of agricultural land, ecological impact, water runoff, wind acceleration and wind noise, risks associated with battery storage and risks associated with solar panel 'arc flash'
72. *Cllr Julie Griffiths* – has objected to the development due to the scale, location, proximity to housing and visual impact to landscape and rights of way.
73. *Cllr Robert Adcock-Forster* – has objected to the development due to the scale, landscape impact, proximity to residential properties and impact to wildlife.

## Support

74. Given the climate emergency it is considered that the negative effects of a solar farm would have to be immense to outweigh the benefits.

75. The development would boost the generation of low carbon electricity with little or no effect on the area and will bring a number of other positive impacts including increased biodiversity and retention of agricultural use.

*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=QLH3JWGDKE00&documentOrdering.orderBy=documentType&documentOrdering.orderDirection=ascending>

#### **APPLICANTS STATEMENT:**

76. Hawthorn Pit solar farm will provide extensive local and national benefits; the scheme has been carefully designed and amended in response to local feedback; it complies fully with local and national planning policy and has no outstanding objections from any statutory consultees.
77. The project is located immediately north of Hawthorn Pit substation where it will connect to the National Grid. It will provide enough clean energy to power the equivalent of over 17,000 homes and save 15,000 tonnes of CO<sub>2</sub> annually. Extensive landscaping will protect and enhance the natural environment, with a Biodiversity Net Gain of 119% for habitats and 235% for hedgerows.
78. Following substantial consultation with the community, Aura Power removed 40 acres of panels from the original design, increasing the minimum distance between the panels and the closest property at Murton to 450m. Tree belts were added, including the agreement to provide fast-growing species to improve screening for a more immediate effect.
79. All footpaths in and around the site will be retained with new styles installed to prevent access by illegal motorcycles and improve safety for walkers.
80. The solar farm will not result in the loss of high quality agricultural land. The land is all Grade 3b, the proposed development therefore avoids Best and Most Versatile land, in line with planning guidance. The total area represents a small proportion of the landowner's overall land holding, allowing the family to continue farming and contributing to a successful and sustainable rural economy and diversification of their business. Indeed, the solar farm would use only 0.03% of County Durham's total agricultural land. Furthermore, the land could still be used for agricultural purposes through sheep grazing.
81. The footprint of the solar arrays is relatively small, allowing grassland and wildflowers to be established across the site, with plots for skylarks and lapwings. At the end of the project life, the land will be completely restored to its former agricultural use and the panels reused or recycled.
82. The project provides a number of local economic benefits. Over £90,000 in business rates will go to Durham County Council each year. Jobs will be created during construction, for ongoing maintenance and land management, prioritising local suppliers. Aura is also in discussions with a large local business, regarding a potential electricity supply agreement to directly reduce energy costs.
83. Whilst not a material planning consideration, it should be noted that Aura is proposing a community benefit fund of £17,500 a year, index-linked, for the 35-year life of the solar farm. Over £600,000 will therefore go back into the local community, a proportion

of which is proposed to be spent on funding an education programme, and other community initiatives.

84. Solar energy is subsidy-free and very low cost form of energy production, which helps bring down prices for everyone, contributing to the UK's energy security. The UK Government aims to completely decarbonise the electricity grid by 2035 with a seven-fold increase in solar.
85. Durham County Council has declared a Climate Emergency pledging to reduce carbon emissions by 60% by 2030 and be carbon neutral by 2050. This solar farm will make a significant contribution to these local and national targets. We hope members will approve this application.

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## **PLANNING CONSIDERATIONS AND ASSESSMENT**

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86. Section 38(6) of the Planning and Compulsory Purchase Act 2004 sets out that if regard is to be had to the development plan, decisions should be made in accordance with the development plan unless material considerations indicate otherwise. In accordance with advice within the National Planning Policy Framework (NPPF), the policies contained therein are material considerations that should be taken into account in decision-making. Other material considerations include representations received. In this context, it is considered that the main planning issues in this instance relate to the principle of development, landscape, access and traffic, residential amenity, flooding and drainage, ecology, recreational amenity, cultural heritage, agricultural land, safeguarded areas, other matters and public sector equality duty.

### Principle of Development

87. 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 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.
88. 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.

89. In light of the adoption of the CDP, the Council now has an up to date development plan. Paragraph 11 of the NPPF establishes a presumption in favour of sustainable development. For decision taking this means approving development proposals that accord with an up to date development plan without delay (Paragraph 11 c). Accordingly, Paragraph 11(d) of the NPPF is not engaged.

#### Key policies for determination

90. 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.
91. 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 54 (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 the development could be allowed for by specific policies in the plan (CDP Policy 33). The development therefore does not have to demonstrate an exception to CDP Policy, but the acceptability criteria are engaged.
92. CDP Policy 10 states that new development in the countryside must not give rise to unacceptable harm to the heritage, biodiversity, geodiversity, intrinsic character, beauty or tranquillity of the countryside either individually or cumulatively, which cannot be adequately mitigated or compensated for, result in the merging or coalescence of neighbouring settlements, contribute to ribbon development, impact adversely upon the setting, townscape qualities, including important vistas, or form of a settlement which cannot be adequately mitigated or compensated for, be solely reliant upon, or in the case of an existing use, significantly intensify accessibility by unsustainable modes of transport. New development in countryside locations that is not well served by public transport must exploit any opportunities to make a location more sustainable including improving the scope for access on foot, by cycle or by public transport, be prejudicial to highway, water or railway safety, and impact adversely upon residential or general amenity. Development must also minimise vulnerability and provide resilience to impacts arising from climate change, including but not limited to, flooding; and where applicable, maximise the effective use of previously developed (brownfield) land providing it is not of high environmental value.
93. The potential impacts of the development will be considered in the sections below.
94. 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.

95. It should be noted that the CDP has identified areas suitable for wind turbine development but not for solar.
96. The purpose of the proposed development is to generate renewable energy on a large scale. The location affords the space requirement without significant constraints that would limit energy generation. CDP Policy 33 is permissive towards solar farm development, and it is therefore considered that the proposal is acceptable in principle. The social, environmental and economic benefits of the proposal are considered in the sections below. The acceptability of the development in relation to the issues set out below will assist in determining if the location of the development is appropriate in the context of CDP Policy 33.

## Landscape

97. 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.
98. CDP Policy 10 states that development in the countryside must not give rise to unacceptable harm intrinsic character, beauty or tranquillity of the countryside either individually or cumulatively, which cannot be adequately mitigated or compensated for and must not result in the merging or coalescence of neighbouring settlements.
99. 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.
100. 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.
101. The proposed site is not designated as part of the Area of Higher Landscape Value (AHLV), but comprises attractive rural countryside, which currently separates the settlements of Murton to the north and South Hetton to the south-west. The development would comprise solar array panels and infrastructure. Accommodation of the proposed apparatus and infrastructure would involve removal of sections of hedgerow for gates and the construction of new access tracks, which would remove areas of agricultural field and trees.
102. The development would introduce a mass of panels which would transform the rural character of the landscape to a solar farm landscape, with a 'high-tech' industrial character. Landscape effects would be high during the operational period and given

the size of the development would be significant and adverse at site level and within the surrounding immediate area. It should be noted that improvements to landscape character by the introduction of hedgerow planting and new habitats have the potential to reduce landscape effects during the operational period.

103. However, given that the baseline landscape comprises rural countryside, there would inevitably be a fundamental and transformative change in landscape character which would bring about harm to the local landscape during the operational phase. Following decommissioning after the 35 year long operational period, the landscape within the site would be uncovered to reveal the former rural character of the original site with enhanced hedgerows and reinstated agricultural fields.
104. It is acknowledged that the northern extent of solar array panels has been set further back from residential properties in Murton than shown in earlier design iterations. However, from the higher vantage points such as locations along the edge of Murton to the north and from the high vantage point near Dalton Park to the east of the site, parts of the development would always be visible due to variations in topography. While there are locations in the study area from where the development would not be visible, where visible the proposed development alone would bring about harmful significant and adverse visual effects during the operational period. The addition of the solar farm to the visual presence of existing development already evident in baseline views would also be harmful to visual amenity.
105. Receptors close to the site on rights of way including routes which pass through the site and on a section of National Cycle Route 1 would see the proposed panels and apparatus at close range. Suggested landscape mitigation would take approximately between 7 to 10 years to successfully provide appropriate visual screening and filtering and during this period significant and adverse visual effects would be experienced.
106. The development would be visible from the edge of South Hetton looking east and would also be visible from the street and from residences in Clarence Gate. Visibility of the development from these locations and others on the edge of South Hetton is acknowledged and is likely to have a significant effect on visual amenity for those residents during the first 10 years post completion.
107. Given the undulating nature of this landscape, it would not be possible to hide the entire development from view with landscape mitigation and there would be harm to visual amenity at a local level.
108. Nearly all public objections to the development raise impact to landscape as the main issue. This is both from views from residential properties and from public rights of way within and around the site.
109. The proposals would cause some harm to the intrinsic character and beauty of the countryside. Whilst the proposals incorporate measures which would mitigate the harm to some degree in the medium term there would be short term harm to some residential and recreational users while mitigation planting establishes. The development would remain visible from some viewpoints in the longer term but the impact would be partly mitigated by planting. It is therefore considered that there would be limited but not unacceptable harm to the intrinsic character and beauty of the countryside, in accordance with CDP Policy 10.
110. It is noted that Landscape officers consider the proposals would cause unacceptable harm to the character and quality of the landscape, however, it is considered that this harm would reduce over time. To assist in mitigating this harm the applicant has proposed additional woodland planting and the protection and enhancement of

hedgerows within the development site in accordance with the requirements of CDP Policy 40. Notwithstanding this, it is considered that the proposal would be in conflict with CDP Policy 39 and Part 15 of the NPPF.

## Access and Traffic

111. 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.
112. There are currently two options for accessing the site. The first, and preferred option, is to enter the service road associated with electrical substations from Jade Business Park, which in turn connects directly to the A19. However, access through Jade Business Park is restricted and may not be available to the developer. Therefore, the second option is route traffic to the site along a private track from Front Street (A182) in South Hetton at Logan Terrace towards Croup Hill at the Old Station Hotel.
113. An Outline Transport Management Plan has been submitted in support of the solar farm application. The management plan has identified that the construction period for the development would be approximately 12 to 18 weeks with a typical maximum number of HGV deliveries being 92 per day (92 in and 92 out), however, the average number of daily vehicle movements would be significantly less. There would be a total of approximately 1801 deliveries to the site during the 12 – 18 week construction period. This is likely to be similar for the decommissioning of the site. During the operational period the site would only need to be visited 10-20 times per annum by a car or van.
114. Highways officers have considered the proposal and find the access arrangements for both the construction and operational periods to be acceptable. Officers have requested conditions to improve the condition of the proposed access route, for a road condition survey to be carried out on the A182 road between the junction of the access track and the A19 with provisions within the condition survey for road repairs to be carried out if any deterioration in the condition of the highway is due to the development. Construction Management Plan be secured by condition.
115. Whilst the proposed solar farm would generate a degree of construction traffic for the 12 – 18 week construction period it would be not be unacceptable in this location due to good access and existing highway capacity. Following construction, the solar farm would be automated and would only be attended for monitoring and maintenance purposes. A further condition is recommended to ensure that vehicles accessing the site are adequately cleaned before leaving to ensure that debris is not carried onto the public highway. No objection is raised by the Council as Highways Authority subject to appropriate conditions. It is considered that the proposals have been appropriately assessed and would not result in harm to the safety of the local or strategic highway network and would not cause an unacceptable increase in congestion or air pollution. Subject to the condition set out the development would not conflict with CDP Policy 21 and Part 9 of the NPPF.

## Residential Amenity

116. 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).

117. 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. CDP Policy 10 states that new development in the countryside must not impact adversely upon residential or general amenity.
118. The nearest residential properties are located at Windsor Drive in Easington Lane approximately 175m to the south west, and Clarence Gate in South Hetton approximately 190m to the south. To the north in Murton the closest properties would be approximately 260m distant at Winds Lonnen Estate, Melrose Avenue and Beaconsyde Farm.
119. Objectors to the proposal have stated that the development would be noisy both during construction and in operation and that residents would be exposed to glare once the site is operational. Residents are also concerned about safety risks from electrical equipment and the potential for fire, explosion and toxic fumes. It has been requested that if the development is permitted that noise limits be restricted.
120. A Glint and Glare Assessment has been submitted in support of the application. This provides background information for the review of legislation, assessment methodology including identification of receptors, baseline conditions and an impact assessment. The assessment identified where there was potentially an impact to 14 residential properties but due to intervening topography and existing screening there would be no requirement for additional mitigation. No significant impacts in respect of glint and glare are predicted in respect of roads and aviation activity from Shotton Airfield.
121. Landscape impact has been assessed in the section above, but it is acknowledged that those people living near to the site experience landscape harm as a constant rather than passing impact. Notwithstanding this, the additional planting to the north of the site would reduce the visual impact for residents of Murton. Whilst the development would have a transformative impact the site would still retain green space and additional planting is proposed to lessen the visual impact. Given the existing and

proposed screening and set back from residential properties it is considered that the visual impact of the site in terms of amenity would not be unacceptable.

122. The proposed solar farm has very limited potential to create any noise, dust or light pollution impacts. The panels themselves would be of the static variety that are silent in operation. Environmental Health and Consumer Protection officers have considered the proposals and raise no objections in respect of potential nuisance, air pollution or glint and glare. Officers have, however, requested a condition to limit noise levels at the nearest residential receptors both during construction and operation. In accordance with standard practice, it is proposed that through condition a Construction Management Plan is submitted to ensure that dust, noise, access, routing and community liaison amongst other matters.
123. 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, odour, vibration or light pollution and, subject to the imposition of the conditions recommended above, it is considered that the proposals would provide an acceptable standard of residential amenity in accordance with CDP Policies 10 and 31 and Part 15 of the NPPF.

### Contamination

124. Part 15 of the NPPF (Paragraphs 120, 174, 183 and 184) requires the planning system to consider remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land where appropriate. Noting that where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner. CDP Policy 32 requires that where development involves such land, any necessary mitigation measures to make the site safe for local communities and the environment are undertaken prior to the construction or occupation of the proposed development and that all necessary assessments are undertaken by a suitably qualified person.
125. Environmental Health and Consumer Protection officers have considered the proposals and raise no objections in respect of land contamination. No conditions have been requested but an informative has been recommended to provide advice the applicant in the event that contamination is noted during construction works.
126. It is considered that the proposed development would be suitable for the proposed use and would not result in unacceptable risks which would adversely impact on the environment, human health and the amenity of local communities and it is considered that the proposals would provide an acceptable standard of residential amenity in accordance with CDP Policies 32 and Part 15 of the NPPF.

### Flooding and Drainage

127. Part 14 of the NPPF directs Local Planning Authorities to guard against flooding and the damage it causes. Protection of the water environment is a material planning consideration and development proposals, including waste development, should ensure that new development does not harm the water environment. Paragraph 174 of the NPPF advises that planning decisions should contribute to and enhance the natural and local environment by preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of water pollution. Development should, wherever possible, help to improve local environmental conditions such as water quality.

128. Paragraph 167 of the NPPF states that when determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment. Development should only be allowed in areas at risk of flooding where, in the light of this assessment it can be demonstrated that it incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate, and any residual risk can be safely managed.
129. 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. CDP Policy 10 states that new development in the countryside must minimise vulnerability and provide resilience to impacts arising from climate change, including but not limited to, flooding.
130. The application is accompanied by a flood risk assessment (FRA) and outline drainage strategy which identifies that the application site is located entirely within Flood Zone 1. There are no watercourses within or adjacent to the site. The drainage strategy recommends that any vegetation removal during the construction phase is replaced on site as soon as possible to promote natural infiltration, in line with the literature surrounding solar farm hydrology. In this case, the solar farm is not anticipated to lead to a significant increase in surface water run-off rates. As a precautionary measure, swales are proposed to store a nominal volume of run-off at key locations. The site has been split into three drainage zones which have been treated separately in terms of runoff volumes and sustainable drainage to reflect the topography of the site. It is proposed to utilise swales within 2 zones of the site to capture some of the surface water volume. Stepped swales should be used where required based upon the ground topography.
131. Objectors to the proposal have raised concerns about additional water run off from the solar panels.
132. Drainage and Coastal Protection officers have provided general guidance in relation to flood risk in but have not specifically commented on the information provided in the application. Notwithstanding this, it is considered that submitted FRA and flood mitigation measures would meet with policy requirements. It is therefore considered that the proposed solar farm development would not lead to increased flood risk, both on and off site, and through the use of SUDs would ensure there is no net increase in surface water runoff for the lifetime of the development. It is therefore considered that the proposals would not conflict with CDP Policies 10 and 35 and Part 14 of the NPPF.

## Ecology

133. 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.

134. 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 in order to determine whether a licence is likely to be granted. These state that the activity must be for imperative reasons of overriding public interest or for public health and safety, there must be no satisfactory alternative, and that the favourable conservation status of the species must be maintained. Brexit does not change the Council's responsibilities under the law.
135. An Ecological Impact Assessment has been provided with the application. The assessment provides a baseline study of the site including the proximity of designated sites, habitats and constraints within the site and includes a Phase 1 habitat survey. The potential impacts to protected species has been considered, including birds, bats, badger, otter, water vole, amphibians and reptiles.
136. The assessment states that no suitable features for roosting bats were present within the footprint of the proposed solar PV array. Bats were recorded foraging and commuting within the site, utilising linear features and boundaries, which would not be impacted by the development. No badgers were recorded in the vicinity of the site. Perimeter fences would have mammal gaps to allow for access and egress by badger and other mammal species, should they inhabit the site in future. Two hares are expected to be displaced in the short term but long term benefits from the development are expected for this species. No evidence of riparian mammals including water vole and otter was observed during the initial walkover, and they are considered likely absent due to the introduction of American Mink in the area. Despite this, the habitats with potential to support these species would be retained and a minimum 10m buffer zone included to avoid unnecessary disturbance to damage to suitable habitats.
137. The impact to Great Crested Newt is expected to be negligible; eDNA testing of ponds within 500m concluded likely absence in most cases, with some ponds also not holding enough water to sample. Only one pond was unable to be accessed which is approximately 450m from the nearest area of proposed solar arrays.
138. The Ecological Assessment makes recommendations for avoidance of harm, mitigation measures, compensation in the form skylark and lapwing plots and agreement to a 40 year biodiversity management plan that would be secured by legal agreement.
139. The proposed development would deliver significant biodiversity net gains in the form of habitat (124.23% increase) and hedgerow (136.83%), demonstrating accordance with CDP Policy 41 in terms of net gain.
140. Objectors to the proposal have raised concerns in respect of harm to biodiversity on and around the site, particularly in relation to birds with a suggestion that some birds may collide with the panels. It has been suggested that the biodiversity value of the site would take many years to recover if the development was carried out.

141. Ecology officers have considered the proposals and raised no objections subject to appropriate long term management of the site. It is recommended that the biodiversity enhancement would be secured through a Section 39 Agreement under the Wildlife and Countryside Act 1981. Section 39 of the Wildlife and Countryside Act 1981 enables local authorities to enter into management agreements with the owner of land for its conservation (and for other related purposes) and is regarded as a suitable mechanism for securing long term land management in relation to biodiversity net gain. A condition is not regarded as a suitable mechanism due to the 35 year timescale of the solar farm development and a Section 39 is more suited to ensuring long term management. Natural England has raised no objections to the proposed development.
142. The proposed solar farm would provide biodiversity enhancement to the site and, whilst there may be temporary displacement of wildlife during the construction process, the net increase in biodiversity value would adequately mitigate any residual harm. It is considered that the proposed solar farm would not impact upon any nationally or locally protected sites or species and that a protected species licence would not be required. Suitable mitigation would be secured through Section 39 agreement. It is therefore considered that the proposals would not conflict with CDP Policies 25, 41 and 43 and Part 15 of the NPPF in respect of avoiding and mitigating harm to biodiversity.

#### Recreational Amenity

143. 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.
144. There are a number of public rights of way within the site boundary. Footpath No. 9 (Murton Parish) passes through the site from west to east where it joins Footpath No. 11 (Murton Parish), which has a broadly north to south alignment with a 'dogleg' where it wraps around field boundaries in the approximate middle of the site. Footpath No. 11 continues south the perimeter of the site where it travels east to join Footpath No.26 (Murton Parish), which continues east and Footpath No.13 (Murton Parish), which heads north towards Murton. To the north of the site is Footpath No. 8 (Murton Parish) which connects Footpath No. 11 with Bridleway No. 7 (Murton Parish) to the west. The proposed access route through South Hetton is shared with Bridleway No. 26 (Murton Parish).
145. Objectors have stated that the value of rights of way would be diminished due to them being enclosed by fences with this impacting on perceived feeling of safety.
146. Access and Rights of Way officers note that all existing public rights of way would be retained on the current routes and that traffic control and signage would be in place to protect users of Footpath No. 10 (Murton Parish) during the construction period. During the operational period of the development the site would not routine access by large vehicles and the existing access track can accommodate light vehicles without harm to footpath users. However, officers have stated that they are aware of several Bridleway Definitive Map Modification Order applications within the site. They have stated that the applicant may wish to incorporate the alleged bridleway routes within

their site design. The applicant has considered this issue and resolved to allow a broad corridor for Footpath No. 11 (Murton Parish), in the event that it is redesignated as a bridleway in the future.

147. Subject to the submitted landscaping plan being implemented it is considered that the proposed development would not result in the loss of deterioration in quality of existing public rights of way in accordance with CDP Policy 26 and Part 8 of the NPPF.

## Cultural Heritage

148. In assessing the proposed development regard must be had to the statutory duty imposed on the Local Planning Authority under the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character and appearance of a conservation area. In addition, the Planning (Listed Buildings and Conservation Areas) Act 1990 also imposes a statutory duty that, when considering whether to grant planning permission for a development which affects a listed building or its setting, the decision maker shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. If harm is found this gives rise to a strong (but rebuttable) statutory presumption against the grant of planning permission. Any such harm must be given considerable importance and weight by the decision-maker.
149. 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.
150. A Heritage Statement has been submitted in support of the application. This assessment provides baseline information including a description of the site and development, methodology and consideration of potential archaeological remains and designated heritage assets. The assessment concludes that there are no recorded heritage assets within the site boundary and, due to the location of the development, topography and screening it is considered that the development would not result in any harm to the significance of any designated heritage assets.
151. The Heritage Statement does state however, that the site is likely to have a high potential for archaeological remains of prehistoric and Roman date of medium (regional) importance in the western half of the PDA. There is also a high potential for archaeological remains of Post-medieval date in the immediate vicinity of the site of Murton Moor East Farm farmstead of low (local) importance. Elsewhere the archaeological potential of the PDA is considered negligible for all periods. A subsequent geophysical survey and targeted trial trenching have confirmed these assertions.
152. Design and Conservation officers have considered the proposal and heritage assessments and agree with the conclusions that the development would have no harm to the significance of designated heritage assets. Officers have commented that the submitted heritage statement correctly identifies that there are no known heritage assets within the application site. It accurately identifies those assets beyond the site boundary, the setting of which may be affected. The conclusion that there will be no harmful impacts to built cultural heritage is accepted.

153. Archaeology officers have raised no objections to the proposals. An initial phase of trial trenching was carried out and showed there to be archaeological remains of probable Regional significance, comprising of enclosures of Iron age and Romano-British date as well as a Roman Road. Other undated features were identified, and their significance is therefore unknown. Officers have agreed that the remaining trial trenching works could be carried out prior to commencement of the development and conditions are recommended to secure this.
154. Subject to the imposition of conditions requiring further trial trenching and evaluation it is considered that the proposed solar farm would not conflict with CDP Policy 44 and would cause no harm to heritage assets in accordance with Part 16 of the NPPF and Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

#### Agricultural Land

155. Paragraph 174 of the NPPF seeks to protect best and most versatile land. CDP Policy 14 states that development of the best and most versatile (BMV) agricultural land will be permitted where it is demonstrated that the benefits of the development outweigh the harm, taking into account economic and other benefits.
156. The proposed solar farm development would occupy approximately 52 hectares of agricultural land. An Agricultural Land Classification (ALC) assessment has been carried out for the site. The assessment includes a desktop study and fieldwork analysis with the conclusion that all of the soils on the site are Grade 3b. It is noted that the study area included land that has been classified as being Grade 2 but the development has avoided using any of this land. The site is therefore not comprised of best and most versatile land.
157. Objectors to the proposal have raised concerns regarding the loss of farmland for food production and have stated that the UK is not self sufficient in terms of food and that this should be prioritised to avoid requiring additional importation.
158. Natural England have considered the application and raised no objections. Officers raised some queries regarding the methodology but considered that it would not necessary to request further survey work as the conclusions were accurate. Notwithstanding this, the applicant has addressed Natural England's concerns through the submission of a revised document with corrected climatic data, appendices and textural analysis.
159. Natural England has commented that the proposed development is unlikely to lead to significant permanent loss of BMV agricultural land as a resource for future generations. This is because a) the land comprises ALC Subgrade 3b and b) the solar panels would be secured to the ground by posts with limited soil disturbance and could be removed in the future with no permanent loss of agricultural land quality likely to occur, provided the appropriate soil management is employed and the development is undertaken to high standards. Conditions have been recommended to ensure that soils resources are protected during construction and restoration. This would be encapsulated within the Construction Management Plan and post-development restoration conditions.
160. Although the development would temporarily remove a significant portion of land from arable use it would still be available for low intensity grazing. The development would also fully reversible if the land were to be required for food production during the operational period. The proposed solar farm would not conflict with CDP Policy 14 or Part 15 of the NPPF in this respect.

## Cumulative Impact

161. Paragraph 185 of the NPPF advises that planning decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. CDP Policy 31 sets out that development will be permitted where it can be demonstrated that there will be no unacceptable impact, either individually or cumulatively, on health, living or working conditions or the natural environment.
162. The application site is currently comprised of agricultural fields, interspersed with public rights of way. On the periphery of the site are electrical substations and in the wider context there are the settlements of Murton and South Hetton. To the south east of the site is an area of land that was formerly occupied by Hawthorn Colliery, although all that remains is the capped mine shaft. The colliery site was reclaimed and designated for employment uses. Significant development has occurred in recent years with the development of Phase 1 of the Jade Business Park. Phase 2 of the Jade Business Park is currently being considered (DM/21/02901/OUT). In addition, applications are also being considered from National Grid for a replacement substation and converter station as part of the Scotland England Green Link (SEGL1) (DM/22/01663/OUT) and for a separate battery storage development (DM/22/00747/FPA).
163. The proposed solar development would cumulatively add to the amount of energy infrastructure in the surrounding area which could lead to potentially significant cumulative effects arising from the existing substations, but also current application for battery storage units and SEGL1. The level of cumulative impact and overall perceptions of the change in the character of the landscape has the potential to be notable especially in the short-medium term until any landscape proposals became established, although there is likely to be residual harm. These effects are likely to be most noticeable from residential properties on the south western edge of Murton and users of public rights of way within and to the north of the application site where would be some inter-visibility and/or sequential views of these developments. Notwithstanding this, the planning applications for the three developments noted in the paragraph above have not yet been determined.
164. As described above, the proposed development would be viewed in the context of other energy developments and large scale commercial developments. However, the proposed solar panels would be of a modest height themselves and the associated screening would bring benefits to the site, as well as limiting intervisibility between developments. It is therefore considered that whilst there would be a cumulative impact, this would not be unacceptable or overbearing. It is therefore considered that the solar farm proposal would not conflict with CDP Policy 31 and Part 15 of the NPPF.

## Other Matters

165. CDP Policy 56 states that planning permission will not be granted for non-mineral development that would lead to the sterilisation of mineral resources within a Mineral Safeguarding Area. This is unless it can be demonstrated that the mineral in the location concerned is no longer of any current or potential value, provision can be made for the mineral to be extracted satisfactorily prior to the non-minerals development taking place without unacceptable adverse impact, the non-minerals development is of a temporary nature that does not inhibit extraction or there is an

overriding need for the non-minerals development which outweighs the need to safeguard the mineral or it constitutes exempt development as set out in the Plan.

166. Small sections of the site are located on areas that have been designated as Mineral Safeguarding Areas for sand and gravel. However, as the solar farm is time limited for a period of 35 years the mineral reserve would not be permanently sterilised and could be extracted at a future date. It is therefore considered that the proposed solar farm would not conflict with CDP Policy 56.
167. Objectors have suggested that the site is in the Green Belt but this is not the case and the nearest part of the Green Belt is located approximately 800m to the north of the site. It is suggested that coastal sites and brownfield sites would be preferable, along with installing panels on factory roofs. It is also suggested that wind turbines away from the general public and residential areas would be also be preferable. Applicants are welcome to select previously developed land for solar development but there is no policy requirement to do so.
168. Objectors have raised the concerns about the inefficiency of solar panels and have stated that better alternatives are available. Solar is an established part of renewable energy production and whilst there are recognised limitations (day length / light intensity) this is no different from any other type of energy generation.
169. Objectors have stated that the proposal would have a negative impact on property values. Property values are affected by many factors and cannot be taken into account as a material consideration in the determination of a planning application.
170. Concerns have been raised regarding the safety of battery storage on the site and the potential risks of fire and explosion associated. There is no battery storage element to this scheme and therefore there is no associated risk to be considered.
171. Objectors have noted that a community fund has been offered as part of the development and have stated that this is insufficient. The proposed community fund does not form part of the planning application and is not a material consideration.
172. The potential impact of electromagnetic radiation has been raised as a concern and also the safety risks associated with 'arc flash' from the solar panels. Electromagnetic radiation naturally exists within everyday life. The risk is not increased by the development of an electricity generating plant such as the proposed solar farm. Notwithstanding this, the proposed development would be constructed in complete accordance with British Standards. Furthermore, the entirety of the solar farm and grid connection would be in private operation with no access to members of the public. On this basis, it can be concluded that the proposed development would not cause any dangers or concerns to the public in relation to Electromagnetic Radiation.
173. In respect of 'arc flash' the proposed solar farm would have modern, enclosed, high fault rated electrical components. It would be a new, electrically robust installation designed to meet and exceed current Electrical Safety Standards, Regulations, and the Distribution Network Operator's safety standards. It is therefore considered that the risks of electromagnetic radiation are controlled and not likely to cause harm to members of the public.

#### Public Sector Equality Duty

174. Section 149 of the Equality Act 2010 requires public authorities when exercising their functions to have due regard to the need to i) the need to eliminate discrimination, harassment, victimisation and any other prohibited conduct, ii) advance equality of

opportunity between persons who share a relevant protected characteristic and persons who do not share it and iii) foster good relations between persons who share a relevant protected characteristic and persons who do not share that characteristic.

175. In this instance, officers have assessed all relevant factors and do not consider that there are any equality impacts identified.

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## CONCLUSION

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176. Although there would be unacceptable landscape harm in conflict with CDP Policies 10 and 39 it is considered that the benefits of the proposal outweigh this harm. The proposed solar farm development would provide a significant renewable energy source using solar power sufficient to provide clean energy for up to 17,305 homes whilst also reducing dependence on fossil fuel power stations. Further benefits of the scheme include significant biodiversity and landscape improvements to the site and direct employment to the construction industry. Officers consider that the proposed solar farm would accord with CDP Policy 33.
177. Although changes have been made to the proposed solar farm during the course of consideration of the application, it would still constitute development in the countryside resulting in landscape harm sufficient to conflict with CDP Policy 39. Efforts have been made to screen the solar arrays and from many public viewpoints the arrays would be obscured by vegetation or topography. In more open, and distant views the solar arrays would be seen as a developed feature within a semi-rural landscape that could not be mitigated by screening. All other material considerations have been taken into account in the determination of the solar farm application and found to be acceptable.
178. Whilst it is accepted that the proposed solar farm would have an impact to the landscape it is considered that the benefits of the development in terms of energy supply and security, support for renewable energy, biodiversity enhancement and job creation would outweigh that harm and planning permission should be granted.
179. The proposed development has generated some public interest, with letters of objection having been received. Concerns expressed regarding the proposal have been taken into account, and carefully balanced against the scheme's wider social, environmental and economic benefits.
180. The solar farm proposal is considered to broadly accord with the relevant policies of the County Durham Plan and relevant sections of the NPPF.

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## RECOMMENDATION

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181. That application no. DM/21/03420/FPA for the installation and operation of a ground mounted photovoltaic solar farm, inclusive of solar arrays, transformers, substation, landscaping, fencing, internal access tracks, access, CCTV and other associated works be **APPROVED** subject to the following conditions and completion of an agreement under Section 39 of The Wildlife and Countryside Act 1981 to secure biodiversity management for the life of the development:
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 35 years from the date of energisation of the Solar Farm to when the buildings, structures and infrastructure works hereby approved shall be removed and the land restored to its former condition in accordance with details to be submitted to and approved by the Local Planning Authority. The approved details shall then be implemented in full within 6 months of approval of those details.

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

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

Site Location Plan (Drawing No. Figure 1);  
Site Layout Plan (Drawing No. 0016.M4.001.0.Q);  
Indicative Transformer (Drawing No. 0016.M4.014.1.A);  
Customer Substation-Compound Layout Plan (Drawing No. Figure 5A);  
Customer Substation-Compound Layout Elevation (Drawing No. Figure 5B);  
Spare Parts Container (Drawing No. 0016.M4.021.3.A);  
Typical Cable Trench Cross Section (Drawing No. 0016.E4.017.3.A);  
Indicative CCTV (Drawing No. 0016.M4.018.4.B);  
Maintenance Road – Cross Section (Drawing No. 0016.M4.018.4.B);  
Site Entrance and Visibility Splays Overview (Drawing No. 2296.M4.038.0.0);  
Indicative Hedge Gate (Drawing No. 9400.M2.037.1.0);  
Gate and Deer Fence (Drawing No. 2259.M4.016.3.0); and  
Indicative Footpath Measures (Drawing No. AP.13).

*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, or controlling noise impacts during construction;

-Where construction involves penetrative piling, details of methods for piling of foundations including measures to suppress any associated noise and vibration;

-Details of whether there will be any crushing/screening of materials on site using a mobile crusher/screen and the measures that will be taken to minimise any environmental impact.

- Details of measures to prevent mud and other such material migrating onto the highway from construction vehicles;
- Designation, layout and design of construction access and egress points;
- Details for the provision of directional signage (on and off site);
- Details of contractors' compounds, materials storage and other storage arrangements, including cranes and plant, equipment and related temporary infrastructure;
- Details of provision for all site operations for the loading and unloading of plant, machinery and materials;
- Details of provision for all site operations, including visitors and construction vehicles for parking and turning within the site during the construction period;
- Routing agreements for construction traffic;
- Details of the erection and maintenance of security hoarding;
- Details of construction and decommissioning working hours;
- Waste audit and scheme for waste minimisation and recycling/disposing of waste resulting from demolition and construction works; and
- Detail of measures for liaison with the local community and procedures to deal with any complaints received.

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

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

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

6. Prior to the commencement of development a scheme shall be submitted to the Local Planning Authority for the improvement of the access track between South Hetton and the site, as shown on Drawing TMP Figure 1 'Indicative Route to Site' for approval in writing, unless an alternative access route is secured. The improvements to the access track shall be carried out prior to the first delivery of photovoltaic panels to the site.

*Reason: In the interests of recreational 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 a pre-commencement condition and the details of the construction management statement must be agreed before works on site commence.*

7. Prior to the commencement of development a scheme for surveying the pre-commencement and post-completion condition of the route to the site shown on Drawing TMP Figure 1 'Indicative Route to Site' shall be submitted to the Local Planning Authority for approval in writing. Any remediation works required to repair damage caused by vehicles associated with the approved development shall be carried out within 12 months of the development being brought into use.

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

*Framework. Required to be a pre-commencement condition and the details of the construction management statement must be agreed before works on site commence*

8. 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 construction operations including the maintenance of vehicles and plant shall take place outside of these hours or at any time on Bank, or other Public Holidays, save in cases of emergency when life, limb, or property are in danger. The Local Planning Authority shall be notified as soon as is practicable after the occurrence of any such operations or working.

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

9. The development shall be carried out in accordance with the submitted flood risk assessment. The mitigation measures detailed with the flood risk assessment (i.e. implementation of swales) shall be fully implemented prior to commencement of operations of the development being brought into use. These measures shall be retained and maintained thereafter throughout the lifetime of the development.

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

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. The rating level of noise emitted from the solar farm on the site shall not exceed the modelled noise levels confirmed within the Ion Acoustics Noise Assessment for Planning, dated 27 September 2021. On written request by the planning authority the operator shall, within 28 days, produce a report to demonstrate adherence with the above rating level.

*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.*

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

*Reason: To ensure the development is carried out in accordance with the approved documents and in the interests of visual amenity in accordance with County Durham Plan Policy 39 and Part 15 of the National Planning Policy Framework. Required to be pre-commencement in order to assess the appearance of the development.*

13. Prior to the commencement of development, a landscaping scheme shall be submitted for approval in writing. This scheme shall include provision for long term management

for trees within the site boundary. The approved landscaping scheme shall be implemented on site in the first planting season following the development being brought into use. Any tree or shrub which may die, be removed or become seriously damaged within a period of 5 years from the first implementation of the approved landscaping scheme shall be replaced in the first available planting season thereafter.

*Reason: In order to provide landscape enhancement and screening for the development in accordance with Policy 39 of the County Durham Plan and Part 15 of the National Planning Policy Framework. Required to be pre-commencement in order to assess the appearance of the development.*

14. 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 Written Scheme of Investigation.

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

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

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

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

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

17. Prior to the operation of the development, designs of footpath infrastructure measures in accordance with the Indicative Footpath Measures (Drawing No. AP.13) drawing shall be submitted to and agreed in writing with the LPA. Within six months of the first operation of the solar farm, the agreed footpath measures will be implemented and retained for the lifetime of the development.

*Reason: In order to provide landscape enhancement and screening for the development in accordance with Policies 35 and 39 of the County Durham Plan and Part 15 of the National Planning Policy Framework.*

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## **STATEMENT OF PROACTIVE ENGAGEMENT**

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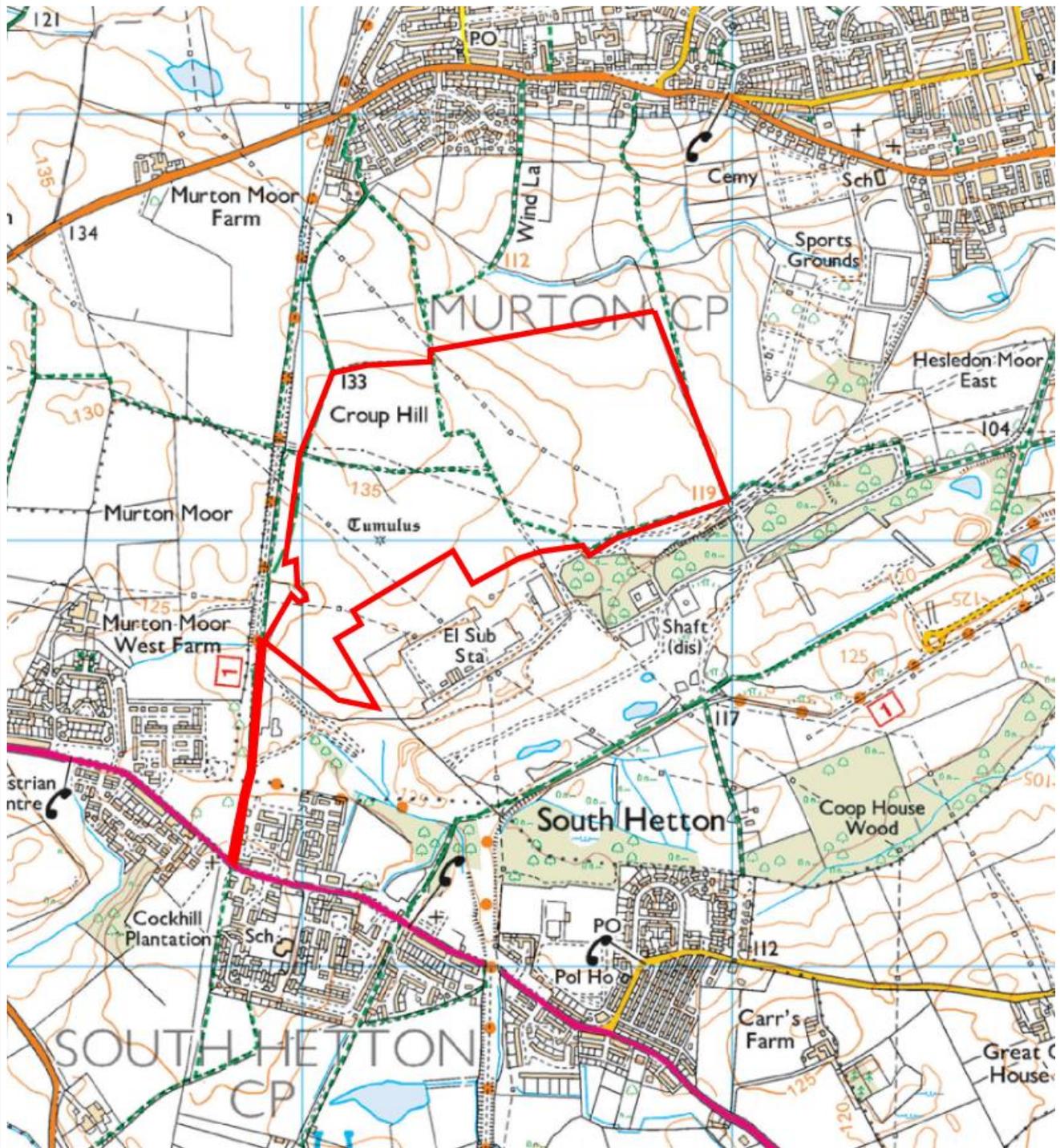
In accordance with Article 35(2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015, the Local Planning Authority has, without prejudice to a fair and objective assessment of the proposals, issues raised and representations received, sought to work with the applicant 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 Policy for Waste
- National Planning Practice Guidance notes
- County Durham Plan
- EN:1 Overarching National Policy Statement for Energy (published in July 2011)
- EN-3 National Policy Statement for Renewable Energy Infrastructure (published in July 2011)
- Draft Overarching National Policy Statement for Energy (EN-1) (September 2021)
- Draft National Policy Statement for Renewable Energy Infrastructure (EN-3) (September 2021)
- Statutory, internal and public consultation response



**Planning Services**

DM/21/03420/FPA

Installation and operation of a ground mounted photovoltaic solar farm, inclusive of solar arrays, transformers, substation, landscaping, fencing, internal access tracks, access, CCTV and other associated works

Land At Croup Hill South Of Beaconsyde Farm, Broadoaks, Murton, SR7 9SF

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**Comments**

**Date** June 2022

**Scale** Not to Scale