



County Planning Committee

Date Tuesday 1 November 2022
Time 9.30 am
Venue Council Chamber, County Hall, Durham

Business

Part A

1. Apologies for Absence
2. Substitute Members
3. Declarations of Interest
4. Minutes of the meeting held on 4 October 2022 (Pages 3 - 8)
5. Applications to be determined
 - a) DM/22/01663/OUT - Land To Hawthorn Grid Site, Murton, SR7 9SF (Pages 9 - 50)

Outline planning application for the erection of a new 400 kilovolt electricity substation, a converter station, and the laying out of replacement public open space on land to the west and south of Jade Business Park, with all matters reserved
 - b) DM/22/01124/FPA - Land to the West of Drum Industrial Estate, Drum Road, Chester-le-Street, Durham (Pages 51 - 78)

Construction of employment uses (industrial/warehouse development) of 6 No. detached units totalling 14,354 sqm
6. Such other business as, in the opinion of the Chairman of the meeting, is of sufficient urgency to warrant consideration

Helen Lynch
Head of Legal and Democratic Services

County Hall
Durham
24 October 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

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DURHAM COUNTY COUNCIL

At a Meeting of **County Planning Committee** held in Council Chamber, County Hall, Durham on **Tuesday 4 October 2022 at 9.30 am**

Present:

Councillor A Bell (Chair)

Members of the Committee:

Councillors J Higgins, C Marshall, C Martin, M McKeon, B Moist, K Shaw, A Simpson, S Wilson, S Zair and J Cosslett (substitute for G Richardson)

1 Apologies for Absence

Apologies were received from Councillors C Hunt, P Jopling, P Molloy and G Richardson.

2 Substitute Members

Councillor Cosslett was present as substitute for Councillor Coult.

3 Declarations of Interest

Councillor Shaw declared an interest in item no. 5 b) as he had called the application to Committee for clarification only, he had no predetermined views.

4 Minutes

The minutes of the meeting held on 6 September 2022 were agreed as a correct record and signed by the Chair, subject to the removal of item 5d which had been printed twice.

5 Applications to be determined

a DM/21/02901/OUT - Jade Business Park, Jade Enterprise Zone, Murton, SR7 8RN

The Committee considered a report of the Strategic Development Manager regarding an application for outline planning permission for Phase 2 of Jade

Business Park in Murton, comprising a mix of B2 and B8 unit use with associated service yards, car parking and landscaping at Jade Business Park, Jade Enterprise Zone, Murton (for copy see file of minutes).

G Blakey, Principal Planning Officer, presentation on the application which included a site location plan, aerial photographs and site photographs.

Councillor Marshall confirmed it had taken over a decade to get to a position where Council were able to take this application forward. Since the Council had made the decision to build more industrial units, demand had increased, as demonstrated by Business Durham who were working to bring jobs to areas. This was a strategic site allocated in the County Durham Plan and Councillor Marshall was pleased to have played a small part in getting the development going, during his time as former Portfolio Holder for Economic Regeneration and a lot of people would be looking forward to seeing the scheme rolled out. Councillor Marshall moved recommendation and wished developers luck in working alongside the Council to deliver more jobs in the east of the county.

Councillor Martin seconded the proposal.

Resolved

That the application is APPROVED subject to the conditions outlined in the report and the completion of an internal transfer of funds to the Council's Ecology section to secure the following:

- £400,000 to be used towards biodiversity enhancements as part of a 30-year management plan in accordance with the framework identified in Durham County Council's Biodiversity Compensation Strategy.

b DM/20/03591/FPA - Land West Of Units 1-3 Admiralty Way Seaham, SR7 7DN

The Committee considered a report of the Senior Planning Officer regarding an application for outline planning permission for the erection of a petrol filling station and drive thru' coffee outlet (Class E), along with access, car parking, drive thru' lane, external seating area, refuse stores, hard and soft landscaping and associated works at Land West of Units 1-3 Admiralty Way Seaham (for copy see file of minutes).

G Blakey, Principal Planning Officer, gave a presentation on the application which included a site location plan, aerial photographs and site photographs.

Members were advised that the original application had included a large portion of land proposed as a caravan site, however this had been removed following the views of Officer's.

Mr J Good was in attendance to answer any questions on behalf of the Applicant.

Councillor McKeon queried the filling station aspect of the application as given the phasing out of petrol vehicles in favour of electric and the framework regarding sustainable developments. She asked how the Applicant could defend the sustainable element of the application in the long term.

Mr Good confirmed that the proposal was for a fuel filling station, although there would be some electronic vehicle charging points on site. He highlighted that there was still a need for petrol and diesel for existing highway users.

S Reed, Planning Development Manager, advised that a similar issue had been raised and investigated due to a previous planning application in the Chester-le-Street area and found no policy device in the NPPF ban petrol stations. There was no doubt that as society started to move towards phasing out petrol and diesel vehicles, the operator would need to change their business model, however despite the validity of the point, no weight could be given to this when during determination.

Councillor Shaw referred to the objection from the Environment Agency, who had confirmed that nothing had been submitted to demonstrate that the risks posted to groundwater could be successfully managed. There was a condition attached at number 5 which stated that no development could commence until land contamination scheme been submitted and approved. He asked whether officers were confident that such a scheme would be able to mitigate the impact as the aquifer itself could be contaminated.

The Principal Planning Officer had dealt with a similar issue on site at Newton Aycliffe, where Environment Agency had the same view regarding tanks underground. Dialogue was ongoing with the Environment Agency to resolve and Officers were of the option that an appropriately worded condition to secure detail in advance of the development, would ensure the application could progress. If the Applicant could not submit the required information, the Council would not discharge condition and the development would not be able to commence.

In response to a further comment from Councillor Shaw on the logic behind allowing these applications to Committee without this type of information. The Principal Planning Officer confirmed that ideally the issue would have

been resolved prior to Committee and Members were able to defer the application if they found it appropriate, however it was his view that they could comply with a condition attached.

Councillor Mckeon referred to the previous application at Chester-le-Street and she had concerns that this site was so close to a heritage coast. Given that the National Trust had objected to a previous scheme, she was worried that the infrastructure would not be put in place at this stage for the Applicant to change tack when it was going to be necessary at some point. A lot of businesses had went bankrupt and she referenced a site at Neville's Cross which had left a blight on the landscape for years.

The Planning Development Manager advised that ultimately business planning and whether the business was going to be a success was a risk for the developer to take into account. He acknowledged that there would be challenging times ahead as transport moved towards electric based vehicles and the operator may have to change layout and reduce the number of petrol and diesel tanks however the business position for applicant was not something that the Planning Authority could give much weight to when determining the application.

Councillor Bell suggested that business models were already changing with the addition of 24/7 supermarkets.

Councillor Marshall agreed that it was not within the Committees gift to consider the business plan and that there was still a long way to go before petrol and diesel vehicles were replaced, there would always be a need filling stations. He was pleased to see the introduction of jobs in the convenience store and drive through. The application complied with planning policy and created much needed jobs in the east of the county. He was satisfied the conditions would protect the Council against any pitfalls and he therefore moved the recommendation to approve the application as per the conditions outlined in the report.

Councillor Shaw considered the proposal was viable, it was located on the arterial route to Seaham on the A19 and opposite the new garden village development for 1500 new homes. He had no concerns and seconded the proposal to approve the application.

Councillor Martin added that the site was located on the edge of the spectrum business park and acknowledged the need to create facilities and infrastructure alongside business parks. It was not the Committees role to deal with oncoming difficulties with the phasing out of petrol and diesel.

Resolved

That the application be **APPROVED** subject to the conditions outlined in the report.

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COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION No:	DM/22/01663/OUT
FULL APPLICATION DESCRIPTION:	Outline planning application for the erection of a new 400 kilovolt electricity substation, a converter station, and the laying out of replacement public open space on land to the west and south of Jade Business Park, with all matters reserved
NAME OF APPLICANT:	National Grid Electricity Transmission Ltd
ADDRESS:	Hawthorn Grid Site, Murton, SR7 9SF
ELECTORAL DIVISION:	Murton
CASE OFFICER:	Chris Shields Senior Planning Officer 03000 261394 chris.shields@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

Project Overview

1. The proposed development is a major reinforcement of the England and Scotland electricity transmission system, which would provide additional north-south transmission capacity across transmission network boundaries to accommodate increased north – south power transfers.
2. The wider project consists of a subsea High Voltage Direct Current (HVDC) link between Torness in East Lothian and Hawthorn Pit in County Durham and is known as 'Scotland England Green Link 1 (SEGL1)'. It comprises approximately 192 km of subsea and underground HVDC cables between new converter stations at each end of the electricity transmission link. These in turn would be connected to the high voltage electricity transmission system via new alternating current (AC) cables to a new substation at Hawthorn Pit, County Durham and by new AC cables to the existing Branxton substation near Torness.
3. From the point at which the subsea cable reaches landfall at Seaham to where it terminates at Hawthorn Pit is known as the English Onshore Scheme (EOS). Within the EOS the proposed underground cabling from Seaham to Hawthorn Pit is considered to be permitted development and does not require express planning permission. It is the built elements, including the proposed substation and converter station that require express planning permission and that are part of this planning application.

Site

4. The site of the proposed development occupies an area of 8.93 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 south of the former Hawthorn Colliery site. To the north are the existing substations and the capped mine shaft.
5. The site would be accessed from Jade Business Park using the service road associated with the existing electrical substations and from a new road spurring from the estate road roundabout.
6. 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.
7. Two Sites of Special Scientific Interest (SSSIs) lie in close proximity of the development site with Hesledon Moor East lying approximately 460m to the north east and Hesledon Moor West being located approximately 200m to the south and west. There are Local Wildlife Sites at Coop House Wood within 50m to the south, South Murton Marsh is approximately 800m to the north east, Hesledon Moor East approximately 847m to the east and Hesledon Moor West approximately 600m to the north east. 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.
8. 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. The site is located within the High Moorsely Meteorological Office Radar safeguarding area
9. There are no designated heritage assets within the 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 1.5km to the north in Murton. The Grade II Listed Church of the Holy Trinity is located approximately 1.1m to the north east, also in Murton. Hawthorn Conservation Area is located approximately 2.2km to the east of the site. Easington Conservation Area is some 2.7km to the south east and Seaham Conservation Area approximately 4.8km to the north east, both containing a number of Grade II listed buildings
10. There are a number of public rights of way within the site boundary. Across the full breadth of the English Onshore Scheme there are 11 Public Rights of Way (PRoW) which are crossed by the project, including National Cycle Route 1 (NCR1). Within the scope of this planning application there are 2 PRoW that would be affected, these being Bridleway No. 29 (Murton Parish) and Footpath No. 25 (Murton Parish).
11. The nearest residential properties are located at Windermere Road in South Hetton approximately 475m to the south west. To the north in Murton the closest properties would be approximately 1.2km distant at Winds Lonnen Estate, Melrose Avenue and Beaconsyde Farm. To the west the nearest properties at Easington Lane are approximately 750m distant at Windsor Drive.

12. Outline planning permission is sought for the erection of a new 400 kilovolt electricity substation, a converter station, and the laying out of replacement public open space on land to the west and south of Jade Business Park, with all matters reserved. Outline planning permission is being sought because a final construction contractor has not yet been appointed and this decision would have an impact on the detailed design.
13. The proposed development comprises approximately 10 km of underground HVDC cable from the landfall at Seaham, to a proposed converter station at Hawthorn Pit in County Durham. The converter station would be connected to a new 400 kilovolt (kV) substation by approximately 1 km of HVAC cable. The new 400 kV substation would connect the project to the existing 275/ 400 kV Hawthorn Pit substation and the existing electricity transmission system. The overhead line between Norton and Hawthorn Pit substations currently terminates at pylon 4TF080 where the downloads drop into Hawthorn Pit substation. When the new substation is built the existing overhead line would need to be re-aligned so that downloads drop into the new substation from a re-positioned pylon. The new substation would connect to the existing Hawthorn Pit substation via an underground AC cable connection. Two pylons, located within the vicinity of the site, and their spans would no longer be required and would be removed, resulting in a net reduction of two pylons.
14. The HVDC cable from the landfall at Seaham to the proposed converter station benefits from permitted development rights and is therefore not being considered as part of this application, although it does form part of the overall development.
15. At the proposed landfall site, it extends from Mean Low Water Springs (MLWS) across the intertidal zone with two submarine high voltage DC cables and one fibre optic cable, which would terminate at a buried transition joint pit (TJP) approximately 230 m above MLWS.
16. From the TJP, the proposed underground HVDC cable route would extend approximately 10 km inland in a broadly Southwestern direction until it reaches the proposed converter station site at Hawthorn Pit, through the administrative area of Durham County Council (DCC) and Sunderland City Council (SCC). The proposed converter station would convert the electricity from DC to AC and be connected to the existing National Electricity Transmission System (NETS) at a new proposed substation to the south west of the existing substation at Hawthorn Pit by approximately 1 km of HVAC underground cable, which is routed in a broadly north westerly direction. Access to the converter station would be provided by a new permanent access road off the existing Jade Business Park roundabout to the north of the proposed converter station. Access to the proposed substation would be from the existing substation access road.

Converter Station

17. The proposed converter station site would be located approximately 890 m south east of the existing Hawthorn Pit substation. The footprint of the proposed converter station site is up to 7 ha and is located on agricultural land, bound by Coop House Wood to the south and south west, agricultural land to the west, and Jade Business Park to the north.
18. The base design of the converter station has been developed considering examples of previously constructed converter stations in order that it can accommodate the final detailed design. It would comprise specialist electrical equipment, some of which must be located within buildings as well as some which can be located outdoors. Both the

buildings and outdoor electrical equipment would range in size up to a maximum of 26 m high. It is proposed that the converter station design would seek to echo the design, external appearance and colours of the existing and proposed Jade Business Park buildings to ensure consistency of treatment and mitigation of overall impact.

19. As part of the base scheme design, development zones have been identified based on the location and size of building units and outdoor electrical equipment as well as other requirements such as landscape planting and drainage. The converter station would comprise of the DC hall, valve halls and AC inductors, transformer bays, control building, AC switchgear and filters, backup generator, spares building, perimeter road and landscape planting.
20. Following a period of commissioning and testing, the proposed converter station will operate continuously throughout the year. The proposed converter station will be operated by a small team that visit the site weekly and otherwise as and when required. During maintenance (planned and unplanned) the number of personnel present on site would increase with the number of staff proportionate to the nature of the maintenance works being undertaken. The anticipated operational life of the proposed converter station is approximately 40 years. In the event that the development ceases operation the proposed converter station would be decommissioned. The main components would be dismantled and removed for recycling wherever possible. Where this is not possible disposal would be undertaken in accordance with the relevant waste disposal regulations at the time of decommissioning. It is anticipated that the permanent access road would be left in-situ.

Substation

21. A new 400 kV substation is required in proximity to the existing Hawthorn Pit substation to allow connection into the electricity transmission system. The substation is likely to have a footprint of up to 2 ha and would be no greater in height than the existing infrastructure at Hawthorn Pit Substation, the tallest of which are approximately 18 m high.
22. The new 400 kV GIS substation would provide termination for the AC circuits connecting the 2 GW HVDC converter station. The proposed site would be a flat surface of grey gravels ('substation chippings'), along with internal roads, car parking and footpaths. The site would be enclosed within a 2.4 m galvanised palisade security fence, with a 3.4 m high electric fence inside it.
23. The north west of the substation site will comprise the gas insulated switchgear (GIS) Hall, which would contain the new 400 kV switchgear and would have a maximum height of 14 m. An attached annex would contain the staff amenity and welfare facilities as well as the equipment required to supply, control and protect the substation. The GIS building will be a portal frame structure with cladding walls and duo pitched roof and the annex will have a single pitch, attached to the southern elevation.
24. The north east of the substation site would contain a 1,000 MVA 400/275 kV super grid transformer comprising the main tank and cooler bank. The main tank would be within a noise enclosure and the cooler bank consists of a set of larger outdoor fans immediately adjacent to the east.
25. The southern half of the substation site would comprise traditional air insulated switchgear (AIS) equipment including gantries that connect to the new overhead line (OHL) pylon to the south east. The substation would also contain small buildings

including 120,000 litre above ground water tank for fire suppression, diesel generator for back up power supply, workshop and stores.

26. The detailed lighting design is likely to comprise 6m high lighting columns that would be required for maintenance activities. These would be designed to avoid light pollution by facing inward, lighting only critical areas and being off by default during hours of darkness.
27. The construction period for the overall English Onshore Scheme is predicted to be 38 months, providing 300 to 350 full time equivalent construction jobs. At the peak of construction works vehicle movements to the site are expected to be 280 per day. Normal working hours are proposed to be 0700 to 1800 Monday to Friday and 0800 to 1400 on Saturday with no working on Sundays, public or bank holidays. Once operational the development would operate 24 hours per day, every day.
28. The application is being reported to Planning Committee as it is a major development with a site area greater than 1 hectare

PLANNING HISTORY

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

PLANNING POLICY

NATIONAL POLICY

30. 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.
31. 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.
32. *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.
33. *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.

34. *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.
35. *NPPF - Part 9 Promoting Sustainable Transport* - Encouragement should be given to solutions which support reductions in greenhouse gas emissions and reduce congestion.
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 - 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.
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; 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>

40. 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. 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)

41. *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.
42. *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.
43. *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.
44. *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.
45. *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.
46. *Policy 27 – Utilities, Telecommunications and Other Broadcast Infrastructure* – States that proposals will be permitted for new or extensions to existing energy generation, utility transmission facilities, telecommunication masts or other broadcast and broadband equipment which facilitate the electronic transfer of data where it can be demonstrated that the scheme will not cause significant adverse impacts or that its benefits outweigh any adverse negative effects.
47. *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.

48. *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.
49. *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.
50. *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.
51. *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.
52. *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.
53. *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.
54. *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.

55. *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.
56. *Policy 56 – Safeguarding Mineral Resources* – states that planning permission will not be granted for non-mineral development that would lead to the sterilisation of mineral resources within a Mineral Safeguarding Area. This is unless it can be demonstrated that the mineral in the location concerned is no longer of any current or potential value, provision can be made for the mineral to be extracted satisfactorily prior to the non-minerals development taking place without unacceptable adverse impact, the non-minerals development is of a temporary nature that does not inhibit extraction or there is an overriding need for the non-minerals development which outweighs the need to safeguard the mineral or it constitutes exempt development as set out in the Plan. Unless the proposal is exempt development or temporary in nature, all planning applications for non-mineral development within a Mineral Safeguarding Area must be accompanied by a Mineral Assessment of the effect of the proposed development on the mineral resource beneath or adjacent to the site of the proposed development.

NEIGHBOURHOOD PLAN:

57. There is no Neighbourhood Plan for this area.

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)

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

58. *Highway Authority* – has raised no objections to the proposals. Officers have commented that once operational, the traffic generated by the end use would be minimal and so impact on the local road network and the adjacent strategic road network (A19), would be negligible. The main traffic generation associated with the site would be during the construction phase. The applicant has indicated that construction would take place over a 4 year period which in years 1 and 4 would see around 80 traffic movements a day for construction traffic, and in years 2 and 3 would see a maximum of 280 movements per day. These numbers represent very small increases on the total daily flows on the roads around the site (for example A19 carries nearly 30,000 per day). The construction traffic, which would be temporary over the 4 year construction period, could be controlled via a Construction Management Plan secured by condition, and construction traffic routes etc, could be controlled via the CMP.
59. *Environment Agency* – initially objected to the proposal due to a potential contamination risk to controlled waters arising from the former use of the site as sludge beds associated with the former Hawthorn Mine. Additional information was provided and the Environment Agency removed its objection subject to the imposition of ground remediation conditions. Information has also been provided to the applicant in respect of site investigation, land contamination, ground investigation, controlled waters risk

assessment, Environmental Permit Regulations, Sustainable Drainage Systems, and Dewatering and Abstraction Licences.

60. *Natural England* – has raised no objections to the proposed development. 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.
61. The Coal Authority – has raised no objections to the proposals and has advised that a Coal Mining Risk Assessment is not required. An informative has been recommended in respect of unrecorded coal mining related hazards.
62. *Lead Local Flood Authority (Drainage and Coastal Protection)* – has raised no objections to the proposed development. It is advised that there should be a Surface Water Drainage Strategy document which should take into account attenuation and treatment of all surface water. This would be required as part of the detailed site design.

INTERNAL CONSULTEE RESPONSES:

63. *Spatial Policy* – has raised no objections to the proposed development. 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 benefits of the proposals balanced against potential harm to the countryside that could result from the development.
64. *Landscape* – officers have raised no objections to the proposals but have stated that the development would cause some initial harm to the local landscape but that this would reduce and improve over time. Officers have noted the mitigation woodland planting, additional hedgerow and mounding, and that the proposed substation and converter station would be located in proximity to existing, similar developments.
65. *Archaeology* – has raised no objections to the proposals. Additional geophysical survey was requested for the converter station site, which was submitted with an amended Written Scheme of Investigation (WSI). 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.
66. *Design and Conservation* – has raised no objections to the proposals. Officers have commented that the conclusions of the Environmental Appraisal identify minor adverse impacts during construction and neutral impacts after completion. Overall, whilst this is a large and complex proposal, the impact on designated and non-designated assets is minimal and on this basis there is no objection to this strategic proposal.
67. *Ecology* – has raised no objections to the proposals. Officers initially requested that the application be supported by a Landscape and Ecological 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.
68. *Environmental, Health and Consumer Protection (Contaminated Land)* – has raised no objections to the proposals but have recommended conditions to manage the proposed remediation works. An informative is recommended to inform the developer

of the correct action if unexpected contamination is discovered during the construction period.

69. *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.
70. *Environment, Health and Consumer Protection (Nuisance Action)* – has raised no objections to the proposals. The submission of a Construction and Environmental Management Plan and Construction and Traffic Management Plan is noted, and a request is made that this is secured by condition. Further, conditions are recommended to ensure that the noise mitigation measures set out in Chapter 13 of the Environmental Appraisal are delivered and that low frequency noise is taken into consideration at the detailed design stage.
71. *Public Rights of Way* - Officers note there are a couple of Public Rights of Way within the red outline boundary. These paths are Murton Bridleway 29 and Murton Footpath 25. There are also two Definitive Map Modification Order applications for bridleways within the site. In addition, to the PRow's and DMMO paths, there are desire lines within the application site. One of the unrecorded paths currently has a finished surface and is very well used, we would be looking to retain a 10m gap between Jade Business Park and National Grids buildings to ensure a North-South path through the site can be made available. The plans show the proposed boundary to be hard up against the existing Jade development site and I would request that you incorporate this 10m gap between the two sites into your plans. Officers also advise that if a closure or temporary diversion of any of the PRow's will be necessary during the construction this should be in liaison with the Temporary Closures Team. If the paths are to remain open during construction, a plan to safely manage all users would need to be implemented.

PUBLIC RESPONSES:

72. The 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 1590 neighbouring properties. A total of 2 letters of objection have been received in response to the consultation.
73. The issues raised relate to a cumulation of development proposals in the area, including the Jade Business Park, an as yet undetermined planning application for a battery storage site and the refused solar farm, concern about loss of public open space, noise, increase in traffic, impact to wildlife and concern about the lack of dimensions for any of the proposed structures.

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/search.do?action=simple&searchType=Application>

APPLICANTS STATEMENT:

Need for the Development

74. The UK, and Scottish Governments, have set legally binding targets to achieve Net-Zero by 2050 and 2045 respectively. To meet these targets, the UK will need to move towards cleaner, greener, renewable and low carbon energy forms.
75. The UK Government, in its Ten Point Plan for a Green Industrial Revolution (Nov-20) fully recognises that to connect such energy sources, specifically offshore wind, the

UK must undertake a significant reinforcement of its existing electricity transmission network.

76. This requirement has been reinforced by the UK Government's British Energy Security Strategy (BESS) (Apr-22) which sets out the Government's strategy for achieving energy independence, by promoting electricity generation from renewable and low carbon sources, specifically new offshore wind, solar, and nuclear. BESS also recognises the need to reinforce the electricity transmission system to transport this clean green energy from where it is generated to where it is needed.
77. The purpose of the SEGL1 project is to reinforce the existing electricity transmission network to enable the transport of clean, green renewable energy from Scotland to centres of demand in England, supporting energy security and net zero ambitions. Ofgem has approved the final needs case for the SEGL1 project.

Siting and Appearance

78. The proposed 400kV substation is sited on previously developed land adjacent to the existing Hawthorn Pit Substation.
79. The proposed converter station site is located away from South Hetton and Murton, in a hollow in the landscape, which will help screen the site. The site is afforded substantial screening by the existing Coop House Wood. A cut and fill operation, to deliver a level construction site, will also serve to reduce the converter station building height by c4m. It will be accessed by a new access road off the existing Jade Business Park roundabout. This adoptable-standard road could form part of any future East Durham Link Road.
80. The converter station design will seek to replicate the design, external appearance, and colours of the existing and proposed Jade Business Park buildings, to provide continuity of design, and ensure a high-quality development across the wider site.

Landscape, Ecology and Biodiversity Net Gain (BNG)

81. The proposed development will provide a voluntary BNG through significant habitat creation and enhancement. This will be secured by a Landscape and Ecological Management Plan (LEMP). New and existing grassland and damp and wet habitats, including four new ponds, together with woodlands, trees and hedgerows will be created and enhanced.

Replacement Public Open Space

82. The 1.5 hectares of informal Public Open Space to be removed through development of the new 400kV substation will be replaced by 2 hectares of Public Open Space, incorporating new habitats, landscaping and planting, that will directly benefit the local community, in the form of a Country Park.

Public Rights of Way

83. The Project team are working closely with DCC and Sustrans to identify potential improvements to local public rights of way and National Cycle Network Route 1.

84. The 3-year construction period would require up to 110 workers, with a peak of 300-350 workers. Direct and indirect employment is anticipated to generate a Gross Value Add (GVA) of between £17.8-£20.8 million for the local economy.

PLANNING CONSIDERATIONS AND ASSESSMENT

85. 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, land stability and contamination, flooding and drainage, ecology, recreational amenity, cultural heritage, agricultural land, cumulative impact, other matters and public sector equality duty.

Principle of Development

86. 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.
87. 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.
88. In light of the recent adoption of the CDP, the Council now has an up to date development plan. Paragraph 11 of the NPPF establishes a presumption in favour of sustainable development. For decision taking this means approving development proposals that accord with an up to date development plan without delay (Paragraph 11 c). Accordingly, Paragraph 11(d) of the NPPF is not engaged.

Key policies for determination

89. The key policy for the determination of this application is CDP Policy 27 relating to utilities. This Policy supports proposals for new or extensions to existing energy generation and utility transmission facilities where it can be demonstrated that the scheme will not cause significant adverse impacts or that its benefits outweigh any adverse negative effects.
90. 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, relevant policies within an adopted neighbourhood plan relating to the application site or where the proposal relates to one or more exceptions set out within the policy. Criteria e) of Policy 10 relates to infrastructure development and is permissive towards development necessary to support essential infrastructure where the need can be demonstrated for that location. Supporting text in CDP paragraph 5.76 states that new infrastructure will also be supported, especially where this will bring about wider economic and social benefits. It is therefore considered that the development would constitute an exception to CDP Policy 10 and the acceptability criteria are engaged.
91. 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.
92. The potential impacts of the development are considered in detail the sections below but it should be noted that whilst the development is technically in the countryside it is on the edge of urban settlements and immediately adjacent to an allocated industrial estate (Jade Business Park). As such, the development would be well connected to transport routes; the nearest bus stop is less than 1km away in South Hetton and there are options for walking and cycling to the site.
93. The development would not result in the coalescence of settlements or adversely impact on the townscape of neighbouring settlements. The proposals would also not constitute ribbon development.
94. The site is within flood zone 1 and would not increase offsite risk of flooding. The site is not brownfield but partly utilises land formerly occupied by Hawthorn Colliery, which would be remediated as part of the development.
95. The applicant has identified that the proposed development is necessary in order to transfer energy between Scotland and England. The proposed location at Hawthorn Pit has been chosen due to its proximity to the coast and the landfall for the subsea cable, the minimal number of constraints and the space available adjacent to an existing substation. The development is considered to accord with CDP Policy 27 and

CDP Policy 10, criteria e). The development is therefore considered to be acceptable in principle subject to the environmental considerations set out in the sections below.

Landscape

96. 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.
97. 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.
98. 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.
99. 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.
100. A comprehensive Landscape and Visual Impact Assessment has been submitted in support of the application.
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. Trees in Coop House Wood to the south and east of the site are covered by a woodland Tree Preservation Order (TPO). The development would comprise of large buildings, a substation and underground cabling. 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 proposed cable route stretching north and then east from the proposed converter station to the landfall point at Seaham (not part of this application due to being permitted development, but part of the overall development) passes through an area designated as Heritage Coast and an Area of Higher Landscape Value (AHLV) where the route enters dry land from beneath the North Sea, to the north of Seaham Hall. The rest of the development does not lie within areas of designated landscape. The proposed substation site would be visible at close range from rights of way to the west with wider visibility of the site limited by mature woodlands and undulating topography.

The proposed converter station site would be visible from the east at close range but is otherwise screened by trees and buildings within the adjacent Jade Business Park.

103. The proposed substation and converter station would be located in an area of relatively low landscape value, adjacent to associated land uses such as the existing substation and industrial zones characterised by large scale buildings. The presence of existing woodlands to the north, south and west of the site suggests that this landscape could potentially accommodate buildings of scale. This application is an outline application and maximum building heights have been considered at this stage with further details on character and appearance of the structures, expected to be provided and considered at a later stage. There would be noticeable changes in landscape character at site level due to the proposed development which could potentially be significant, but given the limitations on building height and the proposed removal of pylons, the LVIA considers that landscape effects would be minor and adverse with the potential to further reduce effects over time due to the landscape mitigation
104. The proposed converter station buildings would be located adjacent to other large buildings and infrastructure. There are existing buildings and proposed industrial buildings on the adjacent Jade Business Park which would form intervening structures, providing screening to the proposed buildings. The converter station would be located to the north of existing woodland. Where woodland screening is not already present on the site, earthworks and woodland screen planting are proposed to reduce visual impact and to visually soften the frontages of proposed buildings. There is existing planting to the north of Jade Business Park which provides screening of the proposed site. Additionally, buildings would be screened by future phases of industrial/commercial development on Jade Business Park, immediately to the north of the proposed site.
105. There are belts of trees and woodland clustered around the site that provide visual screening and filtering of existing and proposed buildings. The Outline Landscape Mitigation Plan proposes shrub and scrub planting, trees, hedgerows, ponds and species rich grassland to assist with screening whilst also providing Biodiversity Net Gain (BNG).
106. The substation would be partially screened by existing woodland which would be retained where possible. This would be supplemented with mounding and woodland screen planting to reduce visual impacts from the south and west. Planting along field boundaries including hedgerows would be reinstated.
107. Landscape officers have stated that the landscape proposals have considered the character of the existing landscape and the proposed use of native species, as set out in the Landscape and Ecological Management Plan. Officers have commented that the proposed substation and converter station would have an initially harmful effect on the landscape but that this would reduce and improve over time once construction is complete and the mitigation planting has established.
108. It is noted that Landscape officers consider the proposals would cause some 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, hedgerows and mounding within the development site in accordance with the requirements of CDP Policies 39 and 40. The residual harm to the landscape is considered to be outweighed by the benefits of the development in terms of energy safeguarding and distribution, Biodiversity Net Gain (examined later in this report) and employment both during construction and in the operation of the site. The development is therefore considered to accord with CDP Policies 39 and 40 and Part 15 of the NPPF.

Access and Traffic

109. 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.
110. A Transport Assessment (TA) has been submitted in support of the application. The TA considers baseline traffic conditions for the area, collision data and other safety issues in combination with the proposed construction and operational traffic movements associated with the proposed development. The assessment concludes that the amount of traffic associated with the construction of the English Onshore Scheme is not likely to be significant compared to existing levels. It is stated that the impacts of construction traffic would result in a negligible effect for all of the potential traffic and transport related potential effects.
111. An Outline Construction Traffic Management Plan has also been submitted in support of the application. The management plan has identified that the construction period for the development would be approximately 38 months for the total English Onshore Scheme with a maximum number of HGV deliveries of 280 per day, however, the average number of daily vehicle movements would be significantly less. During the operational period the site would have a very limited staff presence as it would be remotely operated.
112. Highways officers have considered the proposal and find the access arrangements for both the construction and operational periods to be acceptable. Officers have commented that once operational, the traffic generated by the end use would be minimal and so impact on the local road network and the adjacent strategic road network (A19), would be negligible.
113. Whilst the proposed development would generate a degree of construction traffic for the 38 month construction period it would be not be unacceptable in this location due to good access and existing highway capacity. Following construction, the development would be remotely operated with limited onsite presence. No objection is raised by the Council as Highways Authority. Conditions are recommended to secure a Construction Traffic Management Plan. 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 and would not conflict with CDP Policy 21 or Part 9 of the NPPF.

Residential Amenity

114. 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).

115. 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.
116. The nearest residential properties are located at Windermere Road in South Hetton approximately 475m to the south west. To the north in Murton the closest properties would be approximately 1.2km distant at Winds Lonnen Estate, Melrose Avenue and Beaconsyde Farm. To the west the nearest properties at Easington Lane are approximately 750m distant at Windsor Drive.
117. Wide consultation was carried out with notices displayed around the site and in the local press. In addition, letters were sent directly to 1590 neighbouring properties. Following this two people responded with objections. Issues raised by these objectors in relation to amenity include noise both during construction and in operation and the visual impact of the development, in part due to not knowing the exact dimensions of the buildings at this stage.
118. A Noise and Vibration 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 advises that construction noise levels have been estimated based on data in BS 5228-1. At this stage a worst-case assessment has been undertaken based on typical construction activities. Potentially significant effects would be mitigated by adopting best practicable means and enforcement of actions included in the outline Construction and Environmental Management Plan (CEMP), submitted in support of the application. As significant effects are related to short-term and temporary construction activities, provision of information containing the timings and duration of construction activities can allow residents affected to accept higher noise levels. As such, noise during the construction phase is assessed as being, at worst, Moderate Adverse (significant) for a small number of noise sensitive receptors, however this would be short term and temporary (anticipated to be up to two weeks in duration).
119. The Assessment advises that typical construction working practices are unlikely to generate levels of vibration at local receptors above which cosmetic damage to structures is predicted to occur. However, appropriate mitigation to ensure vibration levels are kept to a minimum, would result in the vibration residual effects being better than Minor Adverse (not significant) at the nearest noise sensitive receptor due to the separation distance between it and the construction works.

120. Landscape impact has been assessed in the section above, but it is acknowledged that those people living near to the site would 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, whereas views from South Hetton and Easington Lane would be screened by existing planting. 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.
121. Environmental Health and Consumer Protection officers have considered the proposals and raise no objections in respect of potential nuisance or air pollution. Officers have, however, requested conditions to deliver the noise mitigation measures set out in the Noise and Vibration Assessment and minimise low frequency noise in the detailed design. In accordance with standard practice, it is proposed that through condition, a Construction and Environmental Management Plan and Construction Traffic Management Plan would be submitted to ensure that dust, noise, access, routeing are controlled, amongst other matters.
122. It is considered that the proposed development would not create an unacceptable impact on health, living or working conditions or the natural environment. The proposals would not result in unacceptable noise or vibration 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.

Lands Stability and Contamination

123. 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.
124. A Geology and Hydrogeology Assessment has been submitted in support of the application. This assessment considers legislation, local and national policy, site investigation methodology, details of ground investigations both current and historic and a consideration of the results.
125. The assessment has shown that parts of the site along the Ryhope Railway Path and in the vicinity of Hawthorn Pit would be underlain by Made Ground, up to 10m in thickness. Superficial deposits, primarily comprising Glacial Till, underlies the Made Ground (where present) and frequent pockets of alluvium and/or glaciofluvial deposits may be present. Marine beach deposits and glaciofluvial sands and gravels would underlie the landfall end of the cable route. The entire English Onshore Scheme would be underlain by dolostone bedrock of the Roker and Ford Formations at a likely depth on the order of 10m – 30m below ground level.
126. Sites of potentially contaminative current and/ or historic land uses have been identified within the stud area including quarries and pits, railways, collieries and

recent commercial/ industrial developments. The identified potential impacts which may occur during the construction phase are primarily associated with spillages and leaks of fuel/ oil associated with plant/ machinery, disturbance of contaminated soils and potential degradation of soil quality during handling and movement of soil or tracking of heavy plant, as well as the potential for dewatering to locally affect groundwater levels. In addition, there may be potential limited effects associated with the former underground mine workings in the vicinity of Hawthorn Pit, including ground stability and mine gas, as well as creation of pathways to deeper groundwater depending on the construction techniques employed. The majority of these effects can be controlled through good practice and standard mitigation measures.

127. The Environment Agency has considered the proposals and initially objected due to a potential contamination risk to controlled waters arising from the former use of the site as sludge beds associated with the former Hawthorn Mine. Additional information was provided, and the Environment Agency removed their objection subject to the imposition of ground remediation conditions. Environmental Health and Consumer Protection officers have considered the proposals and raise no objections in respect of land contamination but have requested remediation conditions be imposed.
128. The site is located within a Low Risk Coalfield Development Area. Historically, coal mining activities were undertaken in the vicinity of Hawthorn Pit at the southern end of the English Onshore Scheme. Nine worked coal seams underlie the site, and three mine entries were identified within the study area. The Coal Authority was consulted on the proposal due to the scale and complexity of the wider site. Officers raised no objections to the proposals but recommended the standard informative relating to coal mining risk be attached to any planning permission.
129. 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

130. 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.
131. 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.
132. 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.

133. 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. It is set out in the application that as part of the detailed design a surface water management scheme would be prepared to ensure the run-off rates and discharge from the Substation and Converter Station to the surrounding water environment are maintained at the current greenfield run off rate. The converter station drainage system that would achieve this is subject to detailed design but will be a sustainable drainage system (SuDS).
134. The Environment Agency has raised no objections subject to remediation works being carried out to protect controlled waters from contamination. Drainage and Coastal Protection officers have confirmed that there should be a Surface Water Drainage Strategy document which should take into account attenuation and treatment of all surface water as part of the detailed site design. Subject to the imposition of a condition requiring this detail and the remediation conditions requested by the Environment Agency (also addressed within the Contaminated Land section of this report) it is considered that 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. It is therefore considered that the proposals would not conflict with CDP Policies 10 and 35 and Part 14 of the NPPF.

Ecology

135. 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.
136. 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.

137. An Ecology and Nature Conservation 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 and habitat. Surveys have also been carried out for breeding birds, wintering birds, Great Crested Newt, bats, badger, otter and water vole.
138. The assessment concludes that the English Onshore Scheme would result in no significant residual effects on habitats. The English Onshore Scheme would cross predominantly agricultural land comprising mainly of intensively farmed arable fields, interspersed with smaller permanent grassland paddocks (used for horse and livestock grazing), which are species poor and of low ecological value. The English Onshore Scheme would also cross the restored former Hawthorn Pit, which was subject to an extensive colliery restoration scheme in the late 1990s and early 2000s that resulted in the creation of grassland, scrub/ woodland and ponds. There are also extensive areas of bare spoil in the western extent of the former colliery area, which have not been subject to restoration work. The construction of the High Voltage AC and DC cable routes, new substation and temporary construction/ laydown compounds would directly impact these habitats and would result in the loss of two ponds, although much of the habitat loss would be temporary and reinstated post-construction. An ecological mitigation strategy and Landscape and Ecological Management Plan (LEMP) would be prepared and would set out measures to replace ponds on a two-for-one basis, create species-rich grassland and replacement scrub/ woodland planting, as well as detailing long-term management and monitoring. Permanent habitat losses associated with the substation and converter are small in area and will be offset by habitat creation as part of the ecological mitigation strategy/ LEMP.
139. The Ecological Assessment advises that no significant effects on protected species have been identified. Appropriate precautionary mitigation to ensure legislative compliance would be employed during site clearance works of habitats on the Hawthorn Pit restoration area, which may support reptiles and great crested newts. Mitigation for nesting birds would also be employed site-wide during vegetation clearance works. Most habitats would be fully reinstated post-construction, and therefore there will be no significant effects on local populations. A biodiversity net gain assessment has been undertaken using Defra metric 3.0 and sufficient reinstatement, replacement, enhancement and offsetting of habitat units would be delivered to meet a minimum of 10% net gain in accordance with National Grid policy and UK guidance.
140. Objectors to the proposal have raised concerns in respect of harm to biodiversity on and around the site.
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 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 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 development 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 development would not impact upon any nationally or locally protected sites or species and that a protected species licence would not be required. Suitable mitigation with future management and maintenance 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. Across the full breadth of the English Onshore Scheme there are 11 Public Rights of Way (PRoW) which are crossed by the project, including National Cycle Route 1 (NCR1). An Indicative Public Rights of Way Management Plan has been developed and forms part of the application. To minimise the impact on PRoW as far as possible it is intended that all PRoWs, including NCR1, would be kept open during construction works through implementation of a managed gate system through which PRoW users would be prioritised.
145. Approximately 1.5 ha of informal public open space made up of scrub and grassland would be removed through the development of the proposed 400kV substation. This would be redressed and improved upon by the creation of approximately 2 ha of replacement public open space which would incorporate new habitats, landscaping and planting, and would form part of the LEMP. Separate conditions are proposed for delivering the detailed information in relation to the replacement open space provision.
146. Within the scope of this planning application there are 2 PRoW that would be affected, these being Bridleway No. 29 (Murton Parish) and Footpath No. 25 (Murton Parish). There are also two Definitive Map Modification Order (DMMO) applications for bridleways within the site. In addition, to the PRoWs and DMMO paths, there are desire lines within the application site. One of the unrecorded paths currently has a finished surface and is very well used. Whilst the development would have a potential impact to the DMMO paths, this would largely be during the construction period and the alignment of these paths would remain intact once the development is complete.
147. Objectors have stated that public open space would be reduced as a result of the development.
148. Access and Rights of Way officers note that the two PRoW within the red line boundary of the site and request that within the detailed design a 10m gap between Jade Business Park and National Grid's proposed buildings be retained to ensure a North-South path through the site can be made available. Officers also advise that if a closure or temporary diversion of any of the PRoWs would be necessary during the construction this should be in liaison with the Temporary Closures team. If the paths

are to remain open during construction, a plan to safely manage all users would need to be implemented.

149. Subject to the proposed Landscape and Ecological Management 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, or the net loss of public open space in accordance with CDP Policy 26 and Part 8 of the NPPF.

Cultural Heritage

150. 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.
151. 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.
152. An Archaeology and Cultural Heritage Assessment 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 identifies 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 of the converter station and substation would not result in any harm to the significance of any designated heritage assets.
153. Geophysical surveys have been carried out for the application site in order to inform targeted trial trenching that would be carried out as part of planning condition, post determination of the application.
154. Design and Conservation officers have considered the proposal and heritage assessments and commented that the conclusions of the Environmental Appraisal identify minor adverse impacts during construction and neutral impacts after completion. Overall, whilst this is a large and complex proposal, the impact on designated and non-designated assets is minimal and on this basis there is no objection to this strategic proposal.
155. Archaeology officers have raised no objections to the proposals. Geophysical surveys of the site have been submitted and a Written Scheme of Investigation has been agreed for further site evaluation. Officers have agreed that trial trenching works could be carried out prior to commencement of the development and conditions are recommended to secure this.

156. Subject to the imposition of conditions requiring trial trenching and evaluation it is considered that the proposed development would not conflict with CDP Policy 44 and would cause no harm to heritage assets which would be preserved 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

157. 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.
158. The proposed application site would occupy an area of approximately 8.93 hectares. 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 soils within the study area consist of a mixture of Grade 3a (best and most versatile) and 3b. Within the study area, the best and most versatile (BMV) agricultural land comprises 19.8 ha (30.0 %), of which 6.5 ha (32.8 % of total BMV in the study area) would be permanently lost to the development. The scale of this permanent loss of BMV land has been assessed as not significant.
159. Natural England has considered the application and raised no objections.
160. Although the impact to best and most versatile land is small the test set out in CDP Policy is still engaged and an analysis of the benefits of the development compared to the loss of agricultural land should be considered.
161. The proposed development would make a nationally significant contribution to energy distribution, security and resilience. The development would provide biodiversity net gain through additional planting and habitat creation. Finally, the development would be subject to business rates and would provide employment during the construction and operation of the facility.
162. Although the development would remove a small portion of land from arable use it is considered that the benefits of the development as set out above would outweigh this loss. The proposed development would therefore not conflict with CDP Policy 14 or Part 15 of the NPPF in this respect.

Cumulative Impact

163. 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.
164. The application site is currently comprised of agricultural fields and public open space, interspersed with public rights of way. On the periphery of the site are existing electrical substations and in the wider context there are the settlements of Murton, South Hetton and Easington Lane. To the north 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 has also been granted planning permission (DM/21/02901/OUT). Phase 2 is a 14.45 hectare extension to the existing business park which proposes to wrap around and integrate with Phase 1. In addition, an application is currently being considered for a separate battery storage development (DM/22/00747/FPA) on a site of just under 1 hectare.

165. The proposed 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 the current application for battery storage units. 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 some 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 west of the application site where would be some inter-visibility and/or sequential views of these developments.
166. In respect of traffic and transport the submitted Environmental Appraisal advises that there are no identified combined effects. This is due to the impacts of construction traffic not exceeding the thresholds for assessment in terms of total vehicle flow as the first step of the assessment process, with increases of under 24% in all worst-case assessment scenarios. In addition, the nature of the methodology for the traffic and transport assessment means that the combined traffic flows generated by different access points for construction vehicles, distributed to the highway network and then used to assess each receptor ensures there are no access points assessed in isolation without the overall impact on the highway network being considered. Only the Jade Business Park access road was considered to meet the threshold for assessment by virtue of the increase in total HGV movements despite the overall total flows increases being under 20%, however, this road is connected directly to the A19 and is not a through road to other destinations. Therefore, it is considered that the cumulative impact would likely be negligible.
167. As described above, the proposed development would be viewed in the context of other energy developments and large scale commercial developments. The proposed converter would likely have a greater height than the existing and proposed buildings at Jade Business Park but the scale difference would not be profound and would fit within the business park vernacular. It is therefore considered that whilst there would be a cumulative impact in landscape character terms, this would not be unacceptable or overbearing. It is therefore considered that the proposed development would not conflict with CDP Policy 31 and Part 15 of the NPPF.

Other Matters

168. 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.
169. Part of the application site (the substation site) is partially underlain by a Mineral Safeguarding Area for sand and gravel. The provisions of CDP Policy 56

(Safeguarding Mineral Resources) are therefore applicable. Given that the proposed development is neither 'exempt' as set out in appendix C C2 of the CDP (criterion e) or 'temporary in nature' (criterion c) CDP Policy 56 would normally require that Mineral Assessment be prepared. However, given that the site lies only partially within a mineral safeguarding area for sand and gravel (CDP Policy 56) and that the majority of the safeguarded deposit is already sterilised by the existing electricity supply infrastructure and pylons (which would normally require some standoff from mineral working) it is not considered that pursuing a Mineral Assessment upon this application is appropriate or worthwhile. While it has not been demonstrated it is considered that the sterilisation would likely be minimal. On this basis it is considered that there would be no conflict with CDP Policy 56.

170. CDP Policy 28 states that within safeguarded areas, as shown on the policies map, development will be subject to consultation with the relevant authority and that individual and cumulative impacts are considered.
171. In this case, the site is located within the High Moorsely Meteorological Office Radar safeguarding area, where Policy 28 seeks to ensure that development demonstrates that there will be no unacceptable adverse impact upon operation of the site. Officers are satisfied at this stage that the site's development can be brought forward without adversely affecting the Met Office radar systems, with further consideration to this to be given at reserved matters stage once the overall scale of individual buildings is known.

Public Sector Equality Duty

172. 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.
173. In this instance, officers have assessed all relevant factors and do not consider that there are any equality impacts identified.

CONCLUSION

174. The Proposed Development will comprise an essential part of the SEGL1 Project, which is a major reinforcement to the National Electricity Transmission System (NETS) between England and Scotland. It is needed to enable the transmission of electricity, including that generated from renewable sources such as wind, from where it is generated to where it is used. As such, the proposed development represents enhanced electricity infrastructure that is urgently needed in order to achieve the Government's objectives and commitments for a secure and low carbon energy system.
175. The location of the proposed development at Hawthorn Pit has been carefully selected to provide the transmission benefits that arise from the proposed converter station and substation being located close to the point of connection to the NETS, whilst balancing the environmental and financial implications of its delivery.
176. The scale of the proposed development is necessary for it to operate effectively and has been kept to the minimum envelope that is needed to ensure the proposed development and the benefits that would result can be delivered. Approval of the

design of proposed development would be sought via a reserved matters planning application, and the detailed design process would seek to further minimise effects of the proposed development

177. Whilst it is accepted that the proposed development would have a small impact to the landscape it is considered that the benefits of the development in terms of energy supply and security, biodiversity enhancement and job creation would outweigh that harm and planning permission should be granted.
178. The proposed development has generated limited 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.
179. The proposed development is considered to broadly accord with the relevant policies of the County Durham Plan and relevant sections of the NPPF.

RECOMMENDATION

180. That application no. DM/22/01663/OUT for the for the erection of a new 400 kilovolt electricity substation, a converter station, and the laying out of replacement public open space on land to the west and south of Jade Business Park, with all matters reserved 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:

A. General Conditions

Commencement condition, the submission of reserved matters and approved drawings

1. In respect of the planning application where outline planning permission has been granted with all matters reserved for subsequent approval, being i) the scale, layout and appearance of the Converter Station buildings, with associated permanent vehicular access off the Jade Business Park roundabout at its junction with Spring Road, and landscaping (referred to in this permission as the "**Converter Station Development**") and delineated on the drawing Substation and Converter Station Areas); ii) the scale, layout and appearance of the Substation buildings, with associated access off the existing substation access road, and landscaping (referred to in this permission as the "**Substation Development**") and delineated on the drawing Substation and Converter Station Areas); and iii) the landscaping, scale and layout of the replacement public open space (referred to in this permission as the "**Open Space Development**") shall be begun either before the expiry of three years from the date of this decision notice, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

REASON: To allow a reasonable time period for work to start; to comply with Section 91 of the Town and Country Planning Act 1990.

2. For the Converter Station Development and the Substation Development all matters reserved for subsequent approval, being details of the permanent access, appearance, landscaping, layout and scale (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before either the Converter Station Development or the Substation Development (as appropriate) is commenced and the development shall be carried out as approved.

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

3. For the Open Space Development all matters reserved for subsequent approval, being details of the landscaping, layout and scale (hereinafter called the “reserved matters”) shall be submitted to and approved in writing by the local planning authority before either the Converter Station Development or the Substation Development (as appropriate) is commenced and the development shall be carried out as approved.

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

4. Application for the approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.

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

5. The Converter Station Development and Substation Development shall be carried out in accordance with the following approved documents and drawings:
 - a) Design principles in Section 5.6 of the Design & Access Statement (Aecom, May 2022)
 - b) Drawing SEGL1_T_PA_2_Proposed_Site_Layout_v3_20220517_LC Proposed Site Layout
 - c) Drawing SEGL1_T_PA_4_Proposed_Converter_Station_Site_Layout_v3_20220503_LC Proposed Converter Station Site Layout
 - d) Drawing PDD_30317_SK_003_Rev_P4 Hawthorn Pit Converter Station Zoned Plan Sketch
 - e) Drawing SEGL1_P18_v1_20220913 Substation and Converter Station Area
 - f) Written Scheme of Investigation for Archaeological Evaluation and Mitigation (Aecom, October 2022)

REASON: In order to ensure a high-quality development in accordance with County Durham Plan Policies 29 and 39 and Part 15 of the National Planning Policy Framework.

B Converter Station Development

Planning conditions relating to the erection of converter station buildings (to a maximum height of 26 metres), associated vehicular accesses and roads to enable access / egress via Jade Business Park roundabout / Spring Road, and security fencing.

Ground and floor levels

6. No development in relation to the erection of the Converter Station Development shall commence until details of the internal finished floor levels of buildings along with the finished levels of the associated access road, in relation to the existing and finished ground levels, have been submitted to and approved by the local planning authority in writing. The Converter Station Development shall be carried out in accordance with the approved details.

REASON: In order to ensure a high-quality development in accordance with County Durham Plan Policies 29 and 39 and Part 15 of the National Planning Policy Framework.

7. None of the Converter Station Development to be erected upon the site shall exceed 26 metres in height measured from the approved site level upon which they are to be constructed (save for any lightning protection measures which may exceed this height restriction).

REASON: In order to ensure a high-quality development in accordance with County Durham Plan Policies 29 and 39 and Part 15 of the National Planning Policy Framework.

Surface water drainage

8. No development in relation to the Converter Station Development shall commence until details of the surface water drainage works have been submitted to and approved in writing by the local planning authority. Before these details are submitted an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system in accordance with the principles set out in the National Planning Policy Framework (July 2021) and the results of the assessment provided to the local planning authority. Where a sustainable drainage scheme is to be provided, the submitted details shall:
 - a) provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
 - b) include a timetable for its implementation; and
 - c) provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

The Converter Station Development shall be carried out in accordance with the approved details.

REASON: To prevent the increased risk of flooding, to ensure the appropriate management of surface water and foul water and to ensure the protection of water quality in accordance with County Durham Plan Policies 35 and 36 and Part 14 of the National Planning Policy Framework.

Lighting

9. No development in relation to the Converter Station Development shall commence until a scheme of permanent external lighting has been submitted to and approved in writing by the local planning authority. The details shall include a layout plan and a schedule of the equipment design (luminaire type, mounting height, aiming angles, luminaire profiles, and lighting times). Development of the converter station buildings shall be carried out in accordance with the approved details.

REASON: In order to minimise light spillage and glare and minimise impact upon ecological interests and in the interests of air safety, in accordance with Policies 31 and 41 of the County Durham Plan and Local Plan and Part 15 of the National Planning Policy Framework

Fencing

10. No development in relation to the Converter Station Development shall commence until a scheme showing details of the converter station perimeter security fencing,

including pedestrian and vehicular access arrangements, has been submitted to and approved in writing by the local planning authority. The Converter Station Development shall be carried out in accordance with the approved details.

REASON: In order to ensure a high-quality development in accordance with County Durham Plan Policies 29 and 39 and Part 15 of the National Planning Policy Framework.

Noise from use of the buildings and the site

11. The rating level of noise emitted from the Converter Station Development (excluding vehicles travelling beyond the boundary of the site) shall not exceed the stated levels at the following location:

- Woodlands Caravan Storage (Windemere Road) 40dB (1hr) 07.00 – 23.00 and 35dB LAeq (15 minutes) 23.00 - 07.00

The measurements and assessment of noise levels shall be made in accordance with BS 4142:2014.

REASON: To safeguard the amenities of nearby residents in accordance with the County Durham Plan Policy 31, Part 15 of the National Planning Policy Framework

Archaeology

12. No development in relation to the Open Space Development shall commence until the programme of archaeological work set out in the approved Written Scheme of Investigation for Archaeological Mitigation and Evaluation has been undertaken and approved by the local planning authority in writing

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.

Contaminated land

13. No development shall commence until a land contamination scheme has been submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall be prepared by a suitably competent person and include an updated Phase 2 site investigation and ground gas risk assessment. If the Phase 2 site investigation identifies any unacceptable risks, a Phase 3 remediation strategy shall be prepared by a suitably competent person (including a programme of implementation and where necessary gas protection measures and method of verification) and submitted for approval by the Local Planning Authority.

If during development, contamination not previously identified by the land contamination scheme is found to be present at the site, then no further development shall be carried out until a remediation strategy prepared by a suitably competent person has been submitted to and approved in writing by the Local Planning Authority detailing how this contamination shall be dealt with.

REASON: To ensure that the presence of contamination is identified, risk assessed, and proposed remediation works are agreed in order to ensure the site is suitable for use, in accordance with County Durham Plan Policy 32 and Part 15 of the National Planning Policy Framework. Required to be pre-commencement to ensure that the development can be carried out safely.

14. All remediation works shall be carried out in accordance with the approved remediation strategy prepared by a suitably competent person. The development shall not be brought into use until a Phase 4 verification report has been submitted to and approved in writing by the Local Planning Authority.

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

Construction and operational access and traffic management

15. No development in relation to the Converter Station Development shall commence until a Construction Traffic Management Plan has been submitted to and approved by the local planning authority in writing. The Construction Traffic Management Plan shall specify lorry routes, parking and turning provision to be made on site for construction vehicles and operatives' vehicles, measures to prevent mud from being deposited on the highway, and a programme of construction. The development in relation to the Converter Station Development shall be carried out in accordance with the approved Construction Traffic Management Plan.

REASON: In the interests of highway safety in accordance County Durham Plan Policy 21 and Part 9 of the National Planning Policy Framework

16. No development in relation to the Converter Station Development shall commence until details of the permanent access/egress point off Jade Business Park roundabout / Spring Road to be used in connection with the operation of the Converter Station Development, has been submitted to and approved by the local planning authority in writing. The details shall specify:
- a) The means of construction, the layout and width, the turning radii and visibility splays provided for the permanent access / egress point. The approved access / egress point off Jade Business Park roundabout / Spring Road for construction of the Converter Station Development and its operation shall be constructed and operated in accordance with the approved details.

REASON: In the interests of highway safety in accordance County Durham Plan Policy 21 and Part 9 of the National Planning Policy Framework

Construction Environmental Management Plan

17. No development in relation to the Converter Station Development shall commence until a Construction Environmental Management Plan has been submitted to and approved by the Local Planning Authority. The Construction Environmental Management Plan shall include:
- a) details of the working times and working arrangements;
 - b) details of a coal mining risk assessment and generic quantitative risk assessment and any appropriate remedial measures or construction methodologies;
 - c) details of the management of public access, via public highways and public or permissive rights-of-way, during the works;
 - d) a health and safety plan;
 - e) a management plan for noise, vibration, dust, smoke and odour emissions;
 - f) a detailed construction soil management plan, incorporating the provisions of the submitted 'Outline Construction Soil Management Plan';
 - g) a soil and land drainage management plan;
 - h) a site compound and working area drainage management plan;
 - i) an artificial light emissions plan;
 - j) a site waste management plan;

- k) a pollution prevention and emergency incident response plan;
- l) an ecological and biodiversity management plan, to be informed by updated pre-commencement surveys; and
- m) a communications plan.

The carrying out of the Converter Station Development shall take place strictly in accordance with the Construction Environmental Management Plan approved pursuant to this condition unless any variation is first agreed in writing by the local planning authority.

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.

Tree protection

18. No development in relation to the Converter Station Development shall commence until a detailed scheme for tree protection in accordance with BS 5837:2012 relating to the existing trees and other planting which is to be retained, along with details about when the protective fencing is to be erected, has been submitted to and approved in writing by the local planning authority. The protective fencing shall be erected and thereafter retained in situ in accordance with the approved details.

REASON: To ensure the avoidance of damage to existing trees and natural features to be retained in accordance with County Durham Plan Policy 40 and Part 15 of the National Planning Policy Framework.

Landscaping implementation

19. No development in relation to the Converter Station Development shall commence, other than site remediation works, until a detailed landscaping scheme has been submitted to and approved in writing by the Local Planning Authority. The landscape scheme shall be in general accordance with the Drawing SEGL1_T_ES_8-7_Outline Landscape Mitigation Plan and shall include the following:
- a) Trees, hedges and shrubs scheduled for retention.
 - b) Details of hard and soft landscaping including planting species, sizes, layout, densities, numbers.
 - c) Details of planting procedures or specification.
 - d) Finished topsoil levels and depths.
 - e) Details of temporary topsoil and subsoil storage provision.
 - f) Seeded or turf areas, habitat creation areas and details etc.
 - g) The establishment maintenance regime, including watering, rabbit protection, tree stakes, guards etc.
 - h) The approved landscaping scheme shall be implemented and completed in accordance with the approved details and timescales.
 - i) Any trees or plants which die, fail to flourish or are removed within 5 years of completion of the development shall be replaced in the next planting season with others of similar size and species. Replacements will be subject to the same conditions.

REASON: In order to ensure a high-quality development in accordance with County Durham Plan Policies 29 and 39 and Part 15 of the National Planning Policy Framework.

20. No development associated with the landscaping scheme for the Converter Station Development shall commence until details of all earth bunds associated with the approved landscaping scheme have been submitted to and approved in writing by the local planning authority. These details shall show:
- a) the proposed grading and mounding of land areas including the levels and contours to be formed;
 - b) the relationship of the mounding to the existing surrounding landform
 - c) that the soil to be used for the earth bunds is appropriate for its purpose, and is free from contamination which would pose a risk to human health, or the wider environment including water resources.

The Converter Station Development shall be carried out in accordance with the approved details.

REASON: In order to ensure a high-quality development in accordance with County Durham Plan Policies 29 and 39 and Part 15 of the National Planning Policy Framework.

C Substation Development

Planning conditions relating to the erection of a 400kV substation (buildings to a maximum height of 14 metres), associated vehicular access and roads to enable access / egress via the existing Hawthorn Pit substation access road, and security fencing.

Ground and floor levels

21. No development in relation to the erection of the Substation Development shall commence until details of the internal finished floor levels of buildings along with the finished levels of the associated access road, in relation to the existing and finished ground levels, have been submitted to and approved by the local planning authority in writing. The Substation Station Development shall be carried out in accordance with the approved details.

REASON: In order to ensure a high-quality development in accordance with County Durham Plan Policies 29 and 39 and Part 15 of the National Planning Policy Framework.

22. None of the Substation Development shall exceed 14 metres in height measured from the approved site level upon which they are to be constructed (save for any lightning protection measures which may exceed this height restriction).

REASON: In order to ensure a high-quality development in accordance with County Durham Plan Policies 29 and 39 and Part 15 of the National Planning Policy Framework.

Surface water drainage

23. No development in relation to the Substation Development shall commence until details of the surface water drainage works have been submitted to and approved in writing by the local planning authority. Before these details are submitted an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system in accordance with the principles set out in the National Planning Policy Framework (July 2021) and the results of the assessment provided to the local planning authority. Where a sustainable drainage scheme is to be provided, the submitted details shall:

- a) provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
- b) include a timetable for its implementation; and
- c) provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

The Converter Station Development shall be carried out in accordance with the approved details.

REASON: To prevent the increased risk of flooding, to ensure the appropriate management of surface water and foul water and to ensure the protection of water quality in accordance with County Durham Plan Policies 35 and 36 and Part 14 of the National Planning Policy Framework

Lighting

24. No development in relation to the Substation Development shall commence until a scheme of permanent external lighting has been submitted to and approved in writing by the local planning authority. The details shall include a layout plan and a schedule of the equipment design (luminaire type, mounting height, aiming angles, luminaire profiles, and lighting times). Development of the substation shall be carried out in accordance with the approved details.

REASON: In order to minimise light spillage and glare and minimise impact upon ecological interests and in the interests of air safety, in accordance with Policies 31 and 41 of the County Durham Plan and Local Plan and Part 15 of the National Planning Policy Framework

Fencing

25. No development in relation to the Substation Development shall commence until a scheme showing details of the substation perimeter security fencing, including pedestrian and vehicular access arrangements, has been submitted to and approved in writing by the local planning authority. The Substation Development shall be carried out in accordance with the approved details.

REASON: In order to ensure a high-quality development in accordance with County Durham Plan Policies 29 and 39 and Part 15 of the National Planning Policy Framework.

Noise from use of the buildings and the site

26. The rating level of noise emitted from the Substation Development (excluding vehicles travelling beyond the boundary of the site) shall not exceed the stated levels at the following location:
 - Woodlands Caravan Storage (Windemere Road) 40dB (1hr) 07.00 – 23.00 and 35dB LAeq (15 minutes) 23.00 - 07.00

The measurements and assessment of noise levels shall be made in accordance with BS 4142:2014.

REASON: To safeguard the amenities of nearby residents in accordance with the County Durham Plan Policy 31, Part 15 of the National Planning Policy Framework.

Contaminated land

27. No development shall commence until a land contamination scheme has been submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall be prepared by a suitably competent person and include an updated Phase 2 site investigation and ground gas risk assessment. If the Phase 2 site investigation identifies any unacceptable risks, a Phase 3 remediation strategy shall be prepared by a suitably competent person (including a programme of implementation and where necessary gas protection measures and method of verification) and submitted for approval by the Local Planning Authority.

If during development, contamination not previously identified by the land contamination scheme is found to be present at the site, then no further development shall be carried out until a remediation strategy prepared by a suitably competent person has been submitted to and approved in writing by the Local Planning Authority detailing how this contamination shall be dealt with.

REASON: To ensure that the presence of contamination is identified, risk assessed, and proposed remediation works are agreed in order to ensure the site is suitable for use, in accordance with County Durham Plan Policy 32 and Part 15 of the National Planning Policy Framework. Required to be pre-commencement to ensure that the development can be carried out safely.

28. All remediation works shall be carried out in accordance with the approved remediation strategy prepared by a suitably competent person. The development shall not be brought into use until a Phase 4 verification report has been submitted to and approved in writing by the Local Planning Authority.

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

Construction and operational access and traffic management

29. No development in relation to the Substation Development shall commence until a Construction Traffic Management Plan has been submitted to and approved by the local planning authority in writing. The Construction Traffic Management Plan shall specify lorry routes, parking and turning provision to be made on site for construction vehicles and operatives' vehicles, measures to prevent mud from being deposited on the highway, and a programme of construction. The development in relation to the Substation Development shall be carried out in accordance with the approved Construction Traffic Management Plan.

REASON: In the interests of highway safety in accordance County Durham Plan Policy 21 and Part 9 of the National Planning Policy Framework

30. No development in relation to the Substation Development shall commence until details of the permanent access/egress point off the existing Hawthorn Pit substation access road to be used in connection with the operation of the Substation Development, has been submitted to and approved by the local planning authority in writing. The details shall specify:
- a) The means of construction, the layout and width, the turning radii and visibility splays provided for the permanent access / egress point.

The approved access / egress point off the existing Hawthorn Pit substation access road for construction of the Substation Development and its operation shall be constructed and operated in accordance with the approved details.

REASON: In the interests of highway safety in accordance County Durham Plan Policy 21 and Part 9 of the National Planning Policy Framework

Construction Environmental Management Plan

31. No development in relation to the Substation Development shall commence until a Construction Environmental Management Plan has been submitted to and approved by the Local Planning Authority. The Construction Environmental Management Plan shall include:
- a) details of the working times and working arrangements;
 - b) details of a coal mining risk assessment and generic quantitative risk assessment and any appropriate remedial measures or construction methodologies
 - c) details of the management of public access, via public highways and public or permissive rights-of-way, during the works;
 - d) a health and safety plan;
 - e) a management plan for noise, vibration, dust, smoke and odour emissions;
 - f) a detailed construction soil management plan, incorporating the provisions of the submitted 'Outline Construction Soil Management Plan';
 - g) a soil and land drainage management plan;
 - h) a site compound and working area drainage management plan;
 - i) an artificial light emissions plan;
 - j) a site waste management plan;
 - k) a pollution prevention and emergency incident response plan;
 - l) an ecological and biodiversity management plan, to be informed by updated pre-commencement surveys; and
 - m) a communications plan.

The carrying out of the Substation Development shall take place strictly in accordance with the Construction Environmental Management Plan approved pursuant to this condition unless any variation is first agreed in writing by the local planning authority.

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.

Tree protection

32. No development in relation to the Substation Development shall commence until a detailed scheme for tree protection in accordance with BS 5837:2012 relating to the existing trees and other planting which is to be retained, along with details about when the protective fencing is to be erected, has been submitted to and approved in writing by the local planning authority. The protective fencing shall be erected and thereafter retained in situ in accordance with the approved details.

REASON: To ensure the avoidance of damage to existing trees and natural features to be retained in accordance with County Durham Plan Policies 29 and 39 and Part 15 of the National Planning Policy Framework.

Landscaping implementation

33. No development in relation to the Substation Development shall commence, other than site remediation works, until a detailed landscaping scheme has been submitted to and approved in writing by the local planning authority. The landscape scheme shall be in general accordance with the Drawing SEGL1_T_ES_8-7_Outline Landscape Mitigation Plan and shall include the following:
- a) Trees, hedges and shrubs scheduled for retention.
 - b) Details of hard and soft landscaping including planting species, sizes, layout, densities, numbers.
 - c) Details of planting procedures or specification.
 - d) Finished topsoil levels and depths.
 - e) Details of temporary topsoil and subsoil storage provision.
 - f) Seeded or turf areas, habitat creation areas and details etc.
 - g) The establishment maintenance regime, including watering, rabbit protection, tree stakes, guards etc.
 - h) The approved landscaping scheme shall be implemented and completed in accordance with the approved details and timescales.
 - i) Any trees or plants which die, fail to flourish or are removed within 5 years of completion of the development shall be replaced in the next planting season with others of similar size and species. Replacements will be subject to the same conditions.

REASON: To ensure appropriate planting is provided and maintained to ensure a high quality development in accordance with County Durham Plan Policy 39 and Part 15 of the National Planning Policy Framework.

34. No development associated with the landscaping scheme for the Substation Development shall commence until details of all earth bunds associated with the approved landscaping scheme have been submitted to and approved in writing by the local planning authority. These details shall show:
- a) the proposed grading and mounding of land areas including the levels and contours to be formed;
 - b) the relationship of the mounding to the existing surrounding landform
 - c) that the soil to be used for the earth bunds is appropriate for its purpose, and is free from contamination which would pose a risk to human health, or the wider environment including water resources.

The Substation Development shall be carried out in accordance with the approved details.

REASON: In order to secure the satisfactory appearance of the development in accordance with County Durham Plan Policies 29 and 39 and Part 15 of the National Planning Policy Framework.

D Open Space Development

Planning conditions relating to the laying out of public open space to the west of the Converter Station Development, including planting of native woodland, native scrub, native hedgerows, scattered trees, and grassland.

35. No development associated with the Open Space Development shall commence until a details of the public open space have been submitted to and approved by the local planning authority in writing. The Open Space Development shall be in general accordance with the Drawing SEGL1_T_ES_8-7_Outline Landscape Mitigation Plan and shall include the following:

- a) Trees, hedges and shrubs scheduled for retention.
- b) Details of hard and soft landscaping including planting species, sizes, layout, densities, numbers.
- c) Details of planting procedures or specification.
- d) Finished topsoil levels and depths.
- e) Details of temporary topsoil and subsoil storage provision.
- f) Seeded or turf areas, habitat creation areas and details etc.
- g) The establishment maintenance regime, including watering, rabbit protection, tree stakes, guards etc.
- h) The approved landscaping scheme shall be implemented and completed in accordance with the approved details and timescales.
- i) Any trees or plants which die, fail to flourish or are removed within 5 years of completion of the development shall be replaced in the next planting season with others of similar size and species. Replacements will be subject to the same conditions.

REASON: To ensure a programme of delivery of high quality public open space in accordance County Durham Plan Policy 26 and Part 8 of the National Planning Policy Framework.

36. The Open Space Development shall be carried out in accordance with the approved programme of work.

REASON: To ensure a programme of delivery of high quality public open space in accordance County Durham Plan Policy 26 and Part 8 of the National Planning Policy Framework.

Archaeology

37. No development in relation to the Open Space Development shall commence until the programme of archaeological work set out in the approved Written Scheme of Investigation for Archaeological Mitigation and Evaluation has been undertaken and approved by the local planning authority in writing

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.

Tree protection

38. No development in relation to the Open Space Development shall commence until a detailed scheme for tree protection in accordance with BS 5837:2012 relating to the existing trees and other planting which is to be retained, along with details about when the protective fencing is to be erected, has been submitted to and approved in writing by the local planning authority. The protective fencing shall be erected and thereafter retained in situ in accordance with the approved details.

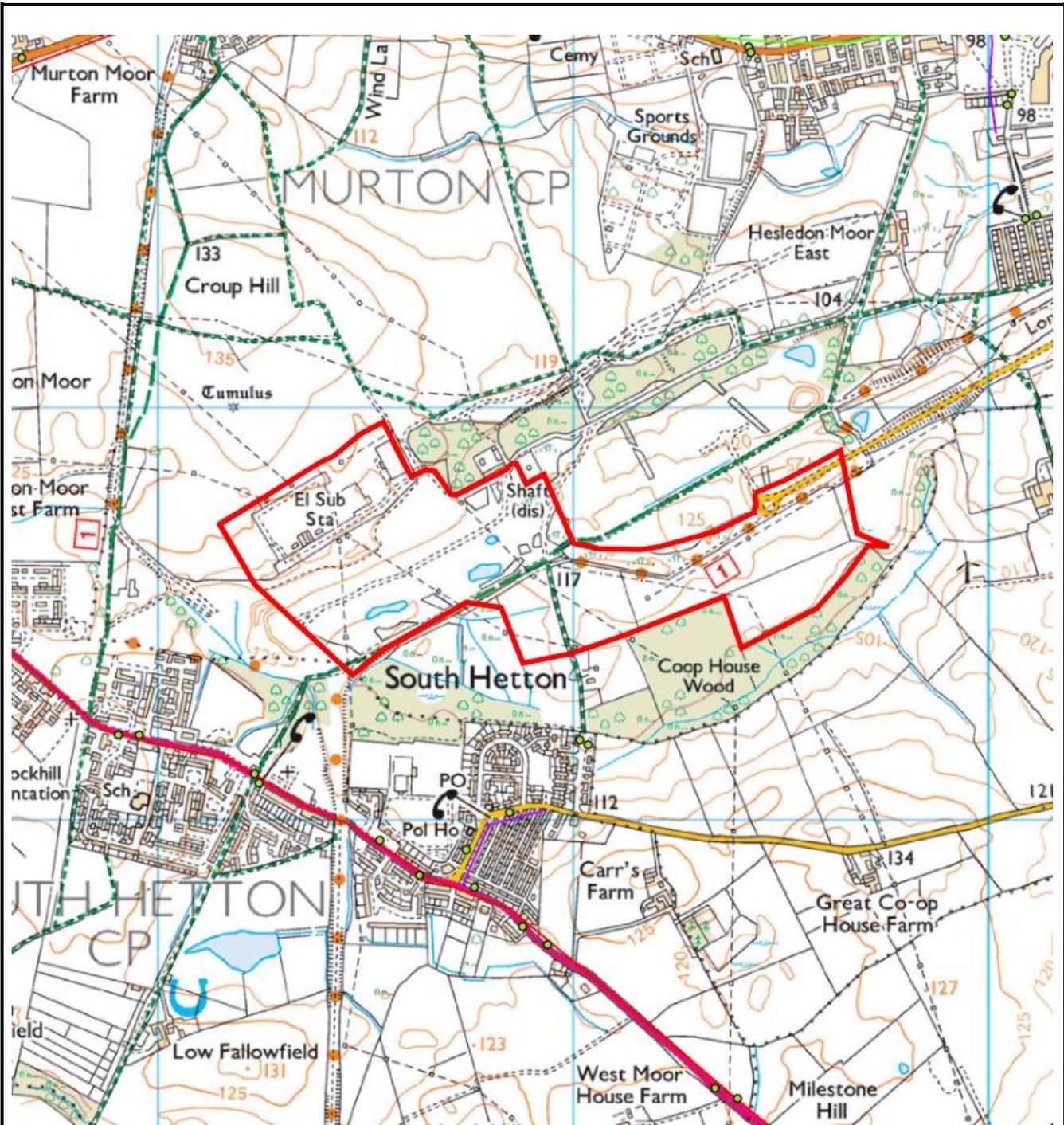
REASON: To ensure the avoidance of damage to existing trees and natural features to be retained in accordance with County Durham Plan Policy 40 and Part 15 of the National Planning Policy Framework.

STATEMENT OF PROACTIVE ENGAGEMENT

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

BACKGROUND PAPERS

- Submitted application form, plans supporting documents and subsequent information provided by the applicant.
- The National Planning Policy Framework (2021)
- National Planning 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/22/01663/OUT

Outline application for the erection of a new 400 kilovolt electricity substation, a converter station, and the laying out of replacement public open space on land to the west and south of Jade Business Park, with all matters reserved

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Comments

Date October 2022

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COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	DM/22/01124/FPA
FULL APPLICATION DESCRIPTION:	Construction of employment uses (industrial/warehouse development) of 6 No. detached units totalling 14,354 sqm
NAME OF APPLICANT:	Arbucc (Drum) Ltd
ADDRESS:	Land to the West of Drum Industrial Estate Drum Road Chester-le-Street Durham
ELECTORAL DIVISION:	North Lodge
CASE OFFICER:	Louisa Ollivere, Senior Planning Officer 03000 264878, Louisa.ollivere@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

Site:

1. The application site which extends to some 4 hectares is located to the west of Drum Road, on the western side of Drum Industrial Estate which itself lies to the northwest of Chester-le-Street. The site is allocated as employment land in the County Durham plan and is currently vacant and has been the subject of earth moving/land remodelling works following its former quarry use. The site benefits from an extant planning permission for a single B8 Distribution Unit of 17,151 sqm granted in 2012.
2. The site is bounded on the north by modern, existing logistics and industrial units of varying sizes and to the south by a group of smaller two storey business park units known as Lumley Court. To the west lies open pasture and the residential area of Perkinsville. To the east is the main Drum Road Estate road and older existing industrial units.
3. The land is accessed from Drum Road, which in turn joins the A693 to the south via a roundabout, and this dual carriageway directly links to Chester-le-Street town centre and Junction 63 of the A1 (M) to the north.

Proposal:

4. This application proposes the erection of 14,354sqm of Light Industrial (class E gii), General Industrial (B2) and Storage and Distribution (B8) uses split over 6 units ranging in size from 1120sqm to 4552sqm, together with associated car parking,

servicing and landscaped areas. 10% of the proposed floorspace would be provided as ancillary office space, some of which would be set at first floor level.

5. The proposed buildings follow a similar scale to that of the existing adjacent units of the same industrial uses on the estate. The proposed units varying from 9.5m to 11.6m in height. A strong coherent approach to the façade treatment is proposed using cladding, colour and articulation to provide a modern appearance. Car parking areas to each of the proposed buildings is to the side with rear or side service yard areas being proposed. Detailed landscaping proposals have been submitted proposing tree and shrub planting for each plot. The proposals will provide a total of 266no. parking spaces, including accessible and EV spaces. Each unit is proposed to have its own cycle shelter near to the entrance,
6. The site would be served by a new 7.3m wide internal estate road using the existing access point from Drum Road. This road connects to the A693 roundabout.
7. This application is being reported to the County Planning Committee as it relates to a non-residential development proposal in excess of 10,000sqm of floor space.

PLANNING HISTORY

8. 2/07/00191/FUL Erection of 11 no commercial units (Use Class B1) and 5 no self contained units (Use Class B2/B8) together with associated landscaping, roads and infrastructure Approved 15th August 2007.
9. 2/10/00192/EOT Application to extend time limit for the implementation of previously approved planning application 07/00191/FUL for the erection of 11 no. commercial units (B1) and 5 no. self contained units (B2/B8) together with associated landscaping, roads and infrastructure. Approved 23rd December 2011
10. 8/CMA/2/15 Proposed B8 storage and distribution unit with ancillary office accommodation and associated servicing, parking, infrastructure and landscaping Approved 28th November 2012.
11. DRC/14/00118 Discharge of conditions 3 (Materials), 4 (Landscaping Scheme), 6 (Surface Water Management) and 9 (External Lighting) of planning permission 8/CMA/2/15 Approved 29th October 2015.
12. DRC/14/00298 Discharge of condition 10 (energy consumption scheme) pursuant to approved planning reference 8/CMA/2/15.

PLANNING POLICY

NATIONAL POLICY

13. 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.
14. 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.

15. *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.
16. *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.
17. *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.
18. *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.
19. *NPPF Part 9 Promoting Sustainable Transport* - Encouragement should be given to solutions which support reductions in greenhouse gas emissions and reduce congestion.
20. *NPPF Part 10 Supporting High Quality Communications* - The development of high speed broadband technology and other communications networks also plays a vital role in enhancing the provision of local community facilities and services. Local planning authorities should support the expansion of electronic communications networks, including telecommunications and high speed broadband.
21. *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.
22. *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.

23. *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.
24. *NPPF Part 15 Conserving and Enhancing the Natural Environment* - The Planning System should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, sites of biodiversity or geological conservation interests, recognising the wider benefits of ecosystems, minimising the impacts on biodiversity, preventing both new and existing development from contributing to or being put at unacceptable risk from pollution and land stability and remediating contaminated or other degraded land where appropriate.
25. *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>

26. The Government has consolidated a number of planning practice guidance notes, circulars and other guidance documents into a single Planning Practice Guidance suite. This document provides planning guidance on a wide range of matters. Of particular relevance to this application is the practice guidance with regards to; air quality; climate change; determining a planning application; flood risk and coastal change; healthy and safe communities; light pollution; natural environment; noise; planning obligations; renewable and low carbon energy; travel plans, transport assessments and statements; use of planning conditions; water supply, wastewater and water quality.

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

LOCAL PLAN POLICY:

The County Durham Plan (October 2020)

27. *Policy 1 – Quantity of new development* - allocates 300ha of employment lands for office, industrial and warehousing purposes up to 2035 in order to meet employment land needs and deliver a thriving economy.
28. *Policy 2 – Employment Land* - sets out employment allocations throughout the County. In respect of this application, it is stated that at Drum Industrial Estate a total of 4.44 ha of land is suitable for B1 (Business), B2 (General Industrial) and B8 (Storage and Distribution) provided the development accords with other relevant development plan policies.
29. *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.

30. *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.
31. *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.
32. *Policy 27 - Policy 27 (Utilities, Telecommunications and Other Broadcast Infrastructure)* - supports such proposals provided that it can be demonstrated that there will be no significant adverse impacts or that the benefits outweigh the negative effects; it is located at an existing site, where it is technically and operationally feasible and does not result in visual clutter. If at a new site, then existing sites must be explored and demonstrated as not feasible. Equipment must be sympathetically designed and camouflaged and must not result in visual clutter; and where applicable the proposal must not cause significant or irreparable interference with other electrical equipment, air traffic services or other instrumentation in the national interest. Requires that new residential and commercial development should be served by a high-speed broadband connection and to provide appropriate infrastructure to enable future installation.
33. *Policy 29 – Sustainable Design* - Requires all development proposals to achieve well designed buildings and places having regard to SPD advice and sets out detailed criteria which sets out that where relevant development is required to meet including; making a positive contribution to an areas character and identity; provide adaptable buildings; minimise greenhouse gas emissions and use of non-renewable resources; providing high standards of amenity and privacy; contributing to healthy neighbourhoods; providing suitable landscape proposals; provide convenient access for all users; adhere to the Nationally Described Space Standards (subject to transition period).
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 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.
37. *Policy 36 - Water Infrastructure* - Advocates a hierarchy of drainage options for the disposal of foul water. Applications involving the use of non-mains methods of drainage will not be permitted in areas where public sewerage exists. New sewage and waste water infrastructure will be approved unless the adverse impacts outweigh the benefits of the infrastructure. Proposals seeking to mitigate flooding in appropriate locations will be permitted though flood defence infrastructure will only be permitted where it is demonstrated as being the most sustainable response to the flood threat.
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.

NEIGHBOURHOOD PLAN:

41. 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> \(Adopted County Durham Plan\)](http://www.durham.gov.uk/article/3266/Development-Plan-for-County-Durham)

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

42. *Highway Authority* - No objections but request full engineering details be made subject of a condition and an informative in relation to S38 requirements.
43. *National Highways* – No objection.
44. *The Coal Authority* – No objection.
45. *Northumbrian Water* – No objection.
46. *Drainage* – Approve the surface water management proposal and confirm the hydraulic calculations for the proposed development are acceptable.
47. *Pelton Parish Council* – Raise concerns about the industrial development being closer than the current buildings to Perkinsville and the potential for increased noise and pollution.
48. *North Lodge Parish Council* – Raise concerns that the parking levels only meet minimum requirements, that the landscaping scheme is limited, the lack of a link between the A693 and the C2C Cycle route and lack of streetlighting between the site and the nearest bus stop and the lack of financial contribution in respect of biodiversity improvement.

INTERNAL CONSULTEE RESPONSES:

49. *Business Durham* - confirm their full support for this application.
50. *Spatial Policy* – Advise that the application site is allocated under Policy 2 for employment uses; specifically, B1 (Business), B2 (General Industrial) and B8 (Storage and Distribution). As the site lies within Drum Industrial Estate, which is regarded as a protected employment site in the Plan the Officer advises that the proposed use is considered acceptable in principle. Policy 27 of the CDP in relation to high-speed broadband connection is also identified as relevant and the Officer advises that a condition to secure this infrastructure would be appropriate. The Officer advises that policies 21, 29, 31, 32, 35, 39 and 56 of the CDP would be relevant policies and that the requirements of the Council's Parking Standards need to be adhered to.
51. *Landscape* – Consider that the effects on landscape character will be minimal given the local site context but advise that there will be some impact on the character of the PROW and recommend further structural planting to the route of the PROW 7 to the north through the southerly extension of the landscape treatment to the north.
52. *Design* – Do not object. Officers advise that the scale, form and architecture of the proposed buildings reflect that typically found in industrial estate environments. The Officer notes that the applicant has introduced glazing features to ensure legible entrances to individual buildings and the location of these areas on each building gives animation to the main vehicular route through the site. It is considered that the use of differing cladding colours provides further visual interest and breaks up the overall mass of each building.
53. *Environment, Health and Consumer Protection (Nuisance)* – Raise no objections subject to conditions. These include requiring the recommendation of the Construction

Environmental Management Plan document and associated embedded documents be implemented and followed and also a condition restricting the times and days of operation during construction. In relation to the operational phase a condition is required in relation to a noise impact assessment in relation to machinery, plant and processing and that attenuation measures restrict the rating level of noise emitted, with the supply of reports when requested. Conditions are also required in relation to lighting.

54. *Environment, Health and Consumer Protection (Contaminated Land)* – Request conditions to require a phase 3 remediation strategy and phase 4 verification report and an informative in relation to unforeseen contamination.
55. *Environment, Health and Consumer Protection (Air Quality)* – Advise that the Construction Environmental Management plan has not been updated in respect of dust, debris and wheel wash control. They request a condition to ensure the submission and approval of a further Construction Environmental Management Plan to address these matters.
56. *Monitoring and Compliance Officer* – raise concerns in relation to the submitted working hours commencing at 0700 having an adverse impact on residential amenity.
57. *Archaeology* – No objection.
58. *Sustainable Transport Officer* - Drum remains very poor for access by public. A financial contribution would involve £80k per annum for a Mon-Fr daytime service. However, there is no certainty of commercial sustainability after the funding ends.
59. *Ecology* – Originally raised concerns in relation to a lack of detail over impacts on dingy skipper and possibly an Open Mosaic Habitat and how its loss would be mitigated on site or suitably compensated for. Since that time the Council and applicant's ecologist have explored options on site and off site to secure Biodiversity Net Gain and have identified a site in Sedgefield owned by the Council as a solution for achieving net gains. Ecology Officers have requested a minimum of 20 BNG units to be provided as acceptable compensation and this amounts to a contribution of £106,000.
60. *Public Rights of Way Officer* - Advises that public footpath no. 7 North Lodge Parish immediately abuts the west boundary of the site to be developed. It is advised that any proposed boundary fencing or planting must not encroach upon or obstruct the footpath. The Officer considers that it is inevitable that security fencing erected alongside the footpath will impact upon the aesthetic quality of the path, although it is assumed the path will retain an open aspect to the west.

PUBLIC RESPONSES:

61. The application was advertised in the local press, by site notice and by direct notification to neighbouring properties. Three letters of objection have been received in response to the consultation process whose concerns are summarised as follows:
 - The estate is becoming closer to residential properties and encroaching into Green Belt.
 - Noise and light pollution are already an issue from current uses.
 - There are no details of whether there are to be trees planted to screen the units from residential properties.
 - Lack of consultation in general in relation to development on the industrial estate.
 - The units on site are unsightly and mismatched in terms of appearance.

- The area suffers litter and fly tipping.
- There is a lack of road markings on the estate.

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=RAA8EEGDLQH00>

APPLICANTS STATEMENT:

62. The document submitted with the planning application titled “Planning Statement – Manufacturing and Distribution Units – Drum Industrial Estate” dated April 2022 sets out the basis of how the proposed development is in compliance with both National and Local Planning Policy on this site which is identified for such Employment Uses in the County Durham Plan, adopted in 2020.
63. This document also refers to the extant planning consent ref: CMA/2/15 dated 28 November 2012 for a larger footprint development on the site.
64. The submitted Design and Access Statement also refers to how the design of the development has encompassed the requirements of such policies and providing facilities to meet the demands of potential tenants and funding institutions.
65. Since the date of submission of the current planning application, in response to various Consultation comments which have resulted in minor revisions to some documents initially provided without any material amendment to the substantive proposal for development with approval achieved on the following elements of the proposal:
- Drainage Strategy and detailed design including Flood Risk
Highways, Traffic and Transport
Acoustics
Air Quality (subject to minor amendment to the submitted Construction Management Plan prior to commencement.
Landscaping
66. In terms of Policy, the only one which the proposal has been unable to be demonstrated as compliant is that of on-site Biodiversity Net Gain and it is proposed that agreement is reached for the applicant to provide a financial contribution for off-site mitigation by way of an S106 Agreement.
67. The Planning Statement referred to above concludes with the following text: “We believe we have produced a carefully considered proposal that fully respects the environment, is designed to an extremely high standard and will meet both the demands of our potential occupiers and the economic growth and employment opportunities of Chester-le-Street and County Durham as a whole. The proposals accord with both National and local planning policies and guidance. The built form and proposed land use will enhance the amenities of the area whilst providing a sustainable development with considerable economic and resource benefits for the community.”
68. Having demonstrated that the proposals are fully in accordance with the development plan and that significant benefits will result from these proposals, it is respectfully requested that this application is approved.

PLANNING CONSIDERATIONS AND ASSESSMENT

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

Principle of the Development

70. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF is a material planning consideration. The County Durham Plan (CDP) is the statutory development plan and the starting point for determining applications as set out in the Planning Act and reinforced at Paragraph 12 of the NPPF. The CDP was adopted in October 2020 and provides the policy framework for the County up until 2035. Paragraph 11 of the NPPF establishes a presumption in favour of sustainable development.
71. 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.
72. Where a planning application conflicts with an up-to-date development plan paragraph 12 of the NPPF advises that permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.
73. As the CDP is up to date, paragraph 11(d) of the NPPF is not engaged.
- Policy 1 of the County Durham Plan (CDP) allocates 300ha of employment land for office, industrial and warehousing purposes up to 2035 in order to meet employment land needs and deliver a thriving economy.
74. Policy 2 of the CDP identifies that there is approximately 4.44Ha of protected employment land on the Drum Industrial Estate allocated by the policy and which makes up most of this application site. This development would draw direct support from both Policies 1 and 2 of the CDP through the provision for B1 (now Class Egii), B2 and B8 uses within the 6no. buildings proposed. It should also be noted that the site benefits from an extant permission which could be built out and, therefore, there is a fallback position should this application not be approved. The current proposal would seek to build out 14,354 sqm of Egii/B2/B8, rather than 17,151 sqm of

consented B8 use within a single large building. It is, therefore, considered that industrial development has already been accepted in principle and is an acceptable use in this location on the industrial estate. This weighs in favour of this application.

Locational Sustainability of the Site

75. Policy 21 of the CDP requires all developments to deliver sustainable transport by providing appropriate, well designed, permeable and direct routes for walking, cycling and bus access, so that new developments clearly link to existing services and facilities together with existing routes for the convenience of all users. Policy 29 of the CDP requires that major development proposals provide convenient access for all users whilst prioritising the needs of pedestrians, cyclists, public transport users, people with a range of disabilities, and emergency and service vehicles whilst ensuring that connections are made to existing cycle and pedestrian networks.
76. Paragraph 104 of the NPPF makes clear that transport issues should be considered from the earliest stages of plan-making and development proposals. Reasons for this include so that opportunities to promote walking, cycling and public transport use are identified and pursued, and so that the environmental impacts of traffic and transport infrastructure can be identified, assessed and taken into account.
77. Paragraph 105 of the NPPF states that the planning system should actively manage patterns of growth in support of these objectives and indicates that significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. However, it does go on to say that opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in decision making.
78. Paragraph 110 of the NPPF states that in assessing applications for development, it should be ensured appropriate opportunities to promote sustainable transport modes can be, or have been, taken up.
79. Notwithstanding that the application site is allocated within the CDP for employment uses, it remains the case that the site and wider Drum Industrial Estate performs poorly in terms of accessibility other than by private motor vehicle. The closest bus stops to the application site that are serviced are located at North Road, some 1290m to the east of the site boundary. Westward, towards Perkinsville, the nearest bus stops are approximately 1325m away. There are several services that operate from these stops, typically half hourly services, running from early morning to late evening all week, and in theory, provide access to the site by means other than private vehicles. However, the distances to nearest bus stops are within the 'preferred maximum' of the Institution of Highways and Transportation (CIHT) "Providing for Journeys" document and are, therefore, towards the higher end of distances that people may reasonably be expected to walk to access bus services to or from their place of work. Guidance would, therefore, suggest that these distances may discourage use of public transport by those requiring access to the site.
80. The Council's Network Travel Manger has been consulted on the application and requested a £80k per annum contribution towards providing a Monday to Friday daytime bus service to the site. However, the Officer accepts that even if funding were provided that there would be no certainty of long-term commercial sustainability and advised that as driver shortages are hampering the ability to find contractors for such services there is no certainty that this contribution would attract operators. Furthermore, the proposed nature of low-density employment use (light industrial and warehouse) means the likely job numbers coupled with staggered shift patterns, would

mean it is difficult to see how any bus service (dedicated or extension to existing) could operate to serve the site on a commercial basis.

81. It is, therefore, conceded that it would not be reasonable to insist that this development provide such a contribution. As such, it is considered that the site continues to be poorly served by public transport opportunities given the distances to nearest bus stops and routes involved. For these reasons, public transport opportunities are considered to be limited and the site continues to perform poorly against the requirements set out in Policy 21 of the CDP in this respect.
82. For similar reasons and given the location of the site some distance beyond nearby settlements of Perkinsville, Pelton, South Pelaw and North Lodge, walking is not considered to be a reasonable option for those requiring access to the Industrial Estate, despite the suggestions made within the submitted Transport Assessment.
83. In terms of cycle access, the site does perform better, with the site lying in proximity to two Sustrans National Cycle Network route (NCN7 and NCN725) and within approximately a 15-20 minute ride across relatively easy terrain to Chester-le-Street, Birtley, Ouston, Perkinsville, Pelton, parts of Washington and some southern areas of Gateshead. Other local areas are accessible by bike, with many settlements within 30 minutes of the application site albeit some with more challenging terrain.
84. It therefore remains the case that the application site performs relatively poorly in terms of access to public transport and modes other than the private motor vehicle. Addressing this, regard must be had to the wider strategic context of delivering economic growth through the creation of much-needed areas of employment land across the County with good access to the strategic road network. This application forms the majority of the remaining phases of the wider vision to secure the future of this strategic employment site, with most of the estate now completed and operational with long established businesses.
85. This overarching strategic aim needs to be considered in the overall planning balance and weighed against the failure of the development to fully achieve sustainable transport objectives. To that end, the applicants are proposing a Travel Plan (TP) which sets out initiatives to further improve upon the accessibility issues identified above. These include public transport season ticket loans, flexible working around public transport, cycle to work schemes, covered cycle parking and the provision of showers and changing facilities, car share schemes, EV parking provision and footway connections to the existing footway infrastructure and beyond. These TP measures would, in turn, provide opportunities to encourage employees of businesses at the estate to use sustainable travel modes immediately following occupation, rather than attempting a modal shift following establishment of non-sustainable travel habits. Whilst being comprehensive, the Framework Travel Plan does not meet the National Specification for Workplace Travel Plans PAS 500:2008 in respect of employee surveys and, therefore, an updated Travel Plan is required. This can be secured by way of an appropriate planning condition.
86. Whilst a link to the C2C from the Industrial Estate has been requested by North Lodge Parish Council this would be difficult to deliver due to changes in land levels and would not be likely to reduce the distance to the C2C from this site albeit it would reduce the need to cross the A693. Further streetlighting as suggested by the Parish Council would be unlikely to encourage significant uplift in respect of walking given the distances involved.
87. In summary, officers recognise that the development of the site would not fully accord with the aims of Policy 21 of the CDP and paragraphs 104,105 and 110 of the NPPF.

However, subject to a condition securing the updated Framework TP and its implementation going forward, and having regard to the issues considered above, when weighed against the wider economic benefits of facilitating economic growth across the County through the development of the site and recognising that some improvements upon existing locational sustainability issues can be achieved through this application, it is considered that the proposals are acceptable overall.

Highway Safety and Access

88. Objective 18 of the CDP seeks to ensure that new development is accessible, contributing to reducing the need to travel, thereby reducing the impacts of traffic and congestion on the wider environment, communities and health. In this context, the requirements of Policy 21 of the CDP requires that development should not be prejudicial to highway safety or have a severe cumulative impact on network capacity and that developments deliver well designed pedestrian routes and sufficient cycle and car parking provision. Similarly, Policy 29 advocates that convenient access is made for all users of the development together with connections to existing cycle and pedestrian routes.
89. Paragraph 111 of the NPPF makes clear that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. Within this context, Paragraph 112 provides for a number of criteria against which new development proposals should be assessed, with Paragraph 113 indicates that all developments that will generate significant amounts of movement should be required to provide a Travel Plan (TP), and the application should be supported by a transport statement (TS) or transport assessment (TA) so that the likely impacts of the proposal can be assessed.
90. The proposals have been supported by a Transport Statement (TS). This document considers the potential impacts of the development and the issues relating to highways safety, network capacity, access and other transport related issues.
91. The application proposes closing off a point of vehicular access to the north of the site. Access into the site would be via an existing bell mouth which is to be upgraded. Access into the Industrial Estate is made via the existing access road leading from the upgraded A693 roundabout. This access road is a single lane two-way carriageway with footways to either side, lighting and a 30mph speed limit. The highway network surrounding the site has already been substantially improved as part of previous phases of the development, on which these proposals would expand.
92. The original application has been amended to address layout concerns raised by the Highway Authority relating to junction width, substandard turning heads, rest bays on the main road and service verge width. In respect of parking the application proposes the provision of a total of 266 car parking spaces in accordance with DCC parking standards. The total car parking provision includes 15 parking spaces for disabled persons and 16 electric vehicle (EV) spaces. This is in line with DCC requirements for a minimum of 5% of car parking spaces to be provided for disabled persons and a minimum of 5% of spaces to be provided as active EV charging spaces. The bays for disabled persons are to be located adjacent to building entrances for easy access. Cycle parking is to be provided near each building for cyclists. Also, a total of 17 motorcycle parking spaces are to be provided at the development.
93. The Transport Statement considered trip generation from anticipated numbers associated with the uses proposed. The statement predicts that there would be 56 and 57 two-way vehicle trips during the worst-case weekday AM and PM peak hours, which

is an increase of only 3 and 2 two-way vehicle trips when compared to the permitted use previously approved for the site. While this level of traffic is not present on the network currently it is consented and so could be expected to come forward at some point in the future.

94. As the development has the potential to impact on the strategic road network, National Highways have been consulted. National Highways are satisfied with the submitted TS and the conclusions reached by the transport consultant which indicate that the proposed development would not result in severe residual cumulative impacts on the operation of the strategic highway network and that no mitigation is, therefore, required in this respect. The Highway Authority have similarly concluded that the proposals would not have a negative impact on the local road network in the vicinity of the site. The proposal, therefore, cannot reasonably be considered to give rise to a 'severe' impact within the context of the NPPF.
95. Overall, the highway impacts of the proposed development are considered to be acceptable and in accordance with Policies 21 and 29 of the CDP as well as Part 9 of the NPPF.

Residential Amenity and pollution

96. CDP Policy 31 is the principal CDP policy in respect to amenity and pollution and in summary advises that development will be permitted where it would result in no unacceptable impacts upon the health, living or working conditions or the natural environment and that can be integrated effectively with any existing business and community facilities. CDP Policy 29 requires, amongst its advice, that development minimises impact upon nearby occupiers and contributes towards healthy neighbourhoods, considering the health impacts of development and the needs of existing and future users.
97. Part 8 of the NPPF provides advice on how development can achieve healthy, inclusive and safe places. Parts 12 and 15 of the NPPF require that a good standard of amenity for existing and future users be ensured, whilst seeking to prevent both new and existing development from contributing to, or being put at unacceptable risk from, unacceptable levels of pollution.
98. The development is considered to be noise generating. At this stage the end users are unknown, however, it is assumed that the possible sources of noise are from external plant, external operations and vehicle movements. A traffic noise assessment has been submitted in support of the application which concludes that changes to noise levels from traffic noise at nearest noise sensitive receptors (NSRs) would be negligible. The Environmental Health Officer (EHO) agrees with this conclusion.
99. In respect of plant and machinery no detail has been provided in relation to the potential impact of noise associated with industrial operations that could have an impact upon NSRs; no detail is provided in relation to any extraction systems, air-handling units, pneumatic transport systems, on site deliveries, that is loading/unloading of vehicles particularly at night, etc., which could give rise to external plant noise from impacting upon NSRs. Whilst it is appreciated that the exact use of the units and operations therein may be unknown at this stage of the development, Environmental Health advise that consideration must be given to the above potential impacts.
100. There have been past issues with noise from other industrial units within the estate impacting upon NSRs as highlighted by local residents, and this has led to the service of abatement notices. Therefore, it is agreed with the EHO that conditions will be

required to ensure that before any machinery, plant, or commercial process is operated, a detailed noise impact assessment and scheme of sound attenuation measures is required to be submitted to and approved in writing by the local planning authority. Furthermore, that the scheme of attenuation measures shall ensure that the rating level of noise emitted from plant, machinery, commercial process on the development site shall not exceed the background (LA90) by more than 5dB LAeq (1 hour) between 07.00-23.00 and 0dB LAeq (15 mins) between 23.00-07.00. The condition would also need to ensure that the measurement and assessment shall be made according to 2019 British Standards. Considering the separation distances between the development and the nearest noise source it is considered that these requirements can be reasonably met by the operator and it is not considered that the condition would significantly limit the future operations on the site.

101. During the construction phase the development would be noise, dust and light generating and, as such, the developer has submitted a Construction Environmental Management Plan (CEMP). Concerns were raised about early morning (7am) construction works and the developer has updated the CEMP to ensure more appropriate later starting construction and delivery hours of 08.00 to 18.00 Mon-Fri and 08.00 to 14.00 Saturdays . These times can be controlled via planning condition.
102. Lighting associated with the site could give rise to impact upon NSRs. The EHO, therefore, recommends a condition is necessary to ensure that prior to commencement of the development, a lighting impact assessment for the lighting scheme proposed, be agreed in writing with the Local Planning Authority.
103. Subject to adherence to conditions recommended as part of this report, it is considered that the impact of the development on nearby residents in respect of noise, including noise from traffic and during the construction phase, would not be so significant as to justify withholding planning permission. Specific conditions are put forward by the Council's EHO's, which are designed to ensure that the amenity of local residents would be preserved.
104. In addition to the above, EHO's have considered the potential impacts of the development in respect of air quality. Air quality impacts are possible from all new development. An air quality assessment and construction management plan have been submitted in respect of this issue. In this case, the impacts are considered to be acceptable generally, however, further details are required in respect of dust. EHO's are satisfied that this can be controlled by way of a planning condition requiring an updated CEMP. With such a condition imposed, it is considered that, overall, the scheme would comply with Policies 29 and 31 and Parts 12 and 15 of the NPPF.
105. It is considered, therefore, that the impacts of the development to nearby residents can be suitable mitigated to ensure there are no unacceptable levels of pollution and to protect amenity in accordance with Policies 29 and 31 of the CDP, Part 15 and in particular Paragraph 127 of the NPPF.

Layout, Design and Impact upon the Character and Appearance of the Area

106. Part 12 of the NPPF seeks to secure high quality design, with Paragraph 126 explaining that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Paragraph 130 seeks to ensure that developments will function well and add to the overall quality of the area; are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; are sympathetic to local character; and establish or maintain a strong sense of place.

107. Collectively, Policies 26, 29 and 39 of the CDP seek to secure good standards of design in new development, whilst balancing the needs of the built, natural and historic environments and making clear that all development proposals will be required to achieve well designed buildings and places. Policy 29 of the CDP outlines that development proposals should contribute positively to an area's character, identity, heritage significance, townscape and landscape features, helping to create and reinforce locally distinctive and sustainable communities. In addition to the above, Policy 29 of the County Durham Plan requires all major new non-residential development to achieve Building Research Establishment Environmental Assessment Method (BREEAM) minimum rating of 'very good'.
108. The proposed layout of the application site follows the broad ethos of this part of the industrial estate following established building designs. This continued use of building scales, materials palettes and layout would further reinforce the current level of design quality for the proposed building uses. The proposed glazing features ensure legible entrances to individual buildings and the location of these areas on each building gives animation to the main vehicular route through the site. The use of differing cladding colours provides further visual interest and breaks up the overall mass of each building. The scale of the proposed new buildings would be commensurate with previous planning permissions for development at the industrial estate locality. Conditions with regards to materials and hard landscaping can ensure that the site is delivered with a high-quality design consistent with other phases of the development.
109. An initial assessment in terms of sustainability has confirmed that the proposal would meet BREEAM 'Very Good' as a minimum. A condition should, therefore, be imposed to ensure that the development achieves a very good BREEAM rating.
110. There are no landscape designations on or around the site. Views of the site would be screened from the east and north by existing buildings. Views from the A693 to the south would be partly screened by a bund and vegetation. However, views of the site would be possible from residential properties to the west and from Public Rights of Way to the west and north. Given the industrialised context the effects on landscape character would be minimal and would not be dissimilar to the previous consent. In response to concerns over impacts to the enjoyment of the PROW, a landscaping plan has been submitted, which proposes structural planting along the western boundary to screen any fencing which would also partly screen the buildings over time. This would need to be maintained on a regular basis to ensure that it does not encroach onto the PROW and an informative can advise of this legal requirement. The detailed planting proposals within the site include, hedgerow, tree and grass planting, the delivery and management of which can be secured by way of a planning condition.
111. Subject to the aforementioned planning conditions, it is considered that the proposal would reinforce local character and sustainable design can be secured in accordance with Policies 26, 29, 39 and 40 of the CDP and Part 12 of the NPPF.

Ecology

112. Paragraph 174 of the NPPF makes clear that planning policies and decisions should contribute to and enhance the natural and local environment. It sets out a number of ways in which this can be achieved, including by minimising impacts on and providing net gains for biodiversity.
113. Paragraph 180 of the NPPF indicates that when determining planning applications, local planning authorities should apply a number of principles, the first of which indicates that if significant harm to biodiversity resulting from a development cannot

be avoided, adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.

114. Collectively, Policies 26, 35, 41 and 43 of the CDP seek to protect and enhance the natural environment within the County, giving priority to protected species and designated landscapes, and with an emphasis on securing net gains for biodiversity. Policy 41 states that proposals for new development will be expected to minimise impacts on biodiversity by retaining and enhancing existing assets and features and providing net gains for biodiversity including by establishing coherent ecological networks. It makes clear that measures should be appropriate, consistent with the biodiversity of the site and contribute to the resilience and coherence of local ecological networks.
115. Policy 41 of the CDP requires proposals for new development to not be permitted if significant harm to biodiversity resulting from the development cannot be avoided, or appropriately mitigated, or, as a last resort, compensated for. Policy 43 relates to protected species and nationally and locally protected sites and similarly requires any development that would have an adverse impact on the ability of species to survive, reproduce and maintain or expand their current distribution to propose appropriate mitigation, or as a last resort compensation.
116. The application is accompanied by a Preliminary Ecological Appraisal (PEA) that identifies that the site has been subject to ecological surveys to understand baseline ecological conditions at the site. The ecological appraisal describes the site as semi-improved neutral grassland with areas of open mosaic characteristics, dense and scattered scrub, scattered trees and species with some poor hedgerow. The site possesses potential foraging and commuting areas for badgers. There are foraging and nesting opportunities for birds and a habitat suitable for invertebrates such as the Dingy Skipper and Small Heath butterfly. There are also foraging and sheltering opportunities for species such as Hedgehog. The assessment recommends mitigation against the effects of the site's development on the baseline conditions, including installing ecological features and habitat on site and adhering to ecological good practice in respect of investigations and timings etc. These measures can be secured through the imposition of an appropriate planning condition.
117. On the basis of the surveys undertaken, the Ecology Section raised concerns over potential impacts on the Dingy Skipper (UK priority Species) and potential loss of open mosaic habitats (UK Priority Habitat).
118. The application has been supported by a biodiversity net gain assessment. Calculations indicate a net loss for biodiversity on the site of -26.94%. To account for these losses, and to address the Concerns of the Ecology Section it is proposed to provide off-site biodiversity enhancement. This will require a comprehensive landscaping management plan which the Applicant is intending to secure by means of a financial contribution. A compensation package has been discussed with the Ecology Section which would result in the creation of improved habitat, providing net gains for biodiversity of 20 units. In order to deliver the net gain, a financial contribution of £106k would need to be secured to ensure the implementation and management of the off-site compensation measures on land in the ownership of the Council. Within the mitigation hierarchy compensation through off-site delivery is regarded as a last resort but is accepted under policy 41 and 43 of the CDP.
119. Based on this, the proposals would secure suitable compensation for biodiversity alongside other additional enhancement measures which are not considered within the metric, including bat and bird boxes and bee bricks on site, habitat creation and landscape planting alongside species-specific habitat provisions.

120. Subject to securing the relevant financial contribution, an appropriate management plan and implementation of on-site compensation measures, it is considered that the impact of the proposals on the biodiversity value of the site would be suitably compensated for in accordance with CDP policies 41 and 43, and net gains for biodiversity would be achieved. The proposals would not be likely to directly affect European Protected Species.

Flooding and Drainage

121. Policies 35 and 36 of the CDP relate to flood water management and infrastructure. Policy 35 requires development proposals to consider the effects of the scheme on flood risk and ensure that it incorporates a Sustainable Drainage System (SuDs) to manage surface water drainage. Development should not have an adverse impact on water quality. Policy 36 seeks to ensure that suitable arrangements are made for the disposal of foul water.
122. National advice within the NPPF and PPG with regard to flood risk advises that a sequential approach to the location of development should be taken with the objective of steering new development to flood zone 1 (areas with the lowest probability of river or sea flooding). When determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere and only consider development appropriate in areas at risk of flooding where a sequential test and some instances exception test are passed, informed by a site-specific flood risk assessment.
123. The submitted Flood Risk Assessment confirms that the development lies in Flood Risk Zone 1 and at the lowest potential risk from flooding. The submitted drainage strategy and hydraulic calculations have been reviewed by the Council's Drainage and Coastal Protection Team in their capacity as Lead Local Flood Authority (LLFA), who have advised the details are acceptable. A condition can ensure that the development adheres to these details.
124. In relation to foul water, it is proposed to connect to the existing sewerage network. No objections are raised by Northumbrian Water, and as a drainage strategy has been accepted by the LLFA, a condition to ensure that the approved details are adhered to would suffice in relation this issue.
125. On this basis, no objections to the development on the grounds of flood risk or drainage are raised, and the application is considered acceptable in accordance with Policies 26, 35 and 36 of the CDP and Part 14 of the NPPF.

Infrastructure

126. It is important to ensure that development proposals contribute to improvements in infrastructure capacity to mitigate for the additional demands that new development creates. By securing financial contributions through planning obligations, developers would help fund the physical, social and environmental infrastructure that is needed to make development acceptable and ensure that the development mitigates its impact upon existing infrastructure.
127. Policy 25 of the CDP supports securing developer contributions where mitigation is necessary to make the development acceptable in planning terms.
128. Paragraphs 55-58 of the NPPF explain the circumstances when it is appropriate for planning obligations to be used to mitigate the impacts of the development.

129. The developer is willing to enter into a Section 106 legal agreement to provide a financial contribution for off-site BNG mitigation. This is necessary to make the development acceptable and would accord with Policy 25.

Contamination and Land Stability

130. Policy 32 of the CDP requires sites to be suitable for use taking into account contamination and unstable land issues. Paragraph 183 of the NPPF requires sites to be suitable for their proposed use taking account of ground conditions and any risks arising from land instability and contamination.
131. Given the site is a high-risk site in terms of Coal Mining Legacy, a Coal Mining Risk Assessment was submitted with the application which identifies mitigation measures required to address risks from surface mining and mine shafts on site. The Coal Authority is satisfied with these mitigation measures and considers they can be addressed under Building Regulations.
132. In respect of contamination, a Phase 1 and Phase 2 Geo-Environmental site investigation report has been submitted and identifies risks associated with ground gas. Environmental Health Officers have considered this report, concluding that conditions would be required to ensure that the site is suitable for its intended use taking account of any risks arising from contamination. These conditions would relate to securing Phase 3 works (remediation works) and phase 4 (verification) reports. The Officer has also requested an informative relating to unforeseen contamination. With such conditions the site would be suitable for use and appropriately remediated in accordance with Policy 32 of the CDP and Paragraph 183 of the NPPF.

Other Matters

133. Policy 26 of the CDP seeks to ensure that development protect and enhance public rights of way and footpaths, green infrastructure and green corridors. Whilst PROW Officers raise concerns over fencing, this has been detailed as an adequate distance from the PROW. The landscaping proposed is adjacent to the Right of Way and must not encroach upon it. A management plan can ensure the landscaping is managed but an informative can be imposed to ensure the developers are aware the need to not obstruct or encroach upon the PROW which is a separate legal requirement.
134. Part 8 of the NPPF amongst other guidance advises on the need to create safe and accessible environments where crime and disorder and the fear of crime do not undermine the quality of life or community cohesion. Whilst there are concerns regarding litter and fly tipping, such Anti-social behaviour is not typically associated with the uses proposed. If this is a comment on the current vacant site then it is envisaged that the increased surveillance as a result of the development would reduce the likelihood of such issues in the locality.
135. Concerns have been raised by a local resident that the development is encroaching into the Green Belt, however, the site is not within the Green Belt, albeit it is surrounded by it.
136. It is noted that concerns have been raised over a lack of consultation in general in relation to development on the industrial estate. Whilst there are no details of any community consultation having been undertaken by the applicants, the Council have undertaken consultation above the statutory requirements with both a press and site notice and 343 neighbours being consulted.

137. The site is located within a mineral safeguarding area for coal, as defined on the policies map of the CDP. CDP Policy 56 seeks to protect the County's mineral interests by preventing planning permission for non-mineral development that would lead to the sterilisation of identified resources, unless one of a number of limited circumstances apply. In this instance, the site has been previously worked and, therefore, a minerals assessment is not required in this instance.
138. Soil is a fundamental and finite resource that fulfils many important functions and ecosystem services and some of the most fundamental impacts on this resource can occur as a result of construction activity. Where development proposals are permanent it is important that soil resources are used effectively on undeveloped areas of the site for landscape, habitat or garden creation or used appropriately on other suitable sites.
139. Policy 14 of the CDP requires all development proposals relation 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. A soil resource management strategy has been submitted and is considered acceptable.
140. Policy 27 of the CDP outlines that new commercial development should be served by a high-speed broadband connection. Part 10 of the NPPF also has similar aims. Whilst there are no details in respect of this aspect a condition can be imposed to secure that the site incorporates infrastructure for fibre broadband.
141. 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. In this instance, officers have assessed all relevant factors and do not consider that there are any equality impacts identified.

CONCLUSION

142. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The Council has an up-to-date development plan, the County Durham Plan (CDP) adopted in 2020. 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 11c).
143. Where a planning application conflicts with an up-to-date development plan permission should not usually be granted. However, local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed
144. The site is allocated for employment uses within Policy 2 of the CDP and is recognised as a site of strategic importance for the Council to deliver its economic strategy for the County through to 2035. The proposals relate to a remaining phase of development at Drum Industrial Estate, which has seen earlier phases delivered and occupied. The principle of the development is, therefore, considered acceptable in accordance with Policy 2 of the CDP.

145. The site performs poorly in terms of locational sustainability. Measures proposed on site would contribute towards promoting sustainable transport modes; however, Officers conclude that locationally the site would continue to perform below the aspirations sought in Policy 21 of the CDP. This shortfall presents a conflict with the aims of the CDP which needs to be considered against the wider economic benefits of developing the site for employment uses.
146. The development would not be prejudicial to highway safety or have a severe cumulative impact on network capacity and would deliver well designed pedestrian routes and sufficient cycle and car parking provision. in accordance with Policies 21 and 29 of the CDP as well as Part 9 of the NPPF.
147. It is considered that conditions can ensure the development would not result in a level of harm to the amenity of local residents which would justify withholding planning permission. The proposed industrial uses (including Class E uses) are typically noise producing uses however conditions can ensure that noise levels at receptors are at or below acceptable thresholds in accordance with the aims of Policies 29, 31 and 32 of the CDP. Conditions also ensure that noise and dust impacts during construction would be appropriately controlled and that lighting levels are not harmful to amenity.
148. The proposal achieves Building Research Establishment Environmental Assessment Method (BREEAM) minimum rating of 'very good'. The proposed layout of the application site follows the broad ethos of this part of the industrial estate following established building designs. Given the industrialised context the effects on landscape character will be minimal, particularly with landscaping proposed.
149. The development of the site would lead to the loss of priority species and habitat. To compensate for this, off-site mitigation is proposed in the form of off-site habitat improvement works at a site in Sedgfield. This compensation is accepted as a last resort in accordance with Policies 41 and 43 of the CDP. A section 106 legal agreement can secure the contribution. The financial contribution would assist in delivering a 30 year management plan in accordance with the framework identified in the Council's Biodiversity Compensation Strategy. Subject to accordance with relevant conditions, and subject to a s106 agreement, the proposed development would result in suitable compensation for the on-site impacts resulting from the proposed development.
150. The proposals are considered acceptable in respect of flooding and drainage. Conditions can ensure the site is suitable for the proposed use in respect of contamination. There are no other technical issues related to the proposals, which are broadly considered to be acceptable and in accordance with the aims of the County Durham Plan.
151. The impacts to the adjacent public right of way are acceptable with the additional landscaping to screen the site and conditions can ensure this landscaping is appropriately managed
152. The proposal has generated limited public interest with three representations having been received. Concerns raised have been taken account and addressed within the report with suitable conditions proposed to mitigate their concerns.
153. In the overall planning balance, the adverse impacts and policy conflict identified above are considered to be outweighed by the many positive aspects of the development, most notably the economic benefits to be gained through the delivery of strategic employment land in line with the Council's wider economic strategy for the

County. The proposals are considered acceptable in this respect and, it is recommended that planning permission be granted.

RECOMMENDATION

That the application be APPROVED subject to a s106 legal agreement to secure the contribution on £106,000 to ensure the implementation and management of the off-site compensation measures on land in the ownership of the Council and subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

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

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

PROPOSED BOUNDARY TREATMENT	PL011 REV A	13/04/22
PROPOSED CYCLE STORAGE	PL013	13/04/22
PROPOSED SITE PLAN	PL03 REV F	22/07/22
PROPOSED SITE SECTIONS	PL04 REV A	13/04/22
UNIT 1 – PROPOSED PLANS,ELEVATIONS AND SECTION	PL05 REV D	13/04/22
UNIT 2 – PROPOSED PLANS,ELEVATIONS AND SECTION	PL06 REV D	13/04/22
UNIT 3 – PROPOSED PLANS, ELEVATIONS AND SECTION	PL07 REV D	13/04/22
UNIT 4 – PROPOSED PLANS, ELEVATIONS AND SECTION	PL08 REV D	13/04/22
UNIT 5 – PROPOSED PLANS, ELEVATIONS AND SECTION	PL09 REV D	13/04/22
UNIT 6 – PROPOSED PLANS,ELEVATIONS AND SECTION	PL10 REV D	13/04/22
PROPOSED SURFACE TREATMENT PLAN	PL12 REV A	13/04/22
LANDCAPE GENERAL ARRANGEMENT	POE_259_001 REV C	09/09/22
PLANTING PLAN	POE_259_002 REV B	09/09/22
SW DRAINAGE LAYOUT	S1456-01 F	20/09/22
FW DRAINAGE LAYOUT	S1456-02 C	30/08/22
EXTERNAL WORKS AND LEVELS	S1456-03 C	30/08/22
SITE LOCATION PLAN	PL01	13/04/22
PROPOSED SITE SET UP PLAN	C218/SSP/001	05/05/22
TRAFFIC ROUTING AGREEMENT PLAN	C218/TRP/001	05/05/22
FILTER TRENCH DETAILS	1456-05 B	20/09/22
WATER QUALITY PLAN	1456-DD05	28/07/22
TYPICAL DRAINAGE DETAILS	S1456-04 A	20/08/22
PHASE 1 PLOT DRAINAGE GENERAL ARRANGEMENT	47561/O9 REV E	08/09/22
DRAINAGE NETWORK REFS	S1456-DD02 E	23/09/22
FRA & DRAINAGE STRATEGY		20/09/22

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

3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development Order) 2015 (as amended) (or any revocation and re-enactment of that order), the premises shall be used only for uses described within this application contained within Use Class B2 (General Industrial), B8 (Storage and Distribution) and Class Egii (Light Industrial) (of the Town and Country Planning (Use Classes) Order

1987 (as amended) (or any revocation and re-enactment of that order) and for no other use.

Reason: In the interests of the amenity of the surrounding area in accordance with Policies 29 and 31 of the County Durham Plan and Parts 12 and 15 of the National Planning Policy Framework.

4. No development shall commence until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Construction Management Plan shall include as a minimum but not necessarily be restricted to the following:
 1. A Dust Action Plan including measures to control the emission of dust and dirt during construction.
 2. Details of methods and means of noise reduction/suppression.
 3. Where construction involves penetrative piling, details of methods for piling of foundations including measures to suppress any associated noise and vibration.
 4. Details of measures to prevent mud and other such material migrating onto the highway from all vehicles entering and leaving the site.
 5. Designation, layout and design of construction access and egress points.
 6. Details for the provision of directional signage (on and off site).
 7. Details of contractors' compounds, materials storage and other storage arrangements, including cranes and plant, equipment and related temporary infrastructure.
 8. Details of provision for all site operatives for the loading and unloading of plant, machinery and materials.
 9. Details of provision for all site operatives, including visitors and construction vehicles for parking and turning within the site during the construction period.
 10. Routing agreements for construction traffic.
 11. Details of the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate.
 12. Waste audit and scheme for waste minimisation and recycling/disposing of waste resulting from demolition and construction works.
 13. Management measures for the control of pest species as a result of demolition and/or construction works.
 14. Detail of measures for liaison with the local community and procedures to deal with any complaints received.

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

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

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

5. No external construction works, works of demolition, deliveries, external running of plant and equipment shall take place other than between the hours of 0800 to 1800 on Monday to Friday and 0800 to 1400 on Saturday.

No internal works audible outside the site boundary shall take place on the site other than between the hours of 0730 to 1800 on Monday to Friday and 0800 to 1700 on Saturday.

No construction works or works of demolition whatsoever, including deliveries, external running of plant and equipment, internal works whether audible or not outside the site boundary, shall take place on Sundays, Public or Bank Holidays

For the purposes of this condition, construction works are defined as: The carrying out of any building, civil engineering or engineering construction work involving the use of plant and machinery including hand tools.

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

6. Before any machinery, plant, commercial process is in operation for each use, a detailed noise impact assessment and scheme of sound attenuation measures shall be submitted to and approved in writing by the local planning authority. The scheme of attenuation measures shall ensure that the rating level of noise emitted from plant, machinery, commercial process on the development site shall not exceed the background (LA90) by more than 5dB LAeq (1 hour) between 07.00-23.00 and 0dB LAeq (15 mins) between 23.00-07.00. The measurement and assessment shall be made according to BS 4142: 2014+A1: 2019. On written request by the planning authority the operator shall, within 28 days, produce a report to demonstrate adherence with the above rating level. Once agreed, all the measures shall be implemented in accordance with approved details.

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

7. No building shall be occupied before a lighting impact assessment for the lighting scheme proposed, has taken place and been submitted to and agreed in writing with the Local Planning Authority. This should include the following, commensurate with the scale/type of lighting scheme provided:

A description of the proposed lighting units including height, type, angling and power output for all lighting

Drawing(s)/contour plans showing the luminance levels both horizontal and vertical of the lighting scheme to demonstrate that no light falls into the curtilage of sensitive neighbouring properties;

The Environmental Zone which the site falls within, in accordance with the Institution of Lighting Professionals Guidance on the Reduction of Obtrusive Light, to be agreed

with the LPA. The relevant light sensitive receptors to be used in the assessment to be agreed with the LPA in advance of the assessment.

Details of the Sky Glow Upward Light Ratio, Light Intrusion (into windows of relevant properties) and Luminaire Intensity.

The limits for the relevant Environmental Zone relating to Sky Glow Upward Light Ratio, Light Trespass (into windows) and Luminaire Intensity, contained in Table 2 (Obtrusive Light Limitations for Exterior Lighting Installations) of the Institute of Lighting Professionals Guidance on the Reduction of Obtrusive Light shall not be exceeded.

Reason: In order to minimise light spillage and glare, in accordance with Policy 31 of the County Durham Plan and Local Plan and Part 15 of the National Planning Policy Framework.

8. Notwithstanding any details of materials submitted with the application prior to the construction of external walling or roofing on any building details of the make, colour and texture of all walling and roofing materials shall be submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the approved details.

Reason: In the interests of the appearance of the area and to comply with Policy 29 of the County Durham Plan and Part 12 of the National Planning Policy Framework.

9. Notwithstanding any details of materials submitted with the application prior to the construction of hard paved areas to any building details of the make, colour and texture of all materials shall be submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the approved details.

Reason: In the interests of the appearance of the area and to comply with Policy 29 of the County Durham Plan and Part 12 of the National Planning Policy Framework.

10. All planting, seeding or turfing and habitat creation in the approved details of the landscaping scheme shall be carried out in the first available planting season following the practical completion of the development.

No tree shall be felled or hedge removed until the removal/felling is shown to comply with legislation protecting nesting birds and roosting bats.

Any approved replacement tree or hedge planting shall be carried out within 12 months of felling and removals of existing trees and hedges.

Any trees or plants which die, fail to flourish or are removed within a period of 5 years from the substantial completion of the development shall be replaced in the next planting season with others of similar size and species.

Replacements will be subject to the same conditions.

Reason: In the interests of the visual amenity of the area and to comply with Policy 29 of the County Durham Plan and Part 12 of the National Planning Policy Framework.

11. Prior to the first occupation of each building hereby approved a scheme for the ongoing maintenance of the areas of common parts and structural landscaping within the development shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall provide for details of an agreed maintenance and cutting schedule in perpetuity.

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

12. The development shall take place in accordance with the general protection measures outlined in part 4.2 of the Ecological Management and Monitoring plan. Bee bricks, Bat boxes and bird boxes will be installed prior to occupation of the units and retained or replaced in perpetuity.

Reason: To safeguard protected species in accordance with Policy 43 of the County Durham Plan and part 15 of the NPPF.

13. The scheme shall be developed in accordance with the submitted FRA & Drainage Strategy dated September 2022 and the Sustainable Urban Drainage (SuDS) Operation and Maintenance Plan dated September 2022.

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

14. No unit shall be occupied until an updated Framework Travel Plan conforming to BSI National Specification for Workplace Travel Plans (PAS500) guidance has been submitted to and agreed in writing by the Local Planning Authority. Once approved the Travel Plan must be adhered to for the lifetime of the development. Within six months of occupation Full workplace Travel Plans must be submitted to and approved in writing by the Local Planning Authority and adhered to for the lifetime of the development.

Reason: In the interest of maintaining Strategic Road Network operation and safety in accordance with Policy 21 of the County Durham Plan with Part 9 of the National Planning Policy Framework.

15. No development shall commence until plans showing full engineering details of the proposed estate road have been submitted to and approved by the local planning authority. The development shall take place in accordance with the approved plans prior to occupation of any unit.

Reason: To ensure safe access in accordance with Policy 21 of the County Durham Plan and Part 9 of the National Planning Policy Framework.

16. The agreed scheme of electric vehicle charging points must be installed and available for use before occupation of each unit.

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

17. The agreed bike storage scheme must be installed and available for use before occupation of each unit.

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

18. Prior to the commencement of construction works a Phase 3 Remediation Strategy shall be produced and where necessary include gas protection measures and method of verification.

Reason: To ensure that the presence of contamination is identified, risk assessed and proposed remediation works are agreed in order to ensure the site is suitable for use, in accordance with Part 15 of the National Planning Policy Framework. Required to be pre-commencement to ensure that the development can be carried out safely.

19. Remediation works shall be carried out in accordance with the approved remediation strategy. The development shall not be brought into use until such time a Phase 4 verification report related to that part of the development has been submitted to and approved in writing by the Local Planning Authority.

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

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

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

21. The development shall be constructed with infrastructure in place to ensure that full fibre broadband connection for each unit is achievable.

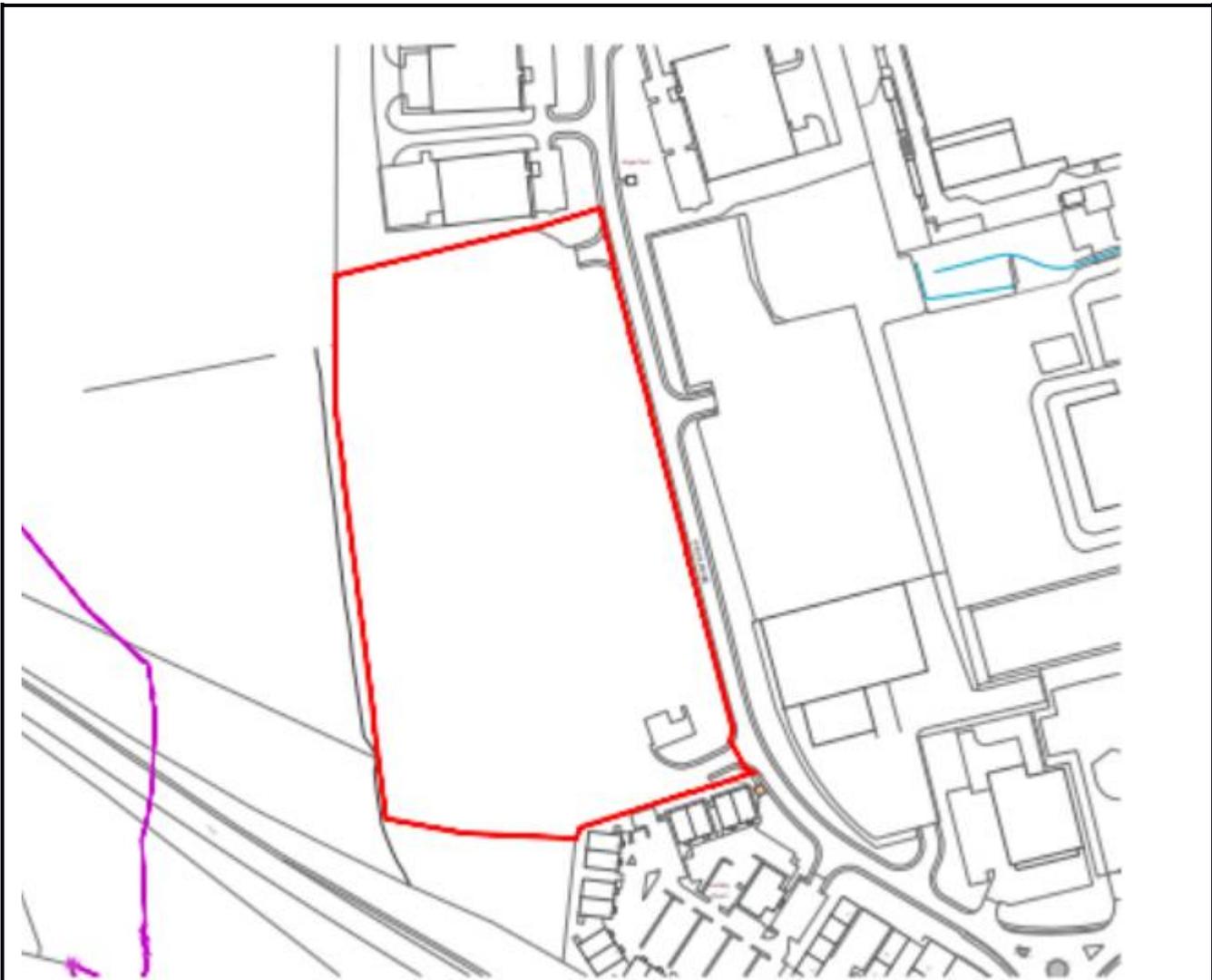
Reason: To ensure a high quality of development is achieved and to comply with the requirements of Policy 27 of the County Durham Plan and Part 10 of the NPPF.

STATEMENT OF PROACTIVE ENGAGEMENT

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

BACKGROUND PAPERS

- Submitted application form, plans supporting documents and subsequent information provided by the applicant.
- The National Planning Policy Framework (2021)
- National Planning Practice Guidance notes
- County Durham Plan 2020
- Statutory, internal and public consultation responses



Planning Services

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Construction of employment uses (Industrial/warehouse development) of 6 No. detached units totalling 14,354sqm

DM/22/01124/FPA

Date November 2022

Scale Not to Scale