



## County Planning Committee

**Date** Tuesday 4 April 2023  
**Time** 9.30 am  
**Venue** Council Chamber, County Hall, Durham

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### Business

#### Part A

1. Apologies for Absence
2. Substitute Members
3. Declarations of Interest
4. Minutes of the meeting held on 7 March 2023 (Pages 3 - 20)
5. Applications to be determined
  - a) DM/21/01313/OUT - Land At Rodridge Cottage Farm Station Town (Pages 21 - 52)  
Residential development of 88 dwellings (outline, inc. access)
  - b) DM/22/01663/OUT - Land to the west and south of Jade Business Park, with all matters reserved - Land To Hawthorn Grid Site, Murton, SR7 9SF (Pages 53 - 94)  
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
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  
27 March 2023

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

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

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

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## DURHAM COUNTY COUNCIL

At a Meeting of **County Planning Committee** held in Council Chamber, County Hall, Durham on **Tuesday 7 March 2023 at 9.30 am**

### **Present:**

**Councillor A Bell (Chair)**

### **Members of the Committee:**

Councillors J Higgins, C Hunt, P Jopling, C Marshall, C Martin, M McKeon, B Moist, K Shaw, S Wilson, S Zair, E Peeke (substitute for G Richardson) and I McLean (substitute for I Roberts)

### **Also Present:**

Councillor Kevin Earley, Councillor Dominic Haney and Councillor Douglas Oliver

### **1 Apologies**

Apologies for absence were received from Councillors G Richardson, P Molloy, I Roberts and A Simpson.

### **2 Substitute Members**

Councillors I McClean and E Peeke were present as substitute Members for Councillors I Roberts and G Richardson respectively.

### **3 Declarations of Interest**

In relation to item no. 5a) Councillor Marshall advised that the developer was known to him and Councillor Bell had met and spoke with the Agent, however both Members advised that they had no pre-determined views regarding the application.

### **4 Minutes**

The minutes of the meeting held on 7 February 2023 were agreed as a correct record and signed by the Chair.

## **5a DM/22/01769/FPA - Land East Of Edge Lane, Maiden Law**

The Committee considered a report of the Senior Planning Officer regarding an application for the installation and operation of a ground mounted photovoltaic (PV) solar energy generation system (solar farm), battery storage facility, electrical substation and associated infrastructure at Land to the East of Edge Lane, Maiden Law (for copy see file of minutes).

C Shields, Senior Planning Officer advised the Committee of an amendment to paragraph 177 of the report, which read;

*Although the development would temporarily remove a significant portion of land from arable use it would still be available for low intensity grazing.*

He confirmed that the word 'arable' should be replaced 'pastoral' to demonstrate the correct type of use.

The Senior Planning Officer gave a detailed presentation of the application which included a site location plan, aerial photographs, photographs of the site and a summary of objections received.

Local Member, M McGaun was unable to attend the meeting and a statement was read out on his behalf. He confirmed that he was pro-environmental and renewable development, however with 466 listed objections it was clear how residents felt about the development. He objected to the proposal as it was contrary to National Planning Policy Framework (NPPF) and the County Durham Plan (CDP).

With regards to the CDP, there were no material considerations indicating that the application formed part of the plan or was required. It contained no mention of the development of this area and therefore the application have been rejected on these grounds alone. The application was contradictory to considerations in relation to quality of life, success of the economy and the protection offered to natural and historic assets. Councillor McGaun made reference to the NPPF planning policies which recommended that development should contribute to and enhance the natural and local environment; recognise the intrinsic character and beauty of the countryside; seek to protect and enhance valued landscapes; minimise impacts on and providing net gains for biodiversity; and reduce the risks of pollution, land instability and contamination. He also referenced the Councils strategy that included the adoption of conservation areas according to character.

Councillor McGaun confirmed that planning applications were normally decided on whether or not the application promoted an effective use of the land and on this occasion it did not. This application site was nearly three times the size of Burnhope and it failed to safeguard the current wildlife and

nature walks whilst also failing to ensure safe and healthy living. If the application was granted, it would remove the only safe walking area for villagers of all ages. The application failed to encourage or promote any benefits to the community, other than some limited financial benefits.

The area which the application covered had been accessed for decades by walkers and wildlife and was one of the few safe areas for horse riders, dog walkers and families. The application would harm a local site of importance for biodiversity and the aesthetic impact would be devastating, with 6ft high metal fences impacting on the local landscape for generations to come. It would result in a direct impact on the health and wellbeing of residents who used the area.

Whilst he acknowledged that applications were considered on their individual merits, Councillor McGaun confirmed that another application of the same size from a different organisation had been submitted and the sites would only be separated by a 12ft wide road, forming the largest solar farm in the United Kingdom.

Councillor D Oliver, Local Member, acknowledged the green energy benefits, however as always the Committee were required to consider the emphasis on balance and in this case, there had not been enough consideration of local community benefits. The aesthetic impact of the application had been acknowledged and was clear from the number of objectors. He recognised that there were some benefits, however he referred to the community benefit £500,000 over forty years, whilst it may sound significant, given scale of the application and the huge amount of revenue that would be accrued, it was not significantly generous, and he and Councillor McGaun had raised this with the Applicant on a number of occasions. He advised that another site had been more generous offering £700,000 over a period of 30 years and there was a sense that policies should ensure more was done to assist local communities. He was aware that Scottish Government had recommended benefits of £5,000 per megawatt per annum and in comparison, this application would only be about £250 per meagawatt per annum. Some southern counties, such as Dorset and Cornwall had negotiated deals of £2-3k. Councillor Oliver confirmed that he could not support the application.

R Davies, addressed the Committee in objection to the application. He estimated that the proposal would move straight into top ten largest solar farms in the UK. Despite living 1.5km away, residents in Lanchester had not been notified of the scheme and if they had, he suggested there would have been twice the number of objections. The report incorrectly stated that there were no landscape designations within 3km of the site, despite there being two conservation areas, one in Annfield Plain and one Lanchester.

Edge Lane was also the Lanchester Parish Council boundary which fell within the Neighbourhood Plan. The site opposite would breach the local objective covering green spaces which was to protect the rural setting area. This application would destroy the rural setting of both Burnhope and Lanchester.

The installation of solar panels on agricultural land could not be classed as sustainable, the panels were likely to be manufactured in China and travel the world, only to potentially end up in a landfill site in County Durham after a lifespan of only 25 years.

Mr Davies added that the CDP stated that development in the countryside would not be permitted unless it met a list of specified exceptions, however this development did not meet the criteria. There was also protection offered for development that would cause landscape harm. The mitigation offered from the hedgerows that would be planted would take longer than five years to grow.

Local residents did not want the scheme to be located in this area and he urged the Committee to reject the application.

I Galloway, Trustee and Treasurer of Burnhope Community Centres spoke in objection to the application. He asked the Committee to refuse it on the grounds that it was contrary to both local and national policy. It was also similar to almost identical applications that were refused at Hett and Murton. The impact on Burnhope would not be outweighed by the benefits of the scheme.

This industrial scale development was 2.5 times the size of the village and would destroy the area. After enduring decades of mining, so much had been done to make Burnhope a healthy place to live. Studies in social prescribing showed that regular walks in nature had massive health benefits. Burnhope was at the top of a steep hill and the roads from the village had no footpaths so it was impossible for residents to walk safely for their health other than through the fields that would be taken out by this development. There was nowhere else to walk from the village for the elderly, those with young children, or those with mobility problems. The application condemned people to walk on narrow paths surrounded by 2m high fences. Despite mitigation to plant some hedges, they would take many years to establish.

Mr Galloway confirmed that the work to make the community a thriving and successful place to live would be compromised and destroyed. In addition to the effect on our health, there will be a serious impact on food production. The fields in the proposed site were grade 3b and 4, which the Government classed as suitable for cereals and grass that could be grazed or harvested over most of the year. The CPRE had objected to this application, stating

that there were 250,000 hectares of south-facing commercial roof space, not to mention domestic roofs and surface car parks that could be harnessed with little impact on landscape.

The application would have a devastating impact on wildlife. The biodiversity index would increase through planting more grasses and hedges but they would lose curlews, lapwings, skylarks, migrating geese and deer. Many were classified by the RSPB as near threatened species which was the reason they had objected to the application. The developer was promising some mitigation areas, but they wouldn't work as they were nowhere near the nature ponds.

There were significant safety issues regarding the use of lithium-ion batteries which were being used as battery storage. The proposed battery storage unit would be built next to Nature's Edge Nature Reserve and there was risk of serious fire which could not be managed by the Fire Service. With regards to efficiency, the application would produce less electricity than would be generated by one Wind Turbine in the North Sea. Mr Galloway asked the Committee to refuse the application.

I Wilkinson, objected to the application, he lived to the north east section of the site, and his house was over the fence. The area had already been devastated by industrial activity in the past and transformed to well managed farmland, which was crucial to food production needs and was supported by subsidies due to its importance. Areas were set aside to allow wildlife to flourish and protect them. There was also a network of public rights of way with stunning views and usable pathways, used for recreation which was essential to wellbeing. The Council promoted the local natural environment.

The comments and opinions of consultees were clear that they didn't want the area altered in any way. Organisations had highlighted how it went against both local and national policies. Fellow speakers had highlighted major material considerations for refusal. It went against the Government's Environmental Development Plan and he asked the Committee to reject the application.

C Atkinson, Principal Environmental Planner at Lightsource bp addressed the Committee on behalf of the Applicant. He referred to the Government published Net Zero Strategy, which sought to provide a fully decarbonised energy system by 2035 and the Councils declaration of a Climate Emergency in 2019. This application was an opportunity for Members to support this development and make a significant contribution towards achieving the goals set out within the Council's Climate Emergency Action Plan which was adopted in 2020.

The proposed solar farm would provide enough energy to power nearly 14,000 homes with green energy, something which had been a particular issue as gas prices were at an all-time high due to the UK's reliance on imported energy and the impact on energy bills. The development of solar farms would increase energy independence and he confirmed that solar had the advantage of being the cheapest form of energy, as well as the quickest to deploy.

Solar farms had to be located in proximity of a grid connection with sufficient capacity for the energy generated. A connection to Annfield substation to the north of the site had been secured and a key reason for choosing this location was the extensive woodlands which provided screening and negated long and medium distance views of the proposed development. There was likely to be some localised impact of the development which had been identified early in the design process and mitigation had been provided by new tree and hedgerow planting. The Council's landscape officer had deemed this strategy to be acceptable.

Mr Atkinson confirmed that the land within the application site was used for pasture and defined as poorer quality agricultural land, grade 3b and 4. The design and layout of the solar farm would enable sheep to continue grazing on the land, thus not impacting on food security.

The local community were invited to a consultation event in April 2022 and initial design proposals were amended following feedback from residents. After submission, the application was further revised removing a significant number of panels from the southern eastern field and all households in Burnhope had been notified of the proposed changes.

Mr Atkinson confirmed that the Applicant had partnered with the County Durham Community Foundation to set up a Community Fund in which £450,000 would be available for locally based organisations to apply for. The fund would also be available to individuals to assist with the current cost of living crisis. In addition, a fund of £50,000 for Burnhope Parish Council would be set up to bring forward initiatives and improve facilities in the village and the development would contribute over £6 million in business rates over its lifetime.

In summary Mr Atkinson advise that the Applicant had worked with the planning officers, consultees and local stakeholders to ensure that the development complied with all national and local planning policy, and this was reflected by the fact that no objections had been raised by technical consultees and the recommendation was for approval.

R Eggleston, Landowner, confirmed that the land was only capable of short term low density grazing for cattle. He also confirmed that there were many



unacceptable welfare issues with sheep being left and also boundary fence damage.

J Gray, Landowner, confirmed that in ten years there had been 125 recorded examples of sheep worrying or gates left open, 25 lambs had been killed and 9 sheep had been put to sleep. This scheme provided an opportunity for the provision of renewable energy, whilst the security fencing would allow farmers to graze ewes and lambs safely for the first time, without the risk from dogs. This would lead to increased food production. The footpaths would continue to be maintained and locals would no longer worry about dogs. There had been no curlew chicks reared on the land in the past ten years. She also confirmed that the application would bring employment benefits, with the provision of 30 local jobs at Broom House Farm.

The Senior Planning Officer responded to some of the issues raised by speakers. He confirmed that 788 properties had received notification of the application via letter and site notices had been erected in the area. The site was also located outside of the Lanchester Neighbourhood Plan boundary. Internal buffers identified in the report ensured there would be no harm to the conservation areas.

With regards to the inclusion of a Community Benefit Fund, N Carter, Planning and Development Lawyer, advised the Committee that this was not included as mitigation to make the development acceptable. As summarised in the report, the fund had been offered outside the planning system and not to mitigate impact. The Planning Officer had determined that there was no impact to be mitigated in this case and therefore no weight should be afforded to the fund when determining the application.

In response to a question from Councillor Jopling, the Senior Planning Officer advised that a desk based archaeological assessment was based on information from historical environmental records. Most of the site had been opencast and an assessment had concluded that there the site was unlikely to contain remains.

Councillor Marshall queried how the scheme compared to the original application submitted. He also referred to the comments regarding the Community Development fund and asked for clarification that it was not a legal requirement.

The Senior Planning Officer advised that when the application was submitted, there had been solar panels in the south east area, however there were objections with regards to the impact on wildlife and an objection from the Councils Ecology Department. The application included improved mitigation measures for birds and a larger area designated for habitat

creation and management, which Ecology had deemed to be acceptable. The change had also resulted in the site being drawn back from properties.

The Senior Planning Officer advised that the information provided with regards to community fund was for awareness only and was not something the Committee should take into consideration. The Planning and Development Lawyer confirmed that there was no legal requirement to make funding available to the community and reiterated that there was no impact that the Council felt appropriate to mitigate with financial contributions.

The Chair asked for information regarding the management of the fund and how a commitment could be made for forty years without a legal requirement. Mr Atkinson confirmed that the developer was working with Durham Community Foundation, to provide an endowment payment to be managed by them for investment in local projects.

In response to a further question from Councillor Wilson, the Planning and Development lawyer confirmed that the funding could not be secured by a condition and therefore no legal requirement would be established, even if the application was approved.

Councillor Wilson queried the quality of the farmland and the approximate time for the hedgerow to mature. The Senior Planning Officer confirmed that it was grade 3b and 4 land used for grass and grazing. There had been mention of some arable land in the eastern corner, however it had been grassland since the opencast. IT would take approximately 10-15 years for the proposed tree planting to fully establish and match the existing hedgerow on Edge Lane as shown in the site photographs.

Councillor Moist asked for comments on the information from Councillor McGaun regarding a second application in close proximity to the site. The Senior Planning Officer advised that there was not another application, however a public consultation was underway for another site. Until an application was submitted, cumulative impact could not be considered.

Councillor Moist advised that when the applications for nearby sites at Hett and Murton were refused, the Committee asked whether it was possible to provide a list of suitable sites and he wondered if there had been any progress. S Reed, Planning and Development Manager advised that Spatial Policy were working on a supplementary planning document on solar and renewable energy, which would be attached to the CDP, however the consultation had not started and therefore could not be given any weight when determining the application.

Councillor Jopling concluded that the application breached many policies. One example was the loss of public rights of way despite the issue with

health and wellbeing and obesity. She also had concerns about the impact on water management. The scheme would result in the loss of amenity for forty years and nothing could mitigate that. The Council were promoting County Durham as a place for visitors to enjoy the countryside, but they were happy for the installation of solar farms. It was not fair on residents, some of whom would suffer badly.

Councillor Jopling considered that the proposal would be detrimental to protected species and with planting taking years to establish, it would have no benefit. The amount of money that would be generated for renewable energy did not outweigh the damage to the environment and to residents. The application regarded the loss of land to be temporary, despite the scheme lasting forty years and she urged the Committee to think seriously before approving it.

Councillor Jopling moved refusal of the application as it was contrary to CDP Policies 10, 26, 41 and 56.

Councillor Hunt noted that there had been 466 objections in response to 788 letters of consultation.

Councillor Marshall confirmed that regardless of the location, there would always be objections as they were limited to specific locations. He noted that the scheme would secure the supply of energy to the local area and enable nearly 14000 homes to be powered by green energy, the equivalent of taking 8000 family cars off the road. He noted that there would be no footpath closures and the land could still be used for grazing. This was an attractive proposition and the Planning Committee had to make decisions based on planning policy. He was pleased that Spatial Policy were considering a supplementary planning document but in the absence of a policy, the Council had to determine the application on current policy. He also recognised the need to protect the Council from successful appeals.

With regards to a second application, if submitted the cumulative impact would be considered. He moved the recommendation for approval as outlined in the report.

Councillor Wilson concluded that this type of scheme had to be on a large scale otherwise they did not work. They were still rare and would stand out initially, but more so when walking as when travelling in a vehicle, the visual impact would be time limited. He recognised that there may be some breaches of policy however on balance, he did not think the application caused more harm than benefits and he seconded the proposal to approve the application.

Councillor Hunt advised that she was pro renewable energy, however using arable land and destroying landscape could not be outweighed by the benefits of this scheme.

Councillor McKeon accepted that there would be some landscape impact however referred to the climate emergency and generational changes. Planning applications should be determined on their own merits and a blanket approach in objection to this type of development was not sustainable. This type of location was the only place that schemes like this could be located. The land was not arable land but grazing land and it could still be used as such. It was essential that the public were consulted regarding the creation of a strategy as these applications were becoming more frequent, particularly from this developer.

Councillor Jopling advised that the applications coming through were sited in inappropriate places, and despite the benefits of the scheme, this would have a significant visual impact and would impact on local amenity. The applications that had been brought to Committee affected residents and were contentious. She suggested that companies should look at better sites.

Councillor Peeke agreed that this huge development would have a significant impact and that alternative places should be considered such as rooftops or sides of buildings before using green space.

The Chair had attended the site visit the previous day and noted the enormous footprint of the scheme. In his opinion it was one of the hardest applications that the Committee had been asked to determine. It was a beautiful area, but the application had come at a time of a global energy crisis.

Councillor Shaw confirmed that there were strong views from the community and local members, with concerns regarding the impact on the landscape but having one of the largest solar developments in the Country could be exactly what County Durham needed. There had been some suggestions made to alternatives such as the provision of solar panels on buildings however there had also been concerns raised regarding fire risk. The obvious conclusion was that the equipment had to be isolated and the reason they were located where they were was to access the grid. In conclusion he supported the recommendation.

Councillor McKeon referred to the biggest threat to wildlife as the rise in global temperatures due to the use of fossil fuels. There were broader climate change issues that impacted on local biodiversity.

Councillor Zair referred to the concerns of the Public Rights of Way Officer regarding vehicle maintenance access and was advised by the Senior

Planning Officer that this related to conflict of users on routes, however maintenance vehicles would use the route less than once a week which was not dissimilar to the existing farm traffic.

Councillor Moist noted that there was a motion to approve the application which had been seconded however he wanted Members to consider deferring the application until confirmation was received regarding the second application. He was concerned that the decision could be used as precedent and the impact of another scheme in the same area would be enormous.

The Planning and Development Lawyer cautioned Members in affording weight to another application which had not been received. If an application did come forward, it would have to be considered on its own merits and therefore a deferment would not serve any benefit. With regards to the Community Fund, he reiterated that it was a voluntary offer by the developer.

The Senior Planning Officer responded to suggestions that alternative sites should be considered, however this site had been chosen due to its positive characteristics. It had no designations and was close to grid connection. With regards to alternative brownfield sites, these were often already allocated for other types of development such as industry or housing and to erect solar panels would be a conflict in policy. The RSPB, CPRE and Durham Wildlife Trust had originally objected however the application had been redesigned to include the mitigation area in the south east and no further comments had been received.

## **Resolved**

That the application be APPROVED subject to the conditions outlined in the report and the completion of an agreement under Section 39 of The Wildlife and Countryside Act 1981 to secure biodiversity management for the life of the development.

Carl Marshall left the meeting and did not return.

## **5b DM/22/03248/FPA - Belmont Church Of England Junior School, Buckinghamshire Road, Belmont**

The Committee considered a report of the Principal Planning Officer regarding an application for the construction of a new two-storey primary school building, a three-storey secondary school building, and a one-storey, double-height sports hall building and playing fields with associated landscaping, access and parking and demolition of the drama block (Amended description) at Belmont Church Of England Junior School, Buckinghamshire Road, Belmont (for copy see file of minutes).

C Teasdale, Principal Planning Officer gave a detailed presentation of the application which included a site location plan, aerial photographs, photographs of the site and a summary of objections received.

The Committee were provided with an update to the report to confirm that the references in paragraphs 109 and 127 to the carpark being behind 10, 21, 14 and 16 of The Links should read 2a, 2, 4, 6 and 8.

The following recommendations were also to be amended as follows:

- Condition 5 to allow construction of the new access to a standard suitable for construction traffic and then completed to full standard prior to first occupation, and
- Condition 15 to also include the lighting for the 3 court MUGA which would also be floodlit.

S Wilmot, local resident, addressed the Committee. He lived next to school and accepted that noise during school hours was expected however the noise would increase with this application and impact on his ability to use his garden.

The noise impact assessment confirmed that a pitch in this location should be avoided. The noise levels had been measured at a point within his garden and whilst it was average at present, guidance suggested it would be increased by the application and there would be even louder elements, such as shouting and swearing.

Mr Wilmot confirmed that bushes would do little to stop the level of noise and he suggested that thought should have been given to the installation of acoustic barriers around the pitch, especially given that four dwellings would have above acceptable limits of noise according to the assessment. There would be some impact from light pollution, although not as intrusive as the noise. The application would impact on residential amenity and whilst it would be controlled in school hours, he was concerned about how it would be managed on evenings and he asked that if additional conditions could not be added, the application be declined.

J Patterson – Associate Director DPP addressed the Committee on behalf of the Applicant. A replacement school in Belmont was needed to ensure that children would receive the highest standard of education within appropriate facilities. The current building was outdated and not fit for purpose. The development would provide enhanced education provision for two schools as well as facilities for community use, supported by both National and Local Planning Policies.

The existing site provided facilities which met DfE and Sport England requirements and the new layout had been designed to enable staff and pupils to remain in buildings on site during construction. Once complete the children would move into their new buildings and the demolition phase would begin before final completion of the sports field, landscaping and car parking. The Applicant had sought to address the principal issues raised, including design and scale, highways, residential amenity and sustainability.

Ms Patterson summarised the design and layout which included a buffer between residential properties. The distance from the three storey building to the nearest residential property would ensure that there would be no impact on lighting or privacy. The retention of existing trees and vegetation would ensure screening and a natural buffer between the residential properties and the site. The use of external flood lighting would be controlled with the lighting turned off at agreed times to minimise impact on neighbouring properties. The Nuisance Action Team had no objection in relation to noise. A transport assessment and travel plan had been prepared in consultation with the school and highways and were deemed acceptable. Buildings had also been designed to achieve net zero carbon.

P Marsden, Head Teacher addressed the Committee to advise that a new school was essential and long overdue, after years of delivering education in a substandard building. The new school would provide world class teaching and community facilities. The school already had agreements with the Community Association to open up facilities on evenings. He agreed that there was a need for buffering and planting but he had taken on the concerns of residents and wanted to maintain a good relationship with neighbours. Noise would be monitored during day and the school would work with the Community Association to ensure that it was monitored at night.

The Principal Planning Officer appreciated the comments made by residents with regards to noise, however comments from Environmental Health Officers and Technical experts and the report confirmed that they were satisfied. The hours of use had originally been longer but had been reduced in response to concerns by residents and would also be secured by a condition. Another condition included the requirement for a community use agreement which included provision for player etiquette on the pitch. She referred the Committee to an image in the presentation and confirmed there was a 23m distance from the edge of the artificial pitch to the mature hedgerow adjacent to the neighbouring gardens, which varied in length, with some up to 19m. She appreciated the concerns raised however the Applicant had sought to address and minimise them as far as possible.

Councillor Zair queried the increased hours on Friday and Saturday evenings. Mr Marsden replied to confirm that when the school closed, the

Community Association took possession from 5pm. He understood the hours would remain the same as the current hours.

Councillor Zair appreciated investment in schools and if there were issues he was reassured that the school would work with residents to resolve them. He moved the recommendation to approve the application subject the conditions outlined in the report, including the two amendments.

Councillor Hunt was also reassured that the school were willing to work with the community. She noted that of the 152 parking bays provided there were only 8 Electric Charging Vehicle Points. P Harrison, Highway Development Manager, advised that the scheme met current parking standards and although there was an intention to increase standards in future, it was policy compliant.

Councillor Jopling supported the well needed scheme and seconded the motion to approve the application.

Councillor Higgins added that this was a good investment for young people which he would like to see in all towns and villages however he shared the concerns of residents and would have preferred the pitch hours to be reduced. In response to a question regarding the outdoor facilities, the Principal Planning Officer confirmed that the scheme included both toilet and changing facilities. She advised that the proposed hours had been reduced from 22:00 hours on weekday evenings to 21:05.

Ms Patterson confirmed that the hours were based on current community use and highlighted that the scheme was subject to funding from the FA which required a certain amount of community use.

## **Resolved**

That the application be **APPROVED** subject to the conditions outlined in the report and amended conditions as follows;

- Condition 5, to allow construction of the new access to a standard suitable for construction traffic and then completed to full standard prior to first occupation, and
- Condition 15, to also include the lighting for the 3 court MUGA which would also be floodlit.

Councillor Martin left the meeting and did not return.



## **5c DM/22/03374/RM - Land to the south of Puddlers Corner Roundabout, Genesis Way, Consett**

The Committee considered a report of the Senior Planning Officer regarding an application for the submission of reserved matters (layout, scale, appearance and landscaping) in relation to the construction of new Community Hospital and associated energy centre of DM/22/01630/VOC (mixed use scheme) and submission of details pursuant to conditions 5,7,9,10,11 and 12 of DM/22/01630/VOC relating to Construction management plan, site investigations, drainage details, noise, and engineering details of internal roads on Land to the south of Puddlers Corner Roundabout, Genesis Way, Consett (for copy see file of minutes).

L Ollivere, Senior Planning Office gave a detailed presentation of the application which included a site location plan, aerial photographs, photographs of the site and a summary of objections received.

Councillor D Haney, Local Member, advised Members of the importance of the application despite the responses received to the planning application. The future of the hospital had been in doubt for decades so he was pleased that a firm plan was in place. Whilst some people agreed with the proposal, others believed the existing facility was in need of refurbishment. On balance he acknowledged that the application was an improvement.

Members had been assured that most services would be maintained however there would be an inadequate number of beds. The plans were originally for 24 beds and this should have been the minimum, however it had subsequently been reduced to 16. If there was any scope to expand the site in future, it should be supported; the planning statement acknowledged that this area had the highest population growth in North Durham and potentially the North East. After the hospital had been downgraded to a community hospital on completion of the new University Hospital of North Durham, there was already a deficit of beds in the County. Whilst the Committee couldn't consider bed numbers and facilities there were planning considerations, such as the proximity to an incinerator, but this was yet to be determined by the Secretary of State.

Councillor Haney confirmed that the main issue was due to highway safety however improvements recommended as part of the scheme would assist to improve some of the issues in the area. He saw no reason why the application should not be approved and supported the recommendation.

Councillor K Earley attended as Local Member from the neighbouring ward' which was where the current site was located. He was also Secretary of the Shotley Bridge Hospital Support Group and whilst the hospital was a loss to his community, they had proposed the site after acknowledging the issues in

redeveloping the existing hospital. It had to be located on this site due to a number of reasons, mainly accessibility. He had initially believed that a bus turning circle would be included in the site and queried whether this could be facilitated. The Travel Plan had failed to note that half of Consett was situated on a hill. It would be a struggle for unwell or elderly people to walk 300m uphill to hospital so people would rely on travelling by car, unless there was a bus service which travelled to the site.

The Senior Planning Officer confirmed that it had not been deemed necessary to secure Section 106 funding to secure bus services at the outline application, however as part of the highway improvement works, two bus stops outside of site had been secured and as part of the wider site, there were plans for a turning circle as the site was being developed. This would be subject to a separate reserved matters application.

The Highway Development Manager suggested that a commercial bus service would not normally do the manoeuvre required due to cost and time implications, therefore if there were no plans for the NHS to provide a bus service, it was unlikely that a commercial service would deviate from their route.

R Morris, NHS County Durham and Darlington Foundation Trust, addressed the Committee. The application provided details of the proposed community hospital relating to layout, scale and appearance, access and landscaping, and followed from the outline consent granted for the wider site in February 2020, which was later amended to allow it to be phased in June 2022.

The outline consent permitted a range of uses including a community hospital and pharmacy; a sheltered care unit; a residential care unit; a gym and wellbeing centre; a hotel; a public house; a microbrewery; and a vets practice.

The replacement hospital in Consett would replace the ageing healthcare facility at Shotley Bridge with a high quality, fit for purpose new facility that would meet the needs of the local population in North Durham. Government funding had been allocated to the development of this new hospital as part of the Government's levelling up agenda for the North.

The new hospital fulfilled National Planning Policy Framework with regards to health and wellbeing and he noted Councillor Haney's concerns regarding highways and access, however, the principle of the new junction onto the A692 and the capacity and safety of the junction was established at the outline planning application stage.

Mr Morris confirmed that the reserved matters application had assessed the layout and access arrangements of the proposed hospital development. The

Transport Statement had concluded that there would be no unacceptable or severe impacts and as such, the development was acceptable in highway terms. The Highway Development Management Team also had no objections to the proposals.

The proposals would result in a number of benefits to the local community which included current and future provision of clinical services.

North West Durham had seen the highest rate of population growth in the North East and poor health and disease indicators were worse in North West Durham than the rest of England. The clinical strategy had been developed following a review of existing clinical services at Shotley Bridge Community Hospital.

There was significant public interest in maintaining local services which aligned with national policy drivers to deliver integrated services. The clinical model had been entirely clinically led and determined by individual service forward plans based on activity demands, technology and innovation, commissioning landscape and patient/health need demographic. All existing commissioned services would transfer and offer improved access but also increased provision.

The development of the site would also have direct employment benefits during the construction period. The application included on-site biodiversity net gains delivered through the proposed landscaping scheme and would create a high-quality sustainable building in terms of energy efficiency with a focus on net zero carbon.

In summary, it was considered that the proposed development would result in substantial public benefits and as outlined in the planning submission documents, the proposals were compliant with relevant Local and National planning policies.

Councillor Jopling acknowledged the length of time this scheme had taken to develop and it was wonderful to see it almost come to fruition. She wanted to see it built for the people of North Durham and moved approval of the recommendation, seconded by Councillor Hunt.

## **Resolved**

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

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## Planning Services

# COMMITTEE REPORT

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### APPLICATION DETAILS

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<b>APPLICATION No:</b>	DM/21/01313/OUT
<b>FULL APPLICATION DESCRIPTION:</b>	Residential development of 88 dwellings (outline, inc. access)
<b>NAME OF APPLICANT:</b>	Frankill Ltd
<b>ADDRESS:</b>	Land At Rodridge Cottage Farm Station Town
<b>ELECTORAL DIVISION:</b>	Blackhalls
<b>CASE OFFICER:</b>	Graham Blakey, Principal Planning Officer 03000 264865 <a href="mailto:graham.blakey@durham.gov.uk">graham.blakey@durham.gov.uk</a>

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### DESCRIPTION OF THE SITE AND PROPOSAL

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#### The Site

1. The application site of 5.82 hectares is located upon the western edge of the village of Station Town, Wingate. It lies adjacent to Newholme Estate, post-war residential development, and Ridgeway House Nursing Home and is formed of three agricultural fields. Rodridge Cottage Farm, a disused farm complex, borders the site to the south (in the control of the applicant) with the dismantled railway line and cycle route further beyond the site to the north. Open fields lie to the west and heading towards Trimdon Colliery.
2. Following the pattern established by the village itself, the site is broadly orientated north-south across the three parcels of land. The topography of the site sees the former Rodridge Cottage Farm occupy an elevated position above the site, with land falling away north, decreasing in steepness towards the northern site boundary. The land also falls more generally from west to east into the village where close to the Newholme Estate it rises more sharply to the existing housing.
3. Pre-existing boundary treatments and landscaping features remain, such as the dividing field boundaries and the boundary to the existing housing. Trees feature within the boundary to the Newholme Estate on the southern part of the eastern boundary forming a semi-dense visual screen when in leaf.
4. No statutory or locally designated landscape or ecological sites are located within or immediately adjacent to the application site, although Carstead Wood West Local Wildlife Site lies approximately 240m to the south west, beyond Rodridge Cottage Farm. No recorded public rights of way are contained within the application site. The application site contains no watercourses, with the site lying entirely within Flood Zone 1, which is the zone of lowest risk. The closest heritage assets are the

Holy Trinity Church and Mining Disaster Memorial within Wingate, 800m to the north.

## The Proposal

5. Outline planning permission is sought for the erection of 88 dwellings, featuring 15 bungalows, with matters of landscaping, layout, scale and appearance being reserved for agreement later. Access is therefore also sought for approval at the outline stage. Vehicular access is proposed from the eastern part of the site via Newholme Estate in two locations where the current road system comes to an end.
6. An indicative site layout has been provided by the agent for the proposal to demonstrate the delivery of 88 dwellings, pockets of open space and a Sustainable Urban Drainage System (SuDs) basin feature to the northern part of the application site together with opportunities across the site and retention of green corridors. Housing is shown as a continuation of the Newholme Estate at the point of entry, leading to its own character areas once within the estate. The application proposes to deliver 10% of the total proposed housing as affordable homes.
7. This application is being reported to the County Planning Committee because it involves residential development of more than 4ha.

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## **PLANNING HISTORY**

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8. Planning Permission No. DM/18/01431/OUT was granted subject to a Section 106 Agreement for 'Residential development of 88 dwellings (outline, inc. access)' on 31 May 2019.
9. Planning Permission No. DM/19/00303/FPA was granted for 'Erection of 9no. live-work dwellings and construction of infrastructure following demolition of existing buildings' on 12 December 2022.

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## **PLANNING POLICIES**

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### **NATIONAL POLICY**

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

12. *NPPF Part 2 - Achieving Sustainable Development* - The purpose of the planning system is to contribute to the achievement of sustainable development and therefore at the heart of the NPPF is a presumption in favour of sustainable development. It defines the role of planning in achieving sustainable development under three overarching objectives - economic, social and environmental, which are interdependent and need to be pursued in mutually supportive ways. The application of the presumption in favour of sustainable development for plan-making and decision-taking is outlined.
13. *NPPF Part 4 - Decision-Making* - Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.
14. *NPPF Part 5 - Delivering a Sufficient Supply of Homes* - To support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.
15. *NPPF Part 8 - Promoting Healthy and Safe Communities* - The planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. Developments should be safe and accessible; Local Planning Authorities should plan positively for the provision and use of shared space and community facilities. An integrated approach to considering the location of housing, economic uses and services should be adopted.
16. *NPPF Part 9 - Promoting Sustainable Transport* - Encouragement should be given to solutions which support reductions in greenhouse gas emissions and reduce congestion. Developments that generate significant movement should be located where the need to travel will be minimised and the use of sustainable transport modes maximised.
17. *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.
18. *NPPF Part 14 - Meeting the Challenge of Climate Change, Flooding and Coastal Change* - The planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.
19. *NPPF Part 15 - Conserving and Enhancing the Natural Environment* - Conserving and enhancing the natural environment. The Planning System should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, geological conservation interests, recognising the wider benefits of ecosystems, minimising the impacts on biodiversity, preventing both new and

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

20. *NPPF Part 16* - Conserving and enhancing the historic environment. Heritage assets range from site 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 irreplaceable resource, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations.

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

21. The Government has consolidated a number of planning practice guidance notes, circulars and other guidance documents into a single Planning Practice Guidance suite. This document provides planning guidance on a wide range of matters. Of particular relevance to this application is the practice guidance with regards to: air quality; climate change; design: process and tools; determining a planning application; effective use of land; flood risk and coastal change; healthy and safe communities; historic environment; housing and economic land availability assessment; housing and economic needs assessment; housing needs of different groups; housing for older and disable people; housing: optional technical standards; land affected by contamination; light pollution; natural environment; noise; open space, sports and recreation facilities, public rights of way and local green space; 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)

22. *Policy 1 – Quantity of Development* – Outlines the levels of employment land and housing delivery considered to be required across the plan period.
23. *Policy 6 – Development of Unallocated Sites* – States the development on sites not allocated in the Plan or Neighbourhood Plan, but which are either within the built-up area or outside the built up area but well related to a settlement will be permitted provided it: is compatible with use on adjacent land; does not result in coalescence with neighbouring settlements; does not result in loss of land of recreational, ecological, or heritage value; is appropriate in scale, design etc to the character of settlement; it is not prejudicial to highway safety; provides access to sustainable modes of transport; retains the settlement's valued facilities; considers climate change implications; encourages the use of previously developed land and reflects priorities for urban regeneration.
24. *Policy 10 – Development in the Countryside* – States 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 of the following



exceptions: specific types of economic development, specific types of infrastructure development or some specific development of existing buildings. New development in the countryside must accord with all other relevant development plan policies and general design principles.

25. *Policy 15 - Addressing Housing Need* - Establishes the requirements for developments to provide on-site affordable housing, the circumstances when off-site affordable housing would be acceptable, the tenure mix of affordable housing, the requirements of developments to meet the needs of older people and people with disabilities and the circumstances in which the specialist housing will be supported.
26. *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.
27. *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.
28. *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.
29. *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).
30. *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.

31. *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.
32. *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.
33. *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.
34. *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.
35. *Policy 40 - Trees, Woodlands and Hedges*. Proposals for new development will not be permitted that would result in the loss of, or damage to, trees, hedges or woodland of high landscape, amenity or biodiversity value unless the benefits of the scheme clearly outweigh the harm. Proposals for new development will be expected to retain existing trees and hedges or provide suitable replacement planting. The loss or deterioration of ancient woodland will require wholly exceptional reasons and appropriate compensation.
36. *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.

37. *Policy 43 - Protected Species and Nationally and Locally Protected Sites.* Development proposals that would adversely impact upon nationally protected sites will only be permitted where the benefits clearly outweigh the impacts whilst adverse impacts upon locally designated sites will only be permitted where the benefits outweigh the adverse impacts. Appropriate mitigation or, as a last resort, compensation must be provided where adverse impacts are expected. In relation to protected species and their habitats, all development likely to have an adverse impact on the species' abilities to survive and maintain their distribution will not be permitted unless appropriate mitigation is provided or the proposal meets licensing criteria in relation to European protected species.
38. *Policy 44 Historic Environment* seeks to ensure that developments should contribute positively to the built and historic environment and seek opportunities to enhance and, where appropriate, better reveal the significance and understanding of heritage assets. The policy advises on when harm or total loss of the significance of heritage assets can be accepted and the circumstances/levels of public benefit which must apply in those instances.

#### **NEIGHBOURHOOD PLAN:**

39. The application site is not located within an area where there is a Neighbourhood Plan to which regard is to be had.

*The above represents a summary of those policies considered relevant. The full text, criteria, and justifications can be accessed at: <http://www.durham.gov.uk/article/3266/Development-Plan-for-County-Durham> (Adopted County Durham Plan)*

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## **CONSULTATION AND PUBLICITY RESPONSES**

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#### **STATUTORY RESPONSES:**

40. *Hutton Henry Parish Council* – Has made a number of comments regarding the application. Flooding issues adjacent to the B1280 and areas of the Newholme Estate are concerns. Highway safety issues in respect to visibility of the main access of the Newholme Estate onto the B1280 would worsen through the increased traffic levels from this development. Internal layout issues with parking need to be addressed. Pavements and road conditions within the Newholme Estate should be taken into account when considering the provision of bungalows within the site. Crime levels in the area have risen and should be a factor in the design of this development. In addition, the Parish Council considers that the landscape and visual impacts from the proposals would be great for the residents of the Newholme Estate. Careful planning of the internal layout would be required to ensure loss of trees and vegetation is reduced and protecting the amenity of the nearby residents. Structural planting reaching maturity will result in adverse impacts in the 25 year timeframe required to achieve this outcome. It is also considered that residual cumulative impact upon the Parish and Station Town would occur from the proposals. Furthermore, the Parish Council considers that contributions in lieu of public open space provision should be provided to the benefit of the local area and Station Town rather than the wider Blackhalls Division.

41. *National Highways* – Raises no objections as the on-going works by Durham County Council to improve the graded separated junction A19 / A179 / B1280 at Sheraton would be sufficient to accommodate this development.
42. *Highway Authority* – No objections have been raised on highway grounds, with trip generation and distribution of traffic from the site considered to have been modelled appropriately. As a result, no highway mitigation is required. Proposed vehicular access is via two separate access points and is considered acceptable. A number of detailed design issues are raised with the indicative layout and conditions requiring works proposed.
43. *Northumbrian Water* – Raises no objections, subject to the imposition of a condition to agree the finer detail of the drainage scheme.
44. *Lead Local Flood Authority* – Raises no objections, however, further detailed specification of the drainage proposals which should include adherence to the Councils Sustainable Urban Drainage Systems Adoption Guide (2016) and adherence to greenfield run-off rate are necessary.
45. *The Coal Authority* – Advises that the application site does not fall within the defined Development High Risk Area and is located instead within the defined Development Low Risk Area and there is no need for the Coal Authority to be consulted. In accordance with the agreed approach to assessing coal mining risks as part of the development management process, if this proposal is granted planning permission, it would be necessary to include The Coal Authority's Standing Advice within the Decision Notice as an informative note to the applicant in the interests of public health and safety.

#### **Internal Consultee Responses:**

46. *Spatial Policy* – Raises no objections. Within the County Durham Plan (CDP) the site was recognised as a housing commitment as it had planning permission as at 1st April 2019 (application reference DM/18/01431/OUT) for 88 dwellings. This current application should be assessed and determined against Policy 6 of the CDP. It is considered that criteria b), c), d), and f) will be particularly relevant in assessing this proposal, and the comments received from specialist services will assist in determining whether development on this site will adhere to the criteria laid out within Policy 6. In terms of townscape and landscape implications the key considerations will be the relationship to the settlement pattern and form, as development will extend the settlement westwards into the open countryside, so the issue is whether the development of the site would be a natural extension to the settlement or whether it would unacceptably affect the landscape character of the countryside by way on an uncontained protrusion into open countryside. These are planning judgements and will be informed by the views of the specialists, but it is also important to recognise. Consultation with relevant specialist teams will identify whether there are any additional matters to consider under the Policies of the CDP and wider NPPF.
47. It is also necessary to appraise the merits of this proposal against considerations such as the proximity to services and facilities, other buildings and built up areas as well as other judgements such as its sustainability in terms of location in the countryside and access to sustainable transport options. In respect of these issues, it is important to acknowledge the existing planning permission for this site, which

does give a strong indication that the site is considered to be suitable for residential development, and that development would integrate with the settlement pattern. This sites development for housing would represent a sustainable urban extension, as the proposal would appropriately “round off” the village in the west.

48. Policy 15 of the CDP states that affordable housing will be sought on sites of 10 or more units, for 25% of units in the highest value areas to 10% in the lowest. On sites of 10 or more units, 10% of the homes provided should be for affordable home ownership (starter homes, discount market sale housing and other affordable routes to home ownership). Any contribution above 10% should be provided as affordable housing for rent. As this site is within a low value area, this development would require 10% or 9 units of Affordable Home ownership. Policy 15 also aims to meet the needs of older people and people with disabilities. On sites of 5 units or more, 66% of dwellings must be built to Building Regulations Requirement M4 (2) (accessible and adaptable dwellings) standard. Based on a scheme of 88 units, 58 units would be required to be built to M4(2).
49. On sites of 10 units or more, a minimum of 10% of the total number of dwellings on the site are required to be of a design and type that will increase the housing options of older people. These properties should be built to M4(2) standard and would contribute to meeting the 66% requirement set out above. They should be situated in the most appropriate location within the site for older people.
50. *Design and Conservation* – Raises no objections in principle. Indicative layout requires further work at reserved matters stage to make the final development acceptable.
51. *Landscape* – It is noted that the submitted Landscape Impact Report deals with the effect of development on features & landscape character is also dealt with in the report. It identifies mitigation requirements in the form of structure planting. The proposals would cause harm to the character, quality and distinctiveness of the local landscape and to important features such as existing mature trees and hedgerows and would encroach on views to and from the settlement in a transformative manner. Structural landscaping will be required to mitigate the impacts of these proposals.
52. *Landscape (Arboriculture)* – It is noted that the site has a large amount of field boundary hedging internally. To the west of the existing houses in Newholme Estate North, the hedgerows include numerous trees. The development would require the removal of significant sections of internal hedging and, at the proposed access points from Newholme Estate, several of the ash trees will require removal. At present, the loss of some of these trees for access would not have a major detrimental impact on the visual amenity. It is recommended that the applicant produces a Tree Protection Plan for those trees to be retained by condition and a suitable landscape plan provided at reserved matters that includes tree planting in sustainable locations in mitigation of the tree loss.
53. *School Places and Admissions Manager* – The development is likely to produce 27 primary pupils and 11 secondary pupils. It is considered that there are sufficient school places at primary school age and secondary school within the Wingate and wider area to accommodate the development of this scale.

54. *Ecology* – It is noted that the submitted Preliminary Ecological Appraisal and Bat Roost Potential Survey report show that broadleaved trees, semi-improved grassland, amenity grassland and hedgerows are to be lost to facilitate this development. The indicative landscaping plan shows several new areas of habitat with screen planting and SUDs proposed. Although the extant habitats on site do not meet the criteria for Priority Habitats, they still have a biodiversity value that needs to be taken into account as the mitigation provided within the Landscape plan may not be sufficient to mitigate for the loss of the existing habitats. The submitted net-biodiversity gain assessment submitted with the application does indicate that the site would achieve net gain as a result of the proposals. A conditional approach to securing appropriate levels of open space is advised or off-site compensation/mitigation secured.
55. *Environment, Health and Consumer Protection (Contaminated Land)* – Raise no objections. A planning condition is suggested requiring the submission of a site investigation and risk assessment, remediation strategy and subsequent verification report.
56. *Environment, Health and Consumer Protection (Noise, Dust and Odour)* – Raise no objections. The application relates to a noise sensitive development and noise generating development, especially in relation to the construction. However, there are no noise sources close to the proposed site that would impact on the future occupiers of the housing therefore no controls are required on controlling existing noise sources. A condition is recommended so as to agree a construction management plan.
57. *Environment, Health and Consumer Protection (Air Quality)* – Raise no objections at this stage. A revised Air Quality Assessment is under review. A Dust Action Plan is recommended to mitigate impacts during the construction phase of the development. It is recommended that pedestrian and cycle routes are incorporated into the development to link to local facilities whilst consideration of means to encourage low and zero emission vehicle use should be made.
58. *Archaeology* – It is noted that the site is a large greenfield development that has seen no previous modern development. The submitted site investigation and geophysical survey data have highlighted areas required for trial trenching.

#### **PUBLIC RESPONSES:**

59. The application has been advertised in the local press (the Northern Echo), by site notice and through neighbour notification letters as part of the planning procedures. 302 Notification letters were sent to individual properties in the vicinity of the site. 6 letters of objections were received.
60. The main concerns raised by objectors are summarised as:
- The proposed development will set a precedent for inappropriate development in the countryside and will result in the encroachment of the linear settlement into the countryside to the detriment to the character of the area.
  - The development will require the removal of significant sections of internal hedging and several Ash Trees will be removed in order to create the proposed access points from Newholme Estate. This will have a significant visual impact.

- Impacts from the development upon wildlife, protected species, such as bats, and breeding birds.
- Impacts upon the amenity of neighbouring residents through loss of view and outlook due to the new houses.
- Impacts upon services in Wingate and Station Town, obtaining GP appointments.
- The site is a prominently elevated position and houses built will have an adverse impact upon our property and would cause a reduction in light levels and an unacceptable loss of privacy.
- Congestion to Newholme Estate cul-de-sac, with parking causing the road to be blocked. An issue for emergency vehicles trying to get to the new development site. Extending to the wider area of Station Town.
- Visibility from the Newholme Estate access is restricted to the B1280.
- Additional traffic would make existing green spaces to Newholme Estate unsafe through additional traffic.
- Existing flooding to Millbank Terrace (B1280) and Newholme Estate would be exacerbated by introducing new housing.
- Foul water drainage connection and The Cottage (rear of Millbank Chapel Terrace) has overflowed into the garden on several occasions, this must be looked at as part of this development.

*The above is not intended to repeat every point made and represents a summary of the comments received on this application. The full written text is available for inspection on the application file which can be viewed at:*

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

#### **APPLICANTS STATEMENT:**

61. This application was submitted as a renewal of what was an extant Outline permission (ref no. DM/18/01431/OUT) for the erection of a scheme of 88 dwellings with the means of access considered. That permission was granted by this Committee dated 31 May 2019.
62. The applicant's intention was to secure partner finance, progress through Reserved Matters and deliver the site in accordance that permission. However, the intervention of the covid Pandemic created market and finance uncertainty, and uncontrollable delays as the proposal just fell outside dates of the Governments scheme to extend such permissions.
63. The renewal dated 21 April 2021 was submitted following negotiations with officers on the format and timing.
64. The resubmission replicates the approved scheme in that it is contiguous to the western edge of the settlement and designed to form a transition to the open countryside beyond. The site retains its status as a residential allocation/housing commitment because of the earlier permission and is considered to be a sustainable development with access to the services of Station Town and Wingate.
65. All 'material planning considerations' have been considered within the proposal and reports have been updated to reflect changes where so required and the proposal retains the key technical support of consultees.
66. As part of the resubmission officers encouraged the applicants to participate in an 'urban design' exercise despite layout reverting to being considered a 'Reserved

Matter'. The exercise was however useful in providing illustrations of layout options that integrated the housing with 'green corridors' and 'landscape buffers' providing a high-quality adaptable opportunity of new housing.

67. The attached Farmstead has also recently been granted a full planning permission for residential development and this proposal to develop the farmland would a logical and integrated approach to the development consistent with the intentions of the original outline.
68. In summary the application is: -
- A renewal of outline planning permission
  - An allocated residential site in the councils housing figures
  - Consistent with the government's advice that *'lpa's should approach decisions on proposed development in a positive and creative way, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of an area'*.
  - The basic planning consideration are unchanged since the earlier grant of Outline Planning permission.
69. Member support for the renewal of this permission is sought to deliver and progress the development.

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## **PLANNING CONSIDERATION AND ASSESSMENT**

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70. Section 38(6) of the Planning and Compulsory Purchase Act 2004 sets out that if regard is to be had to the development plan, decisions should be made in accordance with the development plan unless material considerations indicate otherwise. In accordance with advice within the National Planning Policy Framework (NPPF), the policies contained therein are material considerations that should be taken into account in decision-making. Other material considerations include representations received. In this context, it is considered that the main planning issues in this instance relate to: the principle of the development, locational sustainability of the site, highway safety and access, landscape impact and layout and design, addressing housing need, residential amenity, infrastructure and public open space provision, flooding and drainage, ecology, heritage and archaeology, and other matters.

Principle of the Development

### *The Development Plan*

71. 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.

72. 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.
73. The application site is located on the western edge of the settlement of Station Town. It is not allocated for housing within Policy 4 of the County Durham Plan (CDP). Development of housing on unallocated sites should be assessed and determined against Policy 6 of the CDP.
74. Policy 6 of the CDP sets out the following criteria. The development of sites which are not allocated in the Plan or in a Neighbourhood Plan which are either (i) within the built-up area; or (ii) outside the built-up area (except where a settlement boundary has been defined in a neighbourhood plan) but well-related to a settlement, will be permitted provided the proposal accords with all relevant development plan policies and:
- a. is compatible with, and is not prejudicial to, any existing, allocated or permitted use of adjacent land;
  - b. does not contribute to coalescence with neighbouring settlements, would not result in ribbon development, or inappropriate backland development;
  - c. does not result in the loss of open land that has recreational, ecological or heritage value, or contributes to the character of the locality which cannot be adequately mitigated or compensated for;
  - d. is appropriate in terms of scale, design, layout, and location to the character, function, form and setting of, the settlement;
  - e. will not be prejudicial to highway safety or have a severe residual cumulative impact on network capacity;
  - f. has good access by sustainable modes of transport to relevant services and facilities and reflects the size of the settlement and the level of service provision within that settlement;

- g. does not result in the loss of a settlement's or neighbourhood's valued facilities or services unless it has been demonstrated that they are no longer viable;
  - h. minimises vulnerability and provides resilience to impacts arising from climate change, including but not limited to, flooding;
  - i. where relevant, makes as much use as possible of previously developed (brownfield) land; and
  - j. where appropriate, it reflects priorities for urban regeneration.
75. In terms of townscape and landscape implications the key considerations are the relationship to the settlement pattern and form, as development would extend the settlement westwards into the open countryside, so the issue is whether the development of the site would be a well-related and natural extension to the settlement or whether it would unacceptably affect the landscape character of the countryside. It is also necessary to appraise the merits of this proposal against considerations such as the proximity to services and facilities, other buildings and built-up areas as well as other judgements, such as its sustainability in terms of location and access to sustainable transport options.
76. It is considered that the development of the application site would not be in conflict with Policy 6 as it is considered to be well-related to the settlement, would not significantly affect the landscape character and lies within acceptable distances to local community facilities, services and sustainable transport links. The reasoning behind this judgement is set out in the consideration of the scheme against the relevant criterion of the policy in later sections of this report.
77. As the application site is located outside of the built-up area of Station Town it is considered to be technically in the countryside although well related to the settlement. CDP Policy 10 relates to development in the countryside and advises that development 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 comprises an exception related to economic development, infrastructure development or the development of existing buildings. The proposal would be permissible under Policy 6 therefore falls within the relevant criteria and is thereby not in conflict with CDP Policy 10.

### *Housing Land Supply*

78. Paragraph 73 of the NPPF maintains the requirement for Local Planning Authorities (LPAs) to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirement set out in adopted strategic policies, or against their local housing need where the strategic policies are more than five years old.
79. It was established under the adoption of the CDP that the Council can demonstrate in excess of 5 years housing land supply (6.3 years). The CDP was adopted in October 2020 and therefore, in accordance with paragraph 74 of the NPPF, a five year supply of deliverable housing sites, with the appropriate buffer can be demonstrated.

## *Locational Sustainability of the Site*

80. Criteria f of Policy 6 of the CDP requires that developments on unallocated sites have good access by sustainable modes of transport to relevant services and facilities and reflects the size of the settlement and the level of service provision within that settlement. Policy 21 of the CDP requires all developments to deliver sustainable transport by providing appropriate, well designed, permeable and direct routes for walking, cycling and bus access, so that new developments clearly link to existing services and facilities together with existing routes for the convenience of all users. Policy 29 of the CDP requires that major development proposals provide convenient access for all users whilst prioritising the needs of pedestrians, cyclists, public transport users, people with a range of disabilities, and emergency and service vehicles whilst ensuring that connections are made to existing cycle and pedestrian networks. Specifically, the NPPF sets out at Paragraph 105 that significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. At paragraph 110 the NPPF states that appropriate opportunities to promote sustainable transport modes should be taken whilst paragraph 112 amongst its advice seeks to facilitate access to high quality public transport.
81. Station Town lies south of Wingate village and there are common services which are shared between the locations. Overall, these medium sized villages will have access to some but not all facilities expected within an urban setting such as schools, doctors, community facilities and industrial estates. Between Wingate and Station Town access to schools, doctors surgery shops and bus service are all possible, with most of the services skewed towards Wingate rather than Station Town. It is considered therefore, that settlements of this nature have some attributed facilities that would make them locationally sustainable, subject to specific site constraints.
82. Paragraphs 108 and 110 of the NPPF set out that development proposals should promote sustainable transport modes, prioritising pedestrian, cycling and access to public transport. CDP Policy 21 promotes the development of sustainable modes of transport and that these are embedded into new development. Schools within Wingate all lie within appropriate walking distance and can be accessed by bus, part of the Wingate service centre, formed of some small scale retail units (including a post office), are located approx. 780m from the application site.
83. The proposed development also could encourage walking and cycling through proximity to the network of dismantled railways and public rights of way which surround Station Town, including National Cycle Route 1 which runs through village and north east towards Peterlee. Peterlee lies around 5 miles to the north east of the village and is a 20 minute bus journey. Hartlepool lies to the south east and is a 30 minute bus journey away. Bus stops are located to the main thoroughfare through Station Town, east of the Newholme Estate through which this site would take access. Direct links are possible to both Peterlee and Hartlepool from these stops, with buses running every 20-30 minutes in both directions throughout the day. A range of transport options would therefore be available for future residents.
84. As a result, it is considered that in the vicinity the site has access to an array of services and facilities, adequate to serve the development proposed, and that these are within relative ease of reach by future residents ensuring the viability and vitality

of those is enhanced. No objections are therefore raised having regards to the locational sustainability of the site and carries weight in favour of the proposed development.

85. Overall, it is considered the walking distances, access to the cycle and footpath network and the established bus service would give future residents alternative options to the private motor car to access services and amenities, in accordance with Policies 6 criterion f, 21, 26 and 29 of the CDP and Paragraphs 98, 103, 108 and 110 of the NPPF.

#### Highway Safety and Access

86. Policy 6 (criteria e) of the CDP outlines that development should not be prejudicial to highway safety or have a severe cumulative impact on network capacity. Policy 21 reiterates the requirement of Policy 6 in addition to expecting developments to deliver well designed pedestrian routes and sufficient cycle and car parking provision. Similarly, Policy 29 advocates that convenient access is made for all users of the development together with connections to existing cycle and pedestrian routes. Specifically, the NPPF sets out at Paragraph 110 that safe and suitable access should be achieved for all people. In addition, Paragraph 111 of the NPPF states that development should only be 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.
87. The application is accompanied by a Transport Assessment (TA) which seeks to inform on and assess the key highways related implications of the development. This includes the accessibility of the development; trip generation and traffic assignment; future year flows; operational assessment of junctions; highway safety; and present highways works necessary to facilitate the development. The Council's Highways Authority consider the assessment establishes that the impact of the development upon the highway network would, for a large part be acceptable, and would not result in impacts that could be considered severe.
88. The proposed development would provide access to the predominant sustainable transport option in the area, the bus, and the cycle network in the area. CDP Policies 21 and 29 promote the increased access of new development to sustainable transport links, and with the surrounding bus stops and the cycle network, this proposal is considered to adhere to the requirements of the Policy.
89. Residents of Newholme Estate have raised concerns over the access points for the proposed development and the current parking situation at this point of the estate. The Highways Authority consider that the road width of the Newholme Estate would be sufficient to accommodate additional traffic from the proposed development through the estate to the B1280 main road as well as existing residents demands.
90. As a result, the impacts from the proposed development are considered insignificant and would not lead to a severe residual cumulative impact in the context of the NPPF Part 9 and CDP Policies 6 (criterion e), 21 and 29 in regard to reducing private transport use through improved access to links and safe access to the highway network.

## Landscape Impact, Layout and Design

91. Policy 39 of the CDP states 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 would be expected to incorporate appropriate measures to mitigate adverse landscape and visual effects. These are similar requirements to those outlined at Policy 6 of the CDP. Policy 26 of the CDP outlines developments are expected to provide new green infrastructure and ensure provision for its long-term management and maintenance. Similar requirements are outlined in Policy 29. Criteria I specifically requires that in the case of edge of settlement development, provide for an appropriate level of structural landscaping to screen or assimilate the development into its surroundings and provide an attractive new settlement boundary. Policy 40 of the CDP seeks to avoid the loss of existing trees and hedgerows unless suitable replacement planting is provided. Parts 12 and 15 of the NPPF promotes good design and sets out that the planning system should contribute to and enhance the natural and local environment by (amongst other things) recognising the intrinsic character and beauty of the countryside.
92. The application is in outline form, with an indicative layout given to demonstrate the ability of the site to accommodate the number of houses proposed together with the various features expected from housing development, such as public open space and any drainage features. Matters of layout, landscaping, scale and appearance are all reserved for approval later, however officers are satisfied that these can be accommodated in a successful manner as demonstrated by the indicative layout. The layout also includes provision for single story bungalow development, as referred to within the submitted Planning Statement. This tenure of dwelling is not always present upon new housing proposals and is considered a benefit that should be secured with and recommendation for approval. Access is a matter sought for approval at the outline stage, with detailed designs for the proposed junction and associated improvements to take two access via the Newholme Estate are included with the application.
93. In the broad landscape context, the position of the site against the built environment on the settlement edge. Representations have been made which cite the incursion in the countryside would be at odds with the linear development of Station Town and so detrimental to the character of the area. The site is not flat, it runs from south to north and substantially from west to east to a hollow centrally and then partly back up to the Newholme Estate and the field boundary there. Currently made up of three separate parcels of land, the boundaries of which are made up from neglected and sporadic agricultural hedgerow and stock fencing and cross the site from east to west at equidistant intervals. Landscape officers have noted their loss and highlighted this as a concern. Final consideration as to the extent of hedgerow retention into the layout or their loss would be resolved at the reserved matters stage. In terms of visual impact there will be some impact as a result of the proposed development, simply through the replacement of agricultural field with built development and is constituted as having some significant adverse impact upon the landscape.
94. The topography of the site is considered by officers to play an important role in views of the development. The presence of a proposed structure planting buffer to the western boundary of the site, at the most elevated and visible area outside of

the settlement, would play a decisive factor the visual impact of the proposed development in the long term. A new green edge to this part of Station Town would be considered a positive in landscaping terms, however this buffer would take 10-15 years to reach some form of suitable screening.

95. Taking the views of landscape officer together with the proposed mitigation structure planting and the topography of the site, officers considered that the proposal would offer no net benefit or loss in landscaping terms and as such would be weighted accordingly in the assessment against the CDP.
96. Tree losses would also occur as a result of the development and its proposed accesses, and this would cause some harm. Tree officers however are satisfied that the relevant losses and subsequent retention of some trees can be secured and a request for the detail of the retained trees in relation to the proposed access points is considered appropriate.
97. Indicatively, the proposed layout shows the site can accommodate the level of housing proposed. It has segregated the private and affordable housing; however, this would be bungalow type housing, and features scope for overland drainage features. Issues surrounding hedgerow retention would need answering at reserved matters stage. As such, the development would be considered at outline stage to comply with CDP Policies 6, 26, 29, 39 and 40 and be an appropriately designed and visually interesting development. Compliance with Parts 12 and 15 of the NPPF would also be achieved through mitigating planting.

#### Addressing Housing Need

98. Part 5 of the NPPF is clear that developments should help to address housing needs. Policy 15 of the CDP states that affordable housing will be sought on sites of 10 or more units, for up to 25% of units in the highest value areas to 10% in the lowest. On sites of 10 or more units, 10% of the homes provided should be for affordable home ownership (starter homes, discount market sale housing and other affordable routes to home ownership). Any contribution above 10% should be provided as affordable housing for rent in order to meet the requirements of Policy of the CDP.
99. The site falls within a low value area, meaning this development would be required to deliver 10% affordable housing solely in the form of affordable home ownership. The scheme would provide a total 9 dwellings in the form of bungalows, forming part of a total of 15 bungalows on site, and therefore meeting the requirements of Policy 15 of the CDP and Paragraph 65 of the NPPF. The affordable housing would be secured in perpetuity through a planning obligation under S106 of the Town and County Planning Act 1990 (as amended).
100. Policy 15 of the CDP also requires that on sites of 10 or more units, a minimum of 10% of the units should be designed so as to increase the housing options for older persons and people with disabilities comprising of level access flats and bungalows or housing products which can be shown to meet the specific needs of a multi-generational family. The 15 no. bungalows would fulfil and exceed this requirement. The policy also requires that 66% of dwellings should be built to Building Regulations Requirement M4(2) (accessible and adaptable dwellings) standard unless site specific factors indicate otherwise and a condition is proposed to ensure

that this is achieved. All new residential development will be required to comply with the Nationally Described Space Standards (NDSS). Again, a condition to secure this requirement will be proposed to ensure that this is achieved.

101. Overall, the scheme meets the identified housing needs of the County in accordance with the requirements of Policy 15 of the CDP and Part 5 of the NPPF.

#### Residential Amenity

102. Policies 29 and 31 of the CDP outline that developments should provide high standards of amenity and privacy, minimise the impact of development upon the occupants of existing adjacent and nearby properties and not lead to unacceptable levels of pollution. A Residential Amenity Standards Supplementary Planning Document (SPD) has been adopted by the Council. 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.
103. The indicative site layout for the proposed 88 dwellings satisfactorily demonstrates sufficient space is available within the application site to accommodate the proposed number dwellings in a manner which would not cause undue impact upon the dwellings to the east of the site. Existing dwellings to the east of the site are orientated north-south direction where they border the site. The indicative layout has proposed dwellings that would follow this orientation and continuation of the housing form to the main access road from the Newholme Estate. This would show that a layout is possible that can reduce the impact of the proposed new housing upon the existing occupiers through a continuation of the existing built form. The cul-de-sac of sheltered accommodation attempts to follow this ideology to some degree. While level differences would still require assessment to ensure this is the case at the reserved matters stage, officers consider that the impacts upon privacy and light to existing residents would not be compromised in accordance with CDP Policies 29 and 31. Internally, the indicative layout also demonstrates there is sufficient space to accommodate all proposed dwellings without impact upon proposed dwellings.
104. In terms of noise, the application is accompanied by a noise survey which identifies that the impacts from the surrounding road network has a relatively high background noise environment during the day, but reduced during the night when traffic movements would be limited nearby. The Council's Technical Advice Note (TAN) regarding noise outlines thresholds within which living conditions inside dwellings should be maintained.
105. The Council's Environmental Health and Consumer Protection officers have considered the submitted report, and advise that it is of sound methodology. They note the presence of a former farm complex to the south of the application site and that this is owned by the applicant and referenced in the applicant's Planning Statement as no longer being operational, nor would become operational. Planning permission was gained in 2007 and subsequently implemented for the change of use of a number of the farm buildings for a storage and industrial B8 use though again more recently it is understood that such commercial activities have also ceased. This B8 use was subject to conditions including control over hours of operation. Overall taking into account that the lawful uses which could restart at the

farm complex would involve the permitted B8 use and likely only limited agricultural usage of remaining agricultural buildings, officers consider that it is unlikely that those operations would unacceptably harm the amenity of prospective occupiers of the proposed development.

106. During the construction phase of the development, it is acknowledged that levels of noise may be noticeable by existing residents, and some level of disturbance is almost inevitable with a development of this duration and scale. It is considered that through the imposition of a condition requiring a Construction Management Plan, such impacts can be minimised, and reduced to such a level that statutory nuisance would be unlikely to occur, and the impact upon residential amenity would be reduced to an acceptable amount. Having regard to these measures, the application is considered to be in accordance with CDP Policies 29 and 31, and Part 15 of the NPPF in this regard.
107. With regard to air quality, the application is accompanied by an air quality survey which outlines that the impact of the development upon air quality once occupied to be negligible, with the predicted amount of air quality pollutants remaining below the annual mean air quality objective. Environmental Health and Consumer Protection Officers are reviewing the findings of the report and an update will be given to members on the day of the committee meeting. It is however accepted that the construction phase may give rise to nuisance dust, which can be classed as a medium level of risk. In order to address this, a Dust Management Control Plan (including active monitoring and mitigation), is proposed, and can be secured by means of a planning condition. The application is therefore considered to be in accordance with CDP Policies 29 and 31 and Part 15 of the NPPF in this regard.

#### Infrastructure and Public Open Space Provision

108. 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. Policy 25 of the CDP supports securing developer contributions where mitigation is necessary to make the development acceptable in planning terms including for social infrastructure such as education and health facilities. 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.
109. Policy 26 of the CDP outlines that new residential developments will be required to make provision for open space to meet the needs of future residents having regard to the standards of open space provision set out in the Open Space Needs Assessment (OSNA). Where it is determined that on-site provision is not appropriate, the Council will require financial contributions to be secured through planning obligations towards the provision of new open space, or the improvement of existing open space elsewhere in the locality. Paragraph 98 of the NPPF highlights that access to a network of high-quality open spaces and opportunities for sport and physical activity is important for the health and well-being of communities. Paragraph 130 requires amongst its advice that developments function well and optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space).



110. The Council's Open Space Needs Assessment (OSNA) 2018 is considered the most up to date assessment of need. It identifies the five typologies (allotments; amenity/natural greenspace; parks, sports and recreation grounds; play space (children) and play space (youth)), sets out requirements for public open space on a population pro rata basis and whether provision should be either within the site, or through a financial contribution towards offsite provision, in lieu taking into consideration factors such as the scale of the development, existing provision within suitable walking distances and the level of contribution sought. Given the scales of the development, it would generally be expected that all typologies would be provided for on-site.
111. Taking into account the levels of open space proposed on site, those typologies of open space for which there are sufficient provided already within East Durham, improvements to existing areas parks and recreation ground and youth place spaces in the vicinity would be required by way of an in-lieu financial contribution totalling £130,292.80 and would be sought through a planning obligation secured through Section 106 agreement of the Town and Country Planning Act 1990.
112. Open space proposed within the site would be formalised at the reserved matters stage, however a total of 1.5Ha of open space are proposed by the application and it is therefore proposed to ensure this level of open space is provided by the application by way of condition.
113. This would satisfy the OSNA requirements, Policy 26 of the CDP and Paragraph 98 of the NPPF with regards to the provision of public open space.

#### Flooding and Drainage

114. 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. 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.
115. With regards to how the development would address drainage, the application proposes a suite of Sustainable Urban Drainage System (SUDs) principles and has accommodated space within the layout for a drainage base if required. The options for soakaway or discharge into nearby water courses are proposed.
116. Drainage and Coastal Protection officers require surface water run-off rates to be comparable to that of the existing use of the land (i.e. greenfield). Surface water attenuation will be required to ensure this rate can be achieved and is proposed via the above in the form of a SUDs scheme, which will prevent external flooding for

both 1 in 30-year floods and up to 1 in 100 flood events. Again, detail of this scheme is subject to agreement of the final layout of the development, and as such, a condition to require the details of the proposed SUDs scheme should be used.

117. With regards to the disposal of foul waters Northumbrian Water have requested a condition be included to detail the foul water connection to their services.
118. The development proposes to meet the required level of surface water run-off at greenfield run-off rate through the provision of a SUDs scheme and is therefore considered acceptable in principle subject to detailed assessment at the reserved matters stage, and is therefore compliant with Policies 35 and 36 of the CDP and Part 14 of the NPPF.

## Ecology

119. Policies 26, 35, 41 and 43 of the CDP seek to secure net gains for biodiversity and coherent ecological networks. Policy 43 relates to protected species and nationally and locally protected sites. Part 15 of the NPPF seeks to ensure that developments protect and mitigate harm to biodiversity interests, and where possible, improve them. The presence of protected species is a material consideration in planning decisions as they are a protected species under the Wildlife and Countryside Act 1981 and the European Union Habitats Directive and the Conservation of Habitats and Species Regulations 2017 (as amended). The Habitats Directive prohibits the deterioration, destruction or disturbance of breeding sites or resting places of protected species. Natural England has the statutory responsibility under the regulations to deal with any licence applications but there is also a duty on planning authorities when deciding whether to grant planning permission for a development which could harm a European Protected Species to apply three tests contained in the Regulations. These state that the activity must be for imperative reasons of overriding public interest or for public health and safety, there must be no satisfactory alternative, and that the favourable conservation status of the species must be maintained. Brexit does not change the Council's responsibilities under the law.
120. The closest site of nature conservation interest is Carstead Wood West Local Wildlife Site (LWS) which is located 240m to the south west. Part 15 of the NPPF seeks to ensure that developments protect and mitigate harm to biodiversity interests, and where possible, improve them. An ecology survey and bat survey have been submitted with the application, highlighting that no species that are afforded special legal protection under the Conservation of Habitats and Species Regulations 2017 and the Wildlife and Countryside Act 1981 (as amended) have been recorded within the site. The reports therefore conclude that the risk of protected species being on the site, with the exception of foraging bats and breeding birds within trees, or the development being a risk to the protected species are low.
121. The County Ecologist has considered the content of the submitted information and has advised that the methodology and findings are sound. They note the internal hedgerows running east-west would form foraging routes for birds and bats as well as providing habitat for wildlife. Their retention at reserved matters stage should therefore be explored thoroughly.

122. Ultimately however, the proposals would lead to the loss of undeveloped land which would contribute in its entirety to biodiversity in the local environment. The development of the land would result in biodiversity loss which would be off-set to some degree with the proposed structure planting. The submitted Biodiversity Net Gain report has clarified this matter to some degree and has highlighted that a scheme is possible which would lead to some net gain across the site. Overall, the principle of this approach is accepted, and subject to securing this level of open space and future improvements in lieu of on-site provision.
123. Therefore, having regard to the submitted reports, the development would, it is considered, lead to net gain in biodiversity in accordance with the aims of CDP Policy 26 and 41 requirements and Paragraph 174 of the NPPF. No harmful impacts upon local or statutory ecological sites, or upon protected species would occur in accordance with CDP Policy 43. A detailed habitat creation and management document, including a monitoring strategy for a minimum of 30 years will need to be secured under Section 39 of the Wildlife and Countryside Act 1981. A condition is not regarded as a suitable mechanism and a Section 39 is more suited to ensuring long term management.

#### Heritage and Archaeology

124. The Planning (Listed Buildings and Conservation Areas) Act 1990 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. Any such harm must be given considerable importance and weight by the decision-maker. Under the Act, special attention to the desirability of preserving or enhancing the character and appearance of a conservation area must be equally considered.
125. Policy 44 of the CDP sets out development will be expected to sustain the significance of designated and non-designated heritage assets, including any contribution made by their setting. Development proposals should contribute positively to the built and historic environment and should seek opportunities to enhance and, where appropriate, better reveal the significance and understanding of heritage assets whilst improving access where appropriate. The NPPF advises that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.
126. The application site does not lie within or contain any designated heritage assets, with the closest being the Holy Trinity Church and Mining Memorial within Wingate over 800m to the north, and with no direct visual relationship with the site. Consequently, it is considered that there would be no harm upon the designated heritage assets. In terms of non-designated heritage assets, again none have been identified within the immediate vicinity of the site.
127. Analysis, including field evaluation, is required to establish if the presence of archaeological assets are present beneath the site and the implications it would

have for the development. The desk-based study highlights areas where trial trenching should be undertaken and the Council's Archaeology Officer is in agreement with this methodology. Given the outline nature of the application, officers are satisfied that the trail trenching can be undertaken prior to the submission of the reserved matters so that the layout of the proposed development can be informed where necessary.

128. Part 16 of the NPPF states that the impact of an application upon the significance of a designated heritage asset should be taken into account in the determination of the application, and that the scale of any harm or loss to significance should be weighed in the balance. In this instance, with there being no impact upon significance, the application is considered to be acceptable in this regard, and in accordance with Part 16 of the NPPF and CDP Policy 44.

#### Developer Contributions

129. Policy 25 of the CDP, Paragraph 57 of the NPPF and Paragraph 122 of The Community Infrastructure Levy Regulations 2010 set out three planning tests which must be met in order for weight to be given to a planning obligation. These being that matters specified are necessary to make the development acceptable in planning terms, are directly related to the development, and are fairly and reasonably related in scale and kind to the development. The following obligations are considered to meet these tests and have been sought from the developer to mitigate the impacts of the development and to meet an identified affordable housing need in the County and would be secured through a planning obligation under Section 106 of the Town and Country Planning Act 1990 (as amended):

- The requirement to enter into a S.39 Agreement to secure the long term management and maintenance, including a monitoring strategy of the biodiversity land;
- £130,292.80 towards improving offsite open space and recreational provision within Blackhalls Electoral Division.

#### Other Issues

130. The School Places Manager has advised that there is sufficient capacity at primary school and secondary age places in the Wingate and wider area. Therefore, no mitigation is required in this regard.
131. Being proposed development involving a sensitive end use, the site has been subject to Phase 1 study to assess the risk of contamination. These reports identify that contamination is clearly present and has identified proposed remediation. Environment, Health and Consumer Protection officers raised no objection to the proposal subject to a planning condition requiring the submission of further work to the proposed remediation strategy and so as to ensure that this contamination is correctly mitigated. The proposed development complies with CDP Policy 32 and Paragraph 183 of the NPPF which would ensure the site and the surrounding area would be safe and appropriately remediated.

132. 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.
133. In this instance, officers have assessed all relevant factors and do not consider that there are any equality impacts identified.

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## **CONCLUSION**

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134. Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. The NPPF is a material consideration in planning decisions.
135. The residential development would draw support from the NPPF and CDP through its locational sustainability and access to services and alternative transport methods. It is considered that this, together with economic benefits and provision of affordable housing would outweigh the initial impacts of upon the landscape from introducing built development to the western side of Station Town. Medium and long term mitigation of the visual impact is considered key in the long term assimilation of the development in the landscape.
136. As set out above, in the context of the CDP and NPPF, the proposed development would be considered to accord with the development plan and as such should be approved without delay.
137. The proposal has generated some public interest, with concerns regarding the principle of the development and the impacts upon the highway network. Concerns expressed regarding the proposal have been taken into account, and carefully balanced against the scheme's wider social, economic and community benefits.
138. The proposed development is considered to accord with Policies 6, 10, 21, 25, 26, 29, 31, 32, 35, 36, 39, 40, 41, 43 and 44 of the County Durham Plan and Parts 2, 4, 5, 8, 9, 12, 14, 15 and 16 of the NPPF.

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## **RECOMMENDATION**

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139. That the application is **APPROVED** subject to the completion of a Section 106 Legal Agreement to secure the following:
- Provision of a minimum of 10% affordable housing units on site;
  - The requirement to enter into a S.39 Agreement to secure the long term management and maintenance, including a monitoring strategy of the biodiversity land;

- £130,292.80 towards the provision or improvements to open space and recreation within Blackhalls Electoral Division,

and subject to the following conditions:

1. Application for approval of reserved matters shall be made to the Local Planning Authority before the expiration of three years beginning with the date of this permission and the development must be begun not later than the expiration of two years from the final approval of the reserved matters, or in the case of approval on different dates, the date of approval of the last of the reserved matters to be 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.*

2. Approval of the details of appearance, landscaping, layout and scale (hereinafter called "the reserved matters") shall be obtained in writing from the Local Planning Authority before any development is commenced.

*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. The development hereby approved shall comprise a maximum of 88 dwellings, of which 15 shall be bungalows.

*Reason: To define the consent and precise number of dwellings approved in accordance with Policy 15 of the County Durham Plan.*

4. The development hereby approved shall be carried out in strict accordance with the approved plans listed in Part 3 - Approved Plans.

*Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with Policy(ies) 2, 4, 5, 8, 9, 12, 14 and 15 of the County Durham Plan and Parts 1, 6, 21, 26, 29, 31, 32, 35, 36, 39 and 41 of the National Planning Policy Framework.*

5. 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 compliant with the YALPAG guidance and include a Phase 1 preliminary risk assessment (desk top study).

If the Phase 1 assessment identifies that further investigation is required a Phase 2 site investigation shall be carried out, which shall include a sampling and analysis plan. If the Phase 2 identifies any unacceptable risks, 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 suitable for use, in accordance with Policy 32 of the County Durham Plan and Part 15 of the*

*National Planning Policy Framework. Required to be pre-commencement to ensure that the development can be carried out safely.*

6. 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 Policy 32 of the County Durham Plan and Part 15 of the National Planning Policy Framework.*

7. 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.*

8. No development other than ground clearance or remediation works shall commence until a scheme for the provision of foul and surface water drainage works have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be developed in accordance with the Councils Sustainable Drainage Systems (SuDS) Adoption Guide 2016. The development thereafter shall be completed in accordance with the details and timetable agreed.

*Reason: To ensure that surface 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.*

9. No construction work shall take place, nor any site cabins, materials or machinery be brought on site until all trees and hedges, indicated on the approved tree protection plan as to be retained, are protected by the erection of fencing, placed as indicated on the plan and comprising a vertical and horizontal framework of scaffolding, well braced to resist impacts, and supporting temporary welded mesh fencing panels or similar approved in accordance with BS.5837:2010.

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

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

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

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

10. A scheme of ecological mitigation shall be submitted at the reserved matters stage and shall include details of establishing biodiversity habitat on-site, and shall be



implemented in accordance with a timescale to be agreed, and maintained in perpetuity in accordance with an agreed maintenance programme.

*Reason: To ensure retained habitat is protected and to conserve protected species in accordance with Policy 41 of the County Durham Plan and Part 11 of the NPPF.*

11. Prior to the first occupation of the development hereby approved a scheme for the ongoing maintenance of the areas of public open space and structural landscaping within the development shall be submitted to and approved in writing by the Local Planning Authority. In the event of proposals to maintain the public open space by means other than through transfer to the Local Authority then the scheme shall provide for details of an agreed maintenance schedule in 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. Notwithstanding the indicative layout submitted with the application, a minimum of 1.5 hectares of open space shall be provided on site.

*Reason: In the interests of appearance of the area in accordance with Parts 12 and 15 of the NPPF.*

13. In undertaking the development that is hereby approved:

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 0800 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: 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.*

14. Prior to the occupation of any dwelling taking access via 57-59 Newholme Estate a scheme for ramped footpath crossings to the access road shall be submitted to and agreed in writing by the Local Planning Authority. Once agreed, the crossings shall be installed and available for use following first occupation of any dwelling taking access via 57-59 Newholme Estate.

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

15. All subsequent reserved matters applications shall include all properties meeting Nationally Described Space Standards, 66% of all properties being built to a standard which meets the requirements set out in M4(2) of the Building Regulations 2010 Approved Document Part M: Access to and use of building (as amended) or any updated version of replacement document, and a minimum of 10% of properties designed for older persons.

*Reason: In the interests of meeting the needs of older people and people with disabilities and to comply with Policy 15 of the County Durham Plan and Part 5 of the National Planning Policy Framework.*

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## **STATEMENT OF PROACTIVE ENGAGEMENT**

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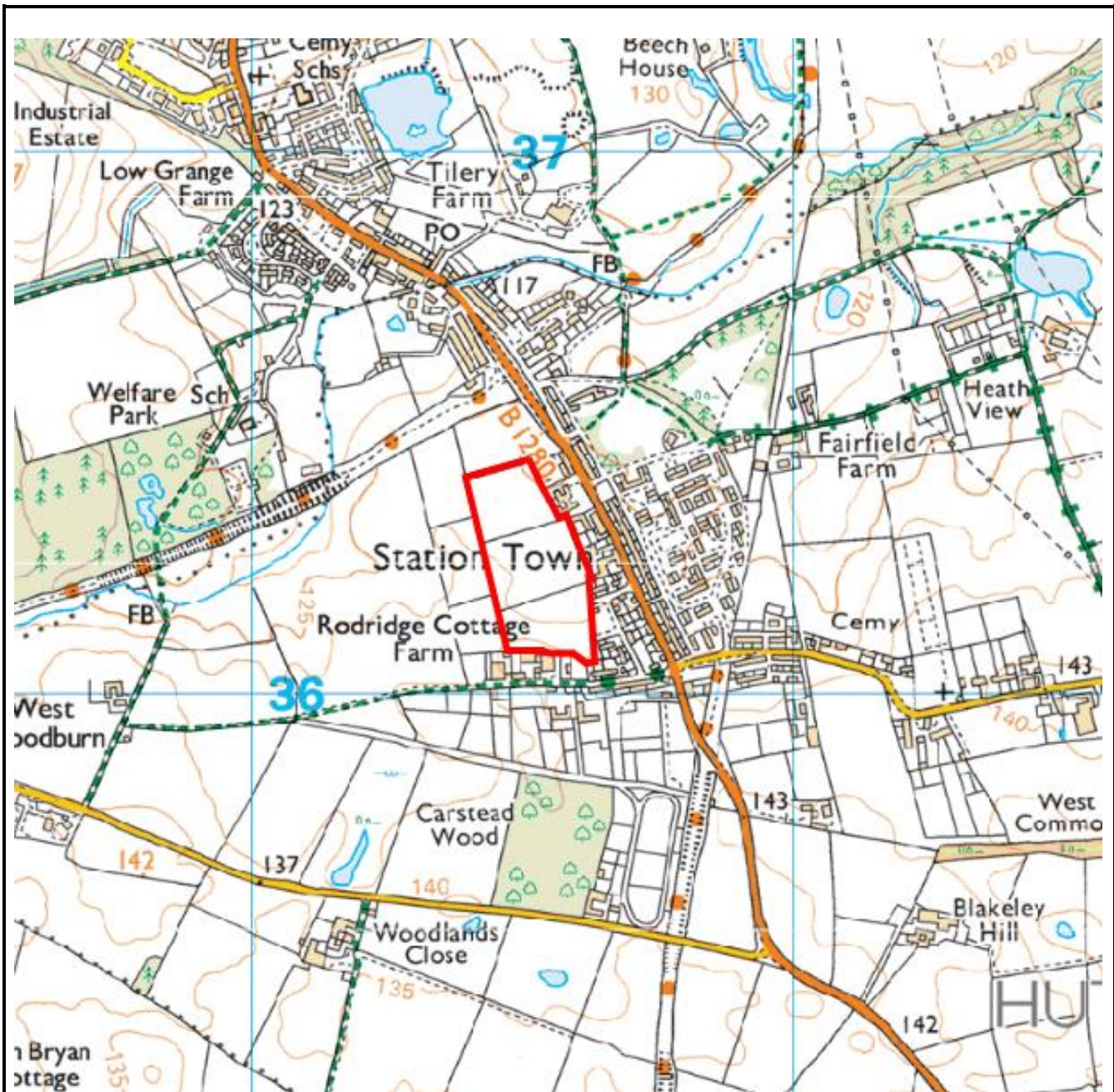
In accordance with Article 35(2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015, the Local Planning Authority has, without prejudice to a fair and objective assessment of the proposals, issues raised and representations received, sought to work with the applicant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


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## **BACKGROUND PAPERS**

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



 <p><b>Planning Services</b></p>	<p><b>DM/21/01313/OUT</b> Residential development of 88 dwellings (outline, inc. access), Land At Rodridge Cottage Farm Station Town</p>	
<p>This map is based upon Ordnance Survey material with the permission of Ordnance Survey on behalf of Her Majesty's Stationary Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceeding. Durham County Council Licence No. 100022202 2005</p>	<p><b>Comments</b></p>	
	<p><b>Date</b> March 2023</p>	<p><b>Scale</b> Not to Scale</p>

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# COMMITTEE REPORT

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## APPLICATION DETAILS

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<b>APPLICATION No:</b>	<b>DM/22/01663/OUT</b>
<b>FULL APPLICATION DESCRIPTION:</b>	<b>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>
<b>NAME OF APPLICANT:</b>	<b>National Grid Electricity Transmission Ltd</b>
<b>ADDRESS:</b>	<b>Hawthorn Grid Site, Murton, SR7 9SF</b>
<b>ELECTORAL DIVISION:</b>	<b>Murton</b>
<b>CASE OFFICER:</b>	<b>Chris Shields Senior Planning Officer 03000 261394 <a href="mailto:chris.shields@durham.gov.uk">chris.shields@durham.gov.uk</a></b>

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## DESCRIPTION OF THE SITE AND PROPOSALS

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### 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.
29. The application was previously reported to the County Planning Committee on 1 November 2022 where Committee Members resolved to grant planning permission. Since this resolution was made it has not been possible to issue the planning permission due to a complication with the Section 39 (Wildlife and Countryside Act) agreement, which is detailed at paragraphs 172 and 173 of this report.
30. This report updates the previous report in relation to the mechanism required to secure the Section 39 agreement, an additional representation and noting that application DM/22/00747/FPA relating to battery storage has now been granted planning permission.

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## **PLANNING HISTORY**

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31. Planning permission was granted on appeal by the Planning Inspectorate in 2003 (References APP/H1325/A/02/1032788 and APP/H1325/A/021092789) for an electricity interconnector between Norway and the UK. This permission has subsequently lapsed but the development would have been of the same type and similar scale to that proposed.

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## **PLANNING POLICY**

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### **NATIONAL POLICY**

32. 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.
33. 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.

34. *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.
35. *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.
36. *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.
37. *NPPF - Part 9 Promoting Sustainable Transport* - Encouragement should be given to solutions which support reductions in greenhouse gas emissions and reduce congestion.
38. *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.
39. *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.
40. *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>

41. 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>

42. 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)

43. *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.
44. *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.
45. *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.
46. *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.
47. *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.

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

55. *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.
56. *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.
57. *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.
58. *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:**

59. There is no Neighbourhood Plan for this area.

*The above represents a summary of those policies considered relevant. The full text, criteria, and justifications can be accessed at: <http://www.durham.gov.uk/article/3266/Development-Plan-for-County-Durham> (Adopted County Durham Plan)*

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## **CONSULTATION AND PUBLICITY RESPONSES**

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#### **STATUTORY RESPONSES:**

60. *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.

61. *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.
62. *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.
63. *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.
64. *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:**

65. *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.
66. *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.
67. *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.

68. *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.
69. *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.
70. *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.
71. *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.
72. *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.
73. *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 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, 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 PRoWs 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:**

74. 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 3 letters of objection have been received in response to the consultation.
75. The issues raised relate to a cumulation of development proposals in the area, including the Jade Business Park, the battery storage site and the refused solar farm, alleged lack of need for the development, lack of consideration of alternative options, flood risk, concern about loss of public open space, noise, increase in traffic, impact



to wildlife, concern about the lack of dimensions for any of the proposed structures and a lack of consultation with land owners.

76. It should be noted that one of the objections received related to land relating to the cable route, which is not part of this planning application.

*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

77. 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.
78. 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.
79. 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.
80. 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

81. The proposed 400kV substation is sited on previously developed land adjacent to the existing Hawthorn Pit Substation.
82. 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.
83. 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)

84. 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

85. 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

86. 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.

#### Socio-Economic Effects

87. 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.

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## **PLANNING CONSIDERATIONS AND ASSESSMENT**

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88. 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

89. 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.
90. 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.

91. 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

92. 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.
93. 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.
94. 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.
95. 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.

96. 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.
97. 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.
98. 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

99. 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.
100. 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.
101. 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.
102. 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.
103. A comprehensive Landscape and Visual Impact Assessment has been submitted in support of the application.
104. 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.

105. 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.
106. 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
107. 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.
108. 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).
109. 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.
110. 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.

111. 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

112. 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.
113. 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.
114. 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.
115. 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.
116. 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

117. 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).
118. 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.
119. 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.
120. 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.
121. 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).

122. 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.
123. 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.
124. 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.
125. 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

126. Part 15 of the NPPF (Paragraphs 120, 174, 183 and 184) requires the planning system to consider remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land where appropriate. Noting that where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner. CDP Policy 32 requires that where development involves such land, any necessary mitigation measures to make the site safe for local communities and the environment are undertaken prior to the construction or occupation of the proposed development and that all necessary assessments are undertaken by a suitably qualified person.
127. 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.

128. 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.
129. 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.
130. 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.
131. 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.
132. 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

133. 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.

134. 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.
135. CDP Policy 35 requires all development proposals to consider the effect of the proposed development on flood risk, both on-site and off-site, commensurate with the scale and impact of the development and taking into account the predicted impacts of climate change for the lifetime of the proposal. All new development must ensure there is no net increase in surface water runoff for the lifetime of the development. Amongst its advice, the policy advocates the use of SuDS and aims to protect the quality of water. 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.
136. 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).
137. 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

138. 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.

139. 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.
140. 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.
141. 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.
142. 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.

143. Objectors to the proposal have raised concerns in respect of harm to biodiversity on and around the site.
144. 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.
145. 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

146. 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.
147. 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.
148. 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.
149. 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.

150. Objectors have stated that public open space would be reduced as a result of the development.
151. Access and Rights of Way officers note that the two2 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.
152. 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

153. 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.
154. 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.
155. 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.
156. 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.

157. 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.
158. 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.
159. 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

160. 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.
161. 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.
162. Natural England has considered the application and raised no objections.
163. 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.
164. 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.
165. 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

166. 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.
167. 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. Planning permission has also been granted for a battery storage development (DM/22/00747/FPA) on a site of just under 1 hectare to the east of the existing National Grid substation.
168. 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, and approved 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.
169. 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.
170. 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.

## Legal Agreement

171. Policy 25 of the CDP, Paragraph 57 of the NPPF and Paragraph 122 of The Community Infrastructure Levy Regulations 2010 set out three planning tests which must be met in order for weight to be given to a planning obligation. These being that matters specified are necessary to make the development acceptable in planning terms, are directly related to the development, and are fairly and reasonably related in scale and kind to the development. The following obligations are considered to meet these tests and have been sought from the developer to mitigate the impacts of the development and would be secured through a planning obligation under Section 106 of the Town and Country Planning Act 1990 (as amended):

- The requirement to enter into a S.39 Agreement to secure the long term management and maintenance, including a monitoring strategy of the biodiversity land.

172. The County Planning Committee resolved to grant planning permission on 1 November 2022 subject to the Section 39 agreement referred to above. Unfortunately, most of the land required to deliver biodiversity net gain is not currently within the control of the applicant and therefore it has not been possible for the Section 39 agreement to be entered into and the planning permission could not be issued.

173. Therefore, in order for planning permission to be issued in respect of this application the applicant proposes to enter into a planning obligation under Section 106 of the Town and Country Planning Act 1990 (as amended). This would enable the land within the applicant's ownership (which is currently less than that required for biodiversity net gain) to be bound by an obligation requiring the applicant to enter into a Section 39 agreement to secure the biodiversity net gain once they have the necessary land ownership/control. Whilst this appears to be a convoluted process, it would enable the planning permission to be issued without any risk that biodiversity would not be delivered.

## Other Matters

174. 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.

175. 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.

176. 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.
177. In this case, the site is located within the High Moorsley 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

178. 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.
179. In this instance, officers have assessed all relevant factors and do not consider that there are any equality impacts identified.

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## **CONCLUSION**

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180. 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.
181. 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.
182. 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



183. 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.
184. 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.
185. The proposed additional legal agreement would only facilitate the delivery of biodiversity net gain on the site and would not affect the assessment of the application.
186. The proposed development is considered to broadly accord with the relevant policies of the County Durham Plan and relevant sections of the NPPF.

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## **RECOMMENDATION**

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187. 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 obligation under Section 106 of the Town and Country Planning Act 1990 requiring future 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.

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## **STATEMENT OF PROACTIVE ENGAGEMENT**

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

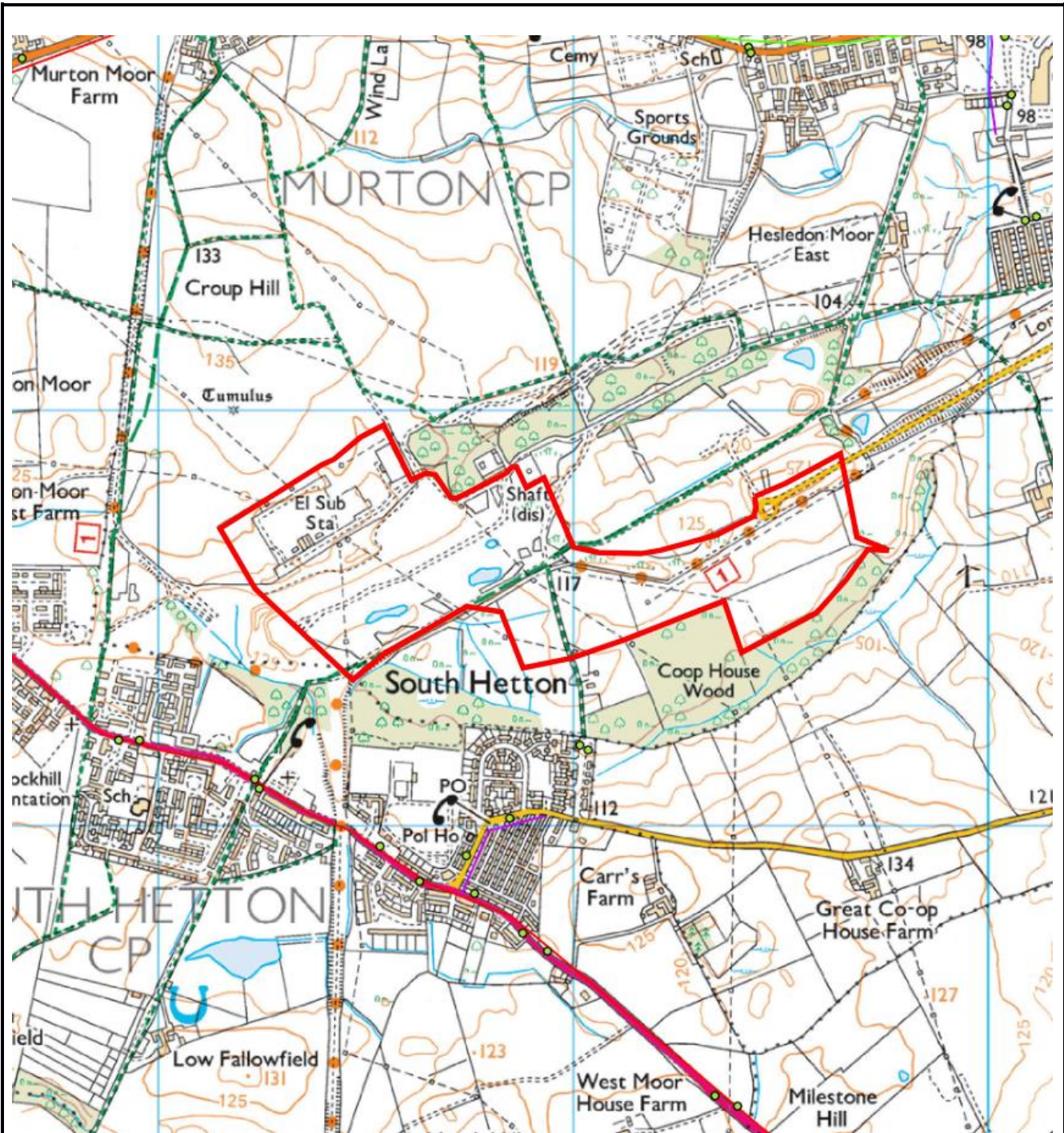
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## **BACKGROUND PAPERS**

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





**Planning Services**

DM/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** March 2023

**Scale** Not to Scale