



County Planning Committee

Date Thursday 11 January 2024
Time 9.30 am
Venue Council Chamber, County Hall, Durham

Business

Part A

1. Apologies
2. Substitute Members
3. Declarations of Interest
4. Minutes of the meeting held on 5 December 2023 (Pages 3 - 6)
5. Applications to be determined
 - a) DM/23/00486/FPA - Bluestone Farm, Low Lands, Cockfield, Bishop Auckland, DL13 5AW (Pages 7 - 68)
Construction of a solar farm with all associated works, equipment and necessary infrastructure
 - b) DM/23/00294/FPA - Belmont Church Of England Junior School, Buckinghamshire Road, Belmont, Durham, DH1 2QP (Pages 69 - 100)
Demolition of existing school buildings with the exception of the drama block
 - c) DM/23/02201/FPA - New College Durham, Framwellgate Moor, Durham, DH1 5ES (Pages 101 - 134)
Full planning application for the construction of a new all-weather playing pitch with associated lighting and the repositioning of the car park
6. Such other business as, in the opinion of the Chairman of the meeting, is of sufficient urgency to warrant consideration

Helen Bradley
Head of Legal and Democratic Services

County Hall
Durham
3 January 2024

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

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

Councillors J Atkinson, D Boyes, M Currah, J Elmer, J Higgins,
P Jopling, C Martin, M McKeon, I Roberts, A Savory, 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 5 December 2023 at 9.30 am**

Present:

Councillor G Richardson (Chair)

Members of the Committee:

Councillors J Atkinson, A Bell (Vice-Chair), D Boyes, M Currah, J Elmer, J Higgins, C Martin, A Savory, S Zair, L Brown (substitute for A Simpson) and C Hunt (substitute for P Jopling)

1 Apologies

Apologies for absence were received from Councillors P Jopling, K Shaw, A Simpson and S Wilson.

2 Substitute Members

Councillor L Brown and C Hunt were present as substitutes for Councillors A Simpson and P Jopling respectively.

3 Declarations of Interest

Councillor C Martin declared an interest in item number 5a as he was involved in a recruitment process at Durham Wildlife Trust. Due to the potential perceived bias, he left the meeting at this point and did not return.

4 Minutes

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

5 DM/23/02330/FPA - Land West Of Low Hardwick Farm, Sedgefield

The Committee considered a report of the Senior Planning Officer regarding the Conversion of agricultural land to wetland habitats with associated engineering works and creation of temporary access bridge at Land West of Low Hardwick Farm, Sedgefield (for copy see file of minutes).

C Harvey, Senior Planning Officer gave a detailed presentation on the application which included a site location plan, aerial photographs, site photographs, proposed site location plan and the temporary access bridge plan.

Councillor Currah queried whether the landowner received a payment for the change of use and the Applicant advised that the land was leased by the County Council however no payment was received for the change of use.

Councillor Elmer complimented the application which would restore an area of landscape to how it would have historically appeared. Due to one hundred years of artificial grazing the water table had lowered and this scheme would see the return of an area of fen vegetation which was a rarity in the north east due to the extension of land drainage. This method of restoration would recreate wetland areas and see animals and plants return and it would give a vital understanding of how quickly they could restore. This was a positive step towards restoring habitat and functionality of natural systems and accorded with the Councils ecological response plan. He assumed that Durham Wildlife Trust would operate a Membership model for access to the nature reserve.

Councillor Elmer moved the recommendation to approve the application which was seconded by Councillor Brown. She agreed with Councillor Elmer, this was moderate agricultural land on a flood plain and she was pleased that 35 hectares of land was being returned for wildlife.

Resolved

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

6 DM/23/02331/FPA - Land North East Of Ricknall Grange Farm, Ricknall Lane, Preston-le-Skerne

The Committee considered a report of the Senior Planning Officer regarding the Conversion of agricultural land to wetland habitats with associated engineering works at Land North East Of Ricknall Grange Farm, Ricknall Lane, Preston-le-Skerne (for copy see file of minutes).

C Harvey, Senior Planning Officer gave a detailed presentation on the application which included a site location plan, aerial photographs, site photographs and proposed overall site plan.

He provided an update on the following proposed condition which had not been included in the report;

- Prior to works commencing, an updated Construction Management Plan detailing the use of a banksmen along the proposed access route shall be submitted to and approved in writing by the Local Planning Authority

The Senior Planning Officer confirmed that the site photographs were taken in October and the Chair noted that this time of year was susceptible to flooding.

In response to a query from Councillor Brown the Senior Planning Officer advised that he was not aware of any nearby wildlife corridors and there was a significant distance between this site and that of the previous application.

Councillor Brown highlighted that the site would not be accessible to the public and the Applicant advised that whilst the wider scheme had public access factored in, this particular site had no means to access as it was in between the A1 and the east coast mainland railway.

Councillor Brown moved the recommendation to approve which was seconded by Councillor Hunt.

Councillor Elmer suggested that the work was of historic significance and importance and the decision represented the return of a particular habitat which had been lost for so long. He was delighted with the scheme and suggested that the Council should encourage some media interest in.

In response to a question from Councillor Bell the Senior Planning Officer advised that the scrapes were shallow with a maximum depth of 50cm to attract particular types of birds that fed on those areas.

Resolved

That the application be **APPROVED** subject to the conditions in the report and;

- Prior to works commencing, an updated Construction Management Plan detailing the use of a banksmen along the proposed access route shall be submitted to and approved in writing by the Local Planning Authority.

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COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	DM/23/00486/FPA
FULL APPLICATION DESCRIPTION:	Construction of a solar farm with all associated works, equipment and necessary infrastructure
NAME OF APPLICANT:	Bluefield Development Limited
ADDRESS:	Bluestone Farm Low Lands Cockfield Bishop Auckland DL13 5AW
ELECTORAL DIVISION:	Evenwood
CASE OFFICER:	Claire Teasdale Principal Planning Officer 03000 261390 claire.teasdale@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

The Site

1. The site of the proposed solar farm occupies an area of 64 hectares (ha) which is located on agricultural (pastoral) land, to the east of the minor road C30 and to the immediate southeast of the hamlet of High Lands and to the west of Ramshaw and north west of Evenwood.
2. The site comprises sheep grazed grassland fields with boundary features of fences and stones walls, hedgerows, tree lines and woodland. The site formed part of the Low Gordon Opencast Coal Site and the current field pattern reflects the post-mining restoration. The topography of the site slopes downwards from northwest to the southeast to the valley of the River Gaunless. In the wider context, the site is surrounded by further extensive areas of farmland with scattered farmsteads, and numerous areas of woodland.
3. The nearest residential property is Bluestone Farm in the south western part of the site. At High Lands, to the west of the road C30, there are a number of residential properties as well as the properties of Chapel Lodge and Sunnycrest. Lands Methodist Church and Hall is also situated along the C30. Low Lands Cricket Club Ground located to the east of the C30 immediately adjacent to the site. There are individual properties along the B6282 to the north west and to the north are the properties of High Gordon and Low Gordon. There are a number of residential properties in Ramshaw and Evenwood. Cragwood Holiday Home Park lies to the south east.

4. The site comprises Grade 3b agricultural land under the Agricultural Land Classification system, most of which has previously been subject to opencast coal extraction. The land formed the Low Gordons opencast coal site.
5. There are no landscape designations within the site, but an Area of Higher Landscape Value (AHLV) as defined in the County Durham Plan lies to the north of the site boundary with a further AHLV to the south. Some 7.3km to the west is the North Pennines Area of Outstanding Natural Beauty.
6. There are no ecological designations within or adjacent to the proposed site. The closest sites are Gordon Beck Local Wildlife Site (LWS) some 515m to the north east and the Cragg Wood, Evenwood LWS and Ancient & Semi-Natural Woodland are some 360m to the south east. Witton-le-Wear Site of Scientific Interest (SSSI) lies some 5.2km north, Low Redford Meadows SSSI, some 6.7km to the north-west and Frog Wood Bog SSSI approximately 7.4km north-west of the site. Bollihope, Pikestone, Eggleston and Woodland Fells SSSI, the North Pennine Moors Special Protection Area (SPA) and North Pennine Moors Special Area of Conservation (SAC) are over 7.5km to the west and north west of the site.
7. No trees within the site or adjacent to the site are covered by a Tree Preservation Order (TPO). Cragg Wood, Evenwood LWS and Ancient & Semi-Natural Woodland is covered by the Barnard Castle Rural District Council (Crag Wood, Evenwood) Tree Preservation Order 1970.
8. There are no designated heritage assets within the application area. A disused railway line lies along part of the site's southern boundary with the historic Stockton and Darlington Railway lying approximately 300m to the south. Some 200m to the south is the Cockfield Conservation Area and Scheduled Monument described as Enclosures and industrial workings on Cockfield Fell. The West Auckland Conservation lies 3.4km to the east. The closest listed building is the Grade II Evenwood bridge (some 600m to the east) and the Grade II Evenwood War Memorial 1.1km also to the east. Some 1.2km to the north east are the Grade II Field Shelter About 200 Metres South-West of Ramshaw Hall, Wall and Piers Breaking Forward From East End of Ramshaw Hall and Ramshaw Hall. Approximately 1.25km to the west (Grade II Railway Indicator Stone C.3 1/2 Metres East of Skew Bridge and Grade II Railway Bridge C.400 Metres East of Former Hagger Leases Station).
9. Footpath Nos. 57, 59 and 62 (Evenwood & Barony Parish) and Bridleway No. 53a (Evenwood & Barony Parish) run through the proposed site. Immediately adjacent are Footpath Nos. 54 and 55 (Evenwood & Barony Parish). All of which link into the wider public rights of way network.
10. The site is within Flood Zone 1 and within a Groundwater Vulnerability Area as defined by the Environment Agency. The River Gaunless lies some 350m to the south and Gordon Beck lies between 450m and 630m to the north and north east.
11. Parts of the site falls within the defined Development High Risk Area. In addition, it lies within the surface mined coal resource area and mineral safeguarding area as defined in the County Durham Plan.
12. The site also lies within the 30km wind farm consultation zone for Tees Valley Airport.

The Proposal

13. The proposal is for a ground mounted solar farm with associated works, equipment and necessary infrastructure. The solar farm would have an export capacity of

49.99MW for a period of 40 years from the date of the first exportation of electricity. The energy would be supplied to domestic and commercial consumers via the Distribution Network Operator (DNO) grid network, Northern Power Grid (NPG).

14. The development would consist of arrays of solar panels arranged in rows on an east-west orientation to face the south at 15 to 25 degrees from the horizontal for optimum efficiency, with a maximum height of 3m. The panel modules are made from photovoltaics (PV) which are dark blue in colour. The solar panels would be mounted on a metal framework comprising upright galvanised steel posts driven into the ground without deep or concrete foundations, and an aluminium support frame. The arrays would be spaced typically between 2.9m and 8m to avoid shadowing effects with topography dictating exact row spacing.
15. Inverter stations and other equipment to support the generation of electricity would be located across the site, accessible by internal tracks. The inverters would be located throughout the site; these convert direct current (DC) generated by the PV panels into alternating current (AC) for supply to the electricity network. Inverters would be housed in prefabricated metal containers, finished in either a grey or green colour, and measuring (approximately) 2.9m in height with a length of 6.5m and a width of 3m. They would be positioned on a block plinth (approximately 0.3m in height), with the overall elevation measuring 3.2m above ground level. In the south eastern part of the site, to the east of the existing site access, would be an DNO substation, customer substation, control room, operations and maintenance building and welfare buildings. All of the plant buildings on site would be at or below single storey level (approximately at or below 3.4m in height), with the exception of the control building within the substation compound; this will have a height of 6.1m, but it would stand within the compound located on the lowest part of the site. The transformer within the compound would have a height of 5.6m.
16. The grid connection would be via the proposed DNO substation. Insulated DC cables from the solar modules would be routed in shallow trenches, that would be backfilled, to link with the inverters. The cabling would then run from the inverter stations to the on-site DNO 66kV substation where the electricity would be run through the transformer to 66kV and exported via a cable to the local distribution network via the adjacent existing overhead pylon.
17. For security purposes a security system would be installed consisting of a 2.5m high deer style fence and pole mounted security cameras installed around the fence perimeter located on 2.6m high poles. The proposed fencing would be fitted with small mammal gates fitted at appropriate points near the bottom of the fence to enable free access. Access tracks of 4 - 5m wide for maintenance purposes are also proposed and would be constructed with crushed aggregate. Public rights of way run through the site and would continue to do so should the solar farm be approved as no diversions are proposed.
18. Access to the site for construction and maintenance vehicles would be via Bridleway No. 53a (Evenwood and Barony Parish) which is an existing access and track off the Road C30 in the south eastern part of the site. A temporary construction compound would be located adjacent to the site access, positioned to reduce the distance where vehicles and bridleway users would share the route. Defined internal construction routes to avoid the bridleway and utilise existing field access wherever possible would be in place. Managed public rights of way crossing points are also proposed across the wider site during the construction phase. Following construction, a reduced network of internal tracks would remain for maintenance and operational purposes.

19. Proposed construction operations would be limited to the hours of 08:00 – 18:00 Monday to Friday and 08:00 – 14:00 on Saturdays with no working on Sundays or Bank Holidays. The expected construction period would be expected to last approximately 9 months.
20. At the end of the 40 year operational period the site would be fully decommissioned and restored to its existing use. All other equipment and below ground connections would be removed. Decommissioning is estimated to take approximately 6 months.
21. Planting is proposed to be undertaken comprising tree planting, planting to strengthen existing hedgerows, creation of several Biodiversity Enhancement Areas across the site providing 8 hectares of species-rich meadow grassland with additional planting, providing refuge and foraging opportunities for wildlife, improved habitat connectivity, and additional visual screening from High Lands and of the proposed substation.
22. It is anticipated that construction would employ approximately 70 – 80 jobs onsite and indirect/induced roles. When operational the site would be subject to maintenance and the number of jobs reduced. There would be no full time jobs on-site once operational, but there would be employment opportunities through maintenance operatives visiting the site. These would include local contractors for fence maintenance, ensuring hedgerows are maintained at agreed heights, panel cleaning etc. The land would be maintained by the farmer.
23. The proposed development would have an export capacity of 49.99MW and would generate approximately 41,650 megawatt hours per year (MWh/yr). The electricity generated would be enough to meet the energy needs of around 13,000 homes each year. The application considers that this would be a reduction of approximately 8,700 tonnes of CO₂ emissions annually, equivalent to taking around 5,000 cars off the road each year.
24. The application is being reported to Planning Committee as it is major development and to County Committee as it is a renewable energy development with a site area greater than 1 hectare.

PLANNING HISTORY

25. The site formed part of the Low Gordon Opencast Coal Site operated by Coal Contractors Ltd. between 1995 and 1999 with the restored to agricultural use around 2001.

PLANNING POLICY

NATIONAL POLICY

26. A revised National Planning Policy Framework (NPPF) was published in December 2023. The overriding message continues to be that new development that is sustainable should go ahead without delay. It defines the role of planning in achieving sustainable development under three overarching objectives – economic, social and environmental, which are interdependent and need to be pursued in mutually supportive ways.
27. In accordance with Paragraph 225 of the National Planning Policy Framework, existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them,

according to their degree of consistency with the Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given). The relevance of this issue is discussed, where appropriate, in the assessment section of the report. The following elements of the NPPF are considered relevant to this proposal.

28. *NPPF Part 2 – Achieving Sustainable Development.* The purpose of the planning system is to contribute to the achievement of sustainable development and therefore at the heart of the NPPF is a presumption in favour of sustainable development. It defines the role of planning in achieving sustainable development under three overarching objectives - economic, social and environmental, which are interdependent and need to be pursued in mutually supportive ways. The application of the presumption in favour of sustainable development for plan-making and decision-taking is outlined.
29. *NPPF Part 4 – Decision-making.* Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.
30. *NPPF Part 6 – Building a strong, competitive economy.* The Government is committed to securing economic growth in order to create jobs and prosperity, building on the country's inherent strengths, and to meeting the twin challenges of global competition and a low carbon future.
31. *NPPF Part 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.
32. *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.
33. *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.
34. *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.

35. *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.
36. *NPPF Part 17 – Facilitating the sustainable use of minerals.* It is essential that there is a sufficient supply of minerals to provide the infrastructure, buildings, energy and goods that the country needs. Since minerals are a finite natural resource, and can only be worked where they are found, best use needs to be made of them to secure their long-term conservation.

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

37. The Government has consolidated a number of planning practice guidance notes, circulars and other guidance documents into a single Planning Practice Guidance suite. This document provides planning guidance on a wide range of matters. Of particular relevance to this application is the practice guidance with regards to: air quality; climate change; determining a planning application; flood risk and coastal change; healthy and safe communities; historic environment; light pollution; natural environment; noise; planning obligations; 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>

38. 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 have been reviewed. In November 2023, revised versions of the National Policy Statements were published following consultation. The 2011 versions of the National Policy Statements remain in force until the revised National Policy Statement are designated in early 2024. The new EN-3 states that electricity generation from renewable sources of energy is an essential element of the transition to net zero and meeting our statutory targets for the sixth carbon budget (CB6). The new EN-3 states that the government has committed to sustained growth in solar capacity to ensure that we are on a pathway that allows us to meet net zero emissions by 2050. As such solar is a key part of the government's strategy for low-cost decarbonisation of the energy sector. The Policy Statement cites the key considerations involved in the siting of a solar farm.

LOCAL PLAN POLICY:

The County Durham Plan (October 2020)

39. *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.
40. *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.

41. *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.
42. *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.
43. *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.
44. *Policy 28 – Safeguarded Areas* – Within safeguarded areas development will be subject to consultation with the relevant authority and will be permitted within the defined Durham Tees Valley and Newcastle International Aerodrome Safeguarding Areas where it can be demonstrated that it would not prejudice the safety of air traffic and air traffic services.
45. *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.
46. *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.
47. *Policy 33 – Renewable and Low Carbon Energy* – States that renewable and low carbon energy development in appropriate locations will be supported. In determining planning applications for such projects significant weight will be given to the achievement of wider social, environmental and economic benefits. Proposals should include details of associate developments including access roads, transmission lines, pylons and other ancillary buildings. Where relevant, planning applications will also need to include a satisfactory scheme to restore the site to a quality of at least its original condition once operations have ceased. Where necessary, this will be secured by bond, legal agreement or condition.

48. *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.
49. *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.
50. *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.
51. *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.
52. *Policy 42 – Internationally Designated Sites* – States that development that has the potential to have an effect on internationally designated site(s), either individually or in combination with other plans or projects, will need to be screened in the first instance to determine whether significant effects on the site are likely and, if so, will be subject to an Appropriate Assessment.
53. *Policy 43 – Protected Species and Nationally and Locally Protected Sites* – States that development proposals that would adversely impact upon nationally protected sites will only be permitted where the benefits clearly outweigh the impacts whilst adverse impacts. Appropriate mitigation or, as a last resort, compensation must be provided where adverse impacts are expected. In relation to protected species and their habitats, all development likely to have an adverse impact on the species' abilities to survive and maintain their distribution will not be permitted unless appropriate mitigation is provided, or the proposal meets licensing criteria in relation to European protected species.
54. *Policy 44 – Historic Environment* – 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. 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.

55. *Policy 46 – Stockton and Darlington Railway* – States development which impacts upon the historic route of the Stockton and Darlington Railway (S&DR) of 1825, the Black Boy and Haggerleases branch lines and the Surtees Railway, together with their associated structures, archaeological and physical remains and setting, will be permitted where the proposal: seeks to reinstate a legible route or enhance any physical remains and their interpretation on the ground, and otherwise respects and interprets the route(s) where those remains no longer exist; safeguards and enhances access (including walking and cycling) to, and alongside, the route, branch lines and associated structures, archaeological remains and their setting; does not encroach upon or result in the loss of the original historic route(s), damage the trackbed excepting archaeological or preservation works, or prejudice the significance of the asset; and does not prejudice the development of the S&DR as a visitor attraction or education resource.

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

NEIGHBOURHOOD PLAN:

57. There is no Neighbourhood Plan for this area.

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

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

58. *Highway Authority* – has raised no objections advising that from a Highways perspective the proposal would be considered acceptable. It is noted that solar farms themselves, only generate negligible levels of traffic once operational. The main traffic associated with the use would be during the construction phase which based on submitted information would be minimal. During the operational phase it is also considered that the impact of the site on the road network would be minimal. Officers advise that works proposed to improve the access to the site from the C30 would require the applicant to enter into a Section 184 licence under the Highways Act 1980 with the Local Highway Authority.

59. *Lead Local Flood Authority (Drainage and Coastal Protection)* – has raised no objections to the proposals, confirming approval of the proposed surface water management scheme following submission of amended details. Officers consider that

the site shows a betterment for runoff rate compared to the existing however consider it falls short of CDP Policy 35 in flow reduction. Officers note that the Policy is more aimed at residential and business developments and does not specifically consider green space development such as solar or wind farms. The design does include good practice encouraged in the policy and shows a reduction in flood risk therefore Officers offer no objection.

60. *Natural England* – has no objection and based on the plans submitted considers that the proposed development would not have significant adverse impacts on statutorily protected nature conservation sites. It is noted that the proposed development is for a site within or close to a nationally designated landscape, the North Pennines AONB, and advises that the planning authority uses national and local policies, together with local landscape expertise and information to determine the proposal. It is advised that the AONB Partnership is consulted. General advice is provided on the consideration of landscape, best and most versatile agricultural land and soils, protected species and other natural environment issues.
61. *Historic England* – advises that it provides advice when its engagement can add most value and, in this case, it is not offering advice. It is stated that this should not be interpreted as comment on the merits of the application and suggests that the views of the Council's specialist conservation and archaeological advisers is sought.
62. *Coal Authority* – has no objection. It is noted that parts of the application site fall within the defined Development High Risk Area; however, the nature of development within those parts of the site within the defined Development High Risk Area is listed as exempt. It is noted that whilst there is no requirement under the risk-based approach that has been agreed with the LPA for a Coal Mining Risk Assessment to be submitted with any planning application or for the Coal Authority to be consulted on this proposal, the applicant may wish to consider the implications posed by the coal mining legacy of the site. The Coal Authority advises that most notably, their records indicate the presence of numerous recorded mine entries (shafts) within the planning boundary and that the site is affected by both actual and probable shallow coal mine workings. Voids and broken ground associated with such workings can pose a risk of ground instability and may give rise to the emission of mine gases. An untreated mine entry and its resultant zone of influence pose a significant risk not only to surface stability but also public safety. In addition, the Coal Authority's records indicate that the site lies within the boundaries of a wider site from which coal has been extracted by surface (opencast) mining methods. Where such mining has taken place general settlement of backfill and differential settlement over / in the vicinity of buried opencast highwalls can occur, which in turn can result in damage to buildings and structures. The Coal Authority advises that the applicant should be made aware of this by way of an informative note on any permission given and the Coal Authority.
63. *Teesside International Airport* – advises that the airport safeguarding team has assessed the proposal in accordance with the CAA ADR - Aerodromes Regulation 139-2014 and it does not conflict with the safeguarding criteria for the airport. Accordingly, the Airport has no aerodrome safeguarding objection to the proposal based on the information provided.
64. *National Air Traffic Services (NATS)* – has raised no objections to the proposals advising that it does not conflict with its safeguarding criteria.

INTERNAL CONSULTEE RESPONSES:

65. *Spatial Policy* – has raised no objections to the proposed solar farm. Officers identify policies of importance to the assessment of the application noting that CDP Policy 33

(Renewable and Low Carbon Development) will be of particular relevance in assessing the application. CDP Policy 14 protects the best and most versatile land. An Agricultural Quality of Land Assessment has been provided. This identifies the site is Grade 3b and therefore would not be considered the best and most versatile agricultural land. Officers advise that the key policy consideration relates to if the proposal is acceptable in terms of impacts on landscape, trees and hedgerows, heritage, biodiversity, amenity, surface water flooding and the road and PROW network.

66. *Environmental, Health and Consumer Protection (Air Quality)* – has raised no objections. Having considered information submitted with the application officers consider that appropriate guidance has been referenced and an appropriate methodology for assessment of dust during the construction phase has been used in the submitted Dust Management Plan (DMP). The potential dust impacts are evidenced and considered appropriate with respect to the guidance. The mitigation measures and other procedures and controls contained in the DMP are considered appropriate with respect to the assessed dust impacts. Officers advise that the Framework Construction Traffic Management Plan incorporates measures specified by the DMP where relevant including wheel washing and 10 mph speed limit. A statement on emissions resulting from construction traffic or during the operation of the proposed development has not been found in the documents reviewed. However, the Transport Statement states that during the 9 month construction period it is unlikely that there will be more than 20 HGV movements in any day, with potentially up to 20 light vehicles (40 movements). Additionally, that operational traffic movements would typically be 10-20 per year. Considering the approach set out in EPUK/IAQM guidance, it is noted that these changes do not trigger the indicative criteria to proceed to an air quality assessment. The applicant was asked to confirm whether air quality assessment of traffic impacts had been screened out on this basis and it was confirmed.
67. *Environment, Health and Consumer Protection (Nuisance Action)* – has raised no objections to the proposals subject to appropriate conditions. With regard to the submitted Noise Assessment, officers advise that it demonstrates that operational noise from the development is unlikely to have a negative impact upon sensitive receptors, the report is considered to have been undertaken by a suitably qualified and competent consultant and the findings are agreed with. Therefore, the information submitted in relation to operational noise demonstrates that the application complies with the thresholds stated within the Council's Technical Advice Notes (TANS). This would indicate that the development would not lead to an adverse impact. With regard to dust control the submitted Dust Management Plan appears suitable and could be incorporated into a wider Construction and Environmental Management Plan (CEMP). The Framework Construction Traffic Management Plan also appears suitable and again could be incorporated into a CEMP. Conditions are recommended for during the construction period in relation to submission of a Construction Management Plan. Officers accept the findings of the submitted Glint and Glare Study in relation to the impact upon residential receptors and advise that the information submitted demonstrates that the development is unlikely to lead to an adverse impact upon amenity by way of Glint/Glare, solar reflection. Officers raise no concerns with the findings of the submitted Glint and Glare Study in relation to the impact upon residential receptors. They advise that they have not reviewed the study in relation to the impact upon roads users or aviation. Furthermore, Officers confirm that they have assessed the environmental impacts which are relevant to the development in relation to their potential to cause a statutory nuisance, as defined by the Environmental Protection Act 1990 and are satisfied, based on the information submitted with the application, that the development is unlikely to cause a statutory nuisance. Officers

advise that Glint and Glare cannot be considered in relation to statutory nuisance and no advice is given in this regard.

68. *Environmental, Health and Consumer Protection (Contaminated Land)* – has raised no objections to the proposals. Given that the site is a coalfield development high risk area and the presence of potentially contaminated land onsite associated with historical railway cuttings, officers recommend a contaminated land condition should planning permission be granted. This would require further assessment prior to the commencement of development.
69. *Landscape* – has not specifically objected however, Officers note that there have been changes to the proposed landscaping plan and site layout plan which are beneficial. A Landscape and Ecological Management Plan and a Woodland Management Plan have also been submitted and are welcomed. However, officers consider that the proposals would result in some substantial, long-term, and adverse effects to the character, quality and distinctiveness of the local landscape and important views by virtue of its nature, size and visibility and would reduce the quality of the experience for recreational users using the countryside. While some of the harm in near views could be mitigated to some degree in the medium to long term, the effects in views from higher ground could not. Moreover, the proposed mitigation would be at the detriment to the character of the area.
70. *Aboriginal (Trees)* – raises no objection deferring to Landscape Officers comments and provided comments on the submitted Woodland Management Plan.
71. *Ecology* – has raised no objections to the proposals. Officers are generally content with the level of survey effort undertaken, noting terms of protected species that whilst there are mature trees on site, some which have risk of bat use it is understood that these would be retained as part of the proposals. Officers raised queries during consideration of the application, and these were addressed. Officers are content with the submitted Landscape & Ecological Management Plan and the Biodiversity Management Plan and have no further objections on the basis of the information provided. It is noted that a Woodland Management Plan would also be produced for the retained woodlands on site. The production of this, together with the detailed LEMP including all habitat enhancement, creation and required monitoring for a minimum of 30 years, as detailed, should be secured by Section 39 agreement or similar.
72. *Access and Rights of Way* – has raised no objections to the proposals. The application site is crossed by a number of public rights of way, the route of Footpath No. 62 (Evenwood and Barony Parish) has an outstanding claim for rights of at least bridleway status to be added to the map. Officers advise that it appears these rights of way can be accommodated on their legal lines through the development and there appears to be no proposal to stop up or divert any of these rights of way. Officers request that applicant to look for opportunities to improve access across the site including measures such as replacing stiles with gates. Queries have been raised during the course of consideration of the application regarding the height of new and existing hedgerows and impact upon users, clarification on the widths of the bridleways and footpaths and maintenance of sections of rights of way which run through vegetation. The matters were addressed to the satisfaction of officers.
73. *Design and Conservation* – raise no objections. Officers advise that whilst a degree of change to the setting of designated and non-designated assets has been identified in the consideration of this proposal, the change does not reach a level which results in harm warranting objection to this proposal.

74. *Archaeology* – has raised no objections. Officers note that a geophysical survey of the site and the first phase of trial trenching. They advise that the submitted archaeological report has shown some archaeological potential for the site, based on some undated remains. It also encountered more information regarding the extent of previous disturbance on the site. Officers advise that further trenching is required to further test and confirm the geophysical survey results, and also to confirm the nature and extent of archaeological remains present. These further works are recommended to be secured by conditions.

NON STATUTORY RESPONSES:

75. *Durham Constabulary Crime Prevention Unit* – provides advice to the applicant in respect of designing out crime/crime prevention perspective and make a number of recommendations. These relate to CCTV, site security and consideration to forensic marking of panels and cables.
76. *Durham County Badger Group* – raise no objection and advise that access from two outlier setts to the main sett outside the plan area be enabled/secured. Access for wildlife along their usual paths should be maintained in the fencing scheme.

PUBLIC RESPONSES:

77. A Statement of Community Engagement outlining this was submitted with the application. This advises that prior to submission of the application the applicant consulted with the local residents and other key stakeholders, which included an informal public consultation event followed by a public exhibition. Engagement also took place with local and neighbouring County Councillors and with Evenwood and Barony and the neighbouring Cockfield Parish Council. Information about the proposal was made available both at public exhibitions and online. The Statement of Community Engagement states that the majority of responses were supportive of the proposals. Key matters raised included general support for renewable energy development, concern about construction traffic routing and support for community benefit.
78. The solar farm application has been advertised in the local press and by site notice as part of planning procedures. In addition, neighbour notification letters were sent to 211 neighbouring properties. 17 representations have been received, 5 objections and 9 letters of support. A further 3 representations have been received offering comments.

Objection

79. 5 objections to the proposals have been received. The objections received were individual letters or emails. The issues raised are set out below.

Visual impact

- Concerns that wooded areas surrounding the site would be thinned by at least 30% and the view that this would be done because trees are a hinderance to solar panels in terms of shading and if trees were to fall on the panels.
- Replanting of trees would take 20 – 40 years creating no shadow over the solar panels.
- Impact to the village and natural landscape would be devastating and the site would not be able to recover into its natural state.
- Cutting down trees would be a none net zero effect.
- Loss of the area's natural beauty as a result of the proposal.
- Solar farm sites are an eyesore.

- Visibility of the panels from residential properties in the vicinity is raised as a concern.
- Information submitted with the application is considered to hide the full impacts of the development.

Ecology

- This headlong rush into green energy has become a rush to build on an unproven technology, at the expense of nature and the eco system given the covering of the land with panels and the associated infrastructure.
- View expressed that solar farms have an adverse impact upon nature.
- It is stated that School House in Aycliffe has led to a total loss of biodiversity on the site.
- Concerns about bird strikes and vermin.

Public rights of way

- No Wellbeing or Mental health benefits would be found from walking through an electricity producing plant, quite the opposite.

Coal mining legacy

- Concerns that shaft locations referred to by the Coal Authority have not been identified and that a fault line lies under an objector's property and any industrial work could adversely affect the fault time.
- Concerns that steel pegs would be placed into the ground over known coal mines that would give off coal gas are a cause for concern especially in the event of a lightning storm.

Drainage and flood risk

- Existing drainage is raised, and comment made regarding the impact that covering the land with solar panels could have on drainage for the area and potentially upon underground mines.
- It is stated that certain areas already floods and that there is a high chance of flooding to other areas as a result of the proposed development and potentially damage to properties.
- This planed site has numerous swales, showing the developers high concerns about flooding.

Glint and glare

- The glint and glare report is considered to be false because the objector's property is not referred to.

Need

- Questions are raised regarding the need for extra electricity and the cost to the consumer as it is stated that the wind turbines at Tow Law are not turned on during the day as there is too much electricity.
- The solar farm generating electricity during the day would make the wind turbines stop turning and Nation Grid pay more to make the turbines stand still.
- Consumers do not see cheap energy in their bills.

Community benefits

- It is claimed that the applicant has offered money to pivotal members of the community/associations/charities of the area to sway opinions.
- It is stated that solar panels have been offered to individual households but queries are raised regarding ownership of electricity produced if the panels are owned by the applicant.

- It is stated that there should be full transparency and details of who has been offered what.
- View that the development would bring nothing to High Lands by way of usefulness.

Residential amenity

- Loss of privacy, peace and quiet are raised.
- Concerns regarding noise from the proposed development during construction.
- Potential noise from transformers, etc. on site.

Contamination

- The possibility of Zinc, copper indium selenide, copper indium gallium selenide, Hexafluoroethane, and polyvinyl fluoride entering the fragile Gaunless environment is high.

Heritage

- High Voltage lines that currently cross the largest historical site in the UK, so much so one of the pylons is centre to an Iron Age settlement, (requiring moving for the preservation of this important site).
- The area has chance of archaeological site and tourist attraction in the future, this industrial site would only succeed in stopping this.
- It is stated that certain bridges are ancient monuments and would not be able to carry additional weight (vehicles).

Vehicle movements

- Concerns over traffic during the construction phase are raised in terms of size of vehicles and numbers.
- Concerns are raised regarding the impact of HGVs on local roads, adjacent stone walls and properties.
- It is stated that comparing HGVs to agricultural machinery is incorrect and the latter has a lesser impact due to their size.

Other matters

- A public inquiry is considered to be required.
- Concerns that there would be a solar heat island effect raising the temperature of the surrounding land.
- Concerns that there would be RF interference and this has not been researched.
- It is stated that having checked Company House report the applicant does not have the funds to clear up the site in 30/40 years time and the site would be left unrestored.
- Opinion given on the location of the connection to the pylons, with a better option considered to be on the Gaunless side of the road.
- Impact upon tourism.
- Impact upon the cricket field questioned which is also used as a BMFA model flying club with lost balls or models not being able to be recovered.
- Devaluation of property prices and a full council tax rebate should be provided.
- Concerns raised over the acceptability of the site and impact upon Human rights due to invasion of privacy" given reference to cameras, dangerous to human beings with rights of way through the site and the number of people involved with the development all of a sudden being within close proximity to the locals.

80. *Council for the Protection of Rural England (CPRE) Durham* – objects and considers that the application should be refused considering that it is contrary to development plan policy and the NPPF. Comments are made regarding the loss of agricultural land acknowledging that although it is not Best and Most Versatile land it may still be

productive. In addition, queries are raised as to how soil would be treated. It is accepted that, from the roads, views of the site are limited nevertheless, they do exist. Impacts upon public rights of way are raised as a concern. Landscape and visual impact are raised as a concern and that the site may impact upon neighbouring landscape designations. It is challenged whether the benefits outweigh the harm, particularly in such a rural location and stated that this is not an appropriate location. It is also stated that CPRE is currently campaigning for solar arrays to be placed on commercial and other roofs rather than on agricultural land.

Support

81. 9 individual letters/emails of support have been received. The issues raised are set out below.

General

- It is good for and supports the environment and the planet.
 - There is a need to do as much as we can to revert global warming and support the future of our environment to for future generations.
 - It is clean energy.
 - Providing renewable energy for the local community.
 - Also protecting the land for wildlife and preserving the land.
 - Benefits to local communities including free supply and installation of solar roof panel arrays to households and to Lands Village Hall. It is requested that these are confirmed in writing and secured as part of any planning approval.
 - Assurances requires that the road between High Lands and Low Lands would be kept clean on a daily basis during the construction period.
 - Highlighted the need to be aware of cyclists.
82. *Councillor James Cosslett (Evenwood)* – advises that he has no objections to this planning application and will give it his full support.
83. *Councillor Robert Potts (Evenwood)* – states that he would like to provide his support for the development of the solar farm. The solar farm would have an approximate capacity of 49.9MW, helping both County Durham and the country be more energy independent. The Councillor states that the proposed development would create enough renewable energy to meet the annual electricity needs of approximately 15,000 homes, which he believes is more than in the Evenwood Divisional area. It would also offset approximately 11,200 tonnes of CO₂ each year, the equivalent of taking around 5,160 cars off the road (figures provided by the applicant). Councillor Potts advises that he has attended public meetings and spoken to local residents with regards to this solar farm, all but one person has been in favour of the application. He considers that the applicants have worked hard to ensure they have made changes recommended by the local residents, they have ensured minimal impact is caused to public rights of way, even ensuring the solar panels are mounted in a way which allows sheep grazing to continue on the farmland after installation. As part of the development a local community fund would be established to invest in local projects and initiatives. Councillor Potts further states that the applicants have agreed a provision of new hedgerows and tree planting to ensure a positive net biodiversity impact.
84. *Highlands Village Hall Association* – broadly supports the proposal on condition that promises made by the applicant during their consultations are met. The Association advises that whilst taking a neutral stance it has assisted the applicant to consult with the local community by hosting two public meetings, and informal meetings between the applicant and residents. It is stated that verbal promises of community benefits

were made and that these should be agreed and details of how they would be delivered rather than vague promises. The Association has undertaken its own informal conversations and discussions with its members, users, local residents, and its committee. While a few objections and concerns have been raised about perceived impacts, the vast majority of conversations have been supportive of the proposal. Objections to the application are noted as including: concern over traffic during the delivery phase; noise during construction; potential noise from transformers, etc., on site; and visibility of the panels from residential properties in the vicinity. To mitigate some of the major concerns raised with the Association, it suggests enforcing a 30mph speed limit on the access road between High Lands crossroads and Low Lands bridge for all traffic throughout the period of construction, limitations on the hours of construction, and other noise abatement measures. Early planting to screen the development is also proposed. The Association broadly supports the proposal on condition that promises made by the applicant during their consultations are met. Namely the provision of a community fund to the Association throughout the period of the site's use as a solar farm; provision of an array of solar panels and batteries for Lands Village Hall; use of land for community use and replacement allotments; provision solar panels on request to households affected by the proposal, and support for small-scale community biodiversity and ecology projects. Provision of additional mature native trees are welcomed.

Representations

85. One resident states that they loosely support, however, concerns are raised relating to: close proximity to homes; heavy plant/work traffic through the village; proper site facilities for workforce and its safe & tidy maintenance; making good any damage to road and surrounding affected areas; respectful of existing wildlife/environment; compensation to village for disruption /inconvenience caused.
86. *The British Horse Society* – although not stating it objects, on behalf of riders, particularly local riders, the Society regrets the loss of amenity this development would inevitably result in and would urge that mitigation in the form of increased or improved local access to off road riding be included in the development plans. The Society notes that the site encompasses Bridleway 53a (Evenwood and Barony) and also the current Public Footpath 62 which is the subject of a DMMO application to upgrade to Bridle way based on substantive historical evidence. It is therefore important that adequate width is allowed for both the existing bridleways and the historic route pending the outcome of the DMMO process, and that BHS guidance is followed to ensure safety and to reduce the loss of amenity as a consequence of the development.
87. *The Friends of the Stockton & Darlington Railway* – raise no objection. They note with interest the proposal for information boards within the site's network of public rights of way and elsewhere. The Friends state they have already supplied heritage information to the applicants and would welcome the opportunity to check the proposed texts to ensure their accuracy.

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:

88. The proposed solar farm is located on the site of a number of former deep coal mine workings together with a large area of open cast coal extraction.

89. There is no Best and Most Versatile (BMV) land within the proposed solar farm area - all land is Grade 3b. The existing farm is not used for growing any crops and is currently used in its entirety for sheep grazing, which would continue during the lifetime of the solar farm.
90. The land is substantially screened from Cockfield and Cockfield Fell by significant existing woodland buffers to the south and north. This will be protected via a planning condition requiring an agreed Woodland Management Plan (WMP).
91. The development will secure a Biodiversity Net Gain (BNG) of over 51.98% in habitat units and 157.28% in hedgerow units.
92. The solar farm would connect to the existing onsite overhead electricity lines.
93. There will be no impact on public rights of way once operational, with a minimum width of 10 meters from fence line to fence line and at least 1.5m between onsite hedgerows.
94. The site has good access for construction, low risk of flooding and is not within any statutory designations.
95. Bluefield has engaged extensively with the local community in the Lands area and a number of design changes have been made, including replacing solar parcels with additional Biodiversity Enhancement Areas (BEA) which now total 25.5 acres.
96. No statutory objections, only 3 public objections.
97. The solar farm would offset at least 8,700 tonnes of CO₂ per annum. This is equivalent to the average annual UK electricity consumption for approximately 13,000 homes per annum.
98. Bluefield is committed to contributing funds to local community projects as part of our solar farm investment. We have had constructive dialogue with Lands Village Hall Association and have also had dialogue with Cockfield and Evenwood Parish Councils.
99. We have pledged a sum of at least £400,000 (four hundred thousand pounds) for local community projects. This includes renewable energy and energy efficiency projects at both Lands Village Hall and Butterknowle Primary School.
100. We will also be carrying out energy surveys and a retrofit solar and battery programme for around 60 local houses together with the potential provision of a community garden.
101. Once it is no longer needed for energy, the solar farm will be decommissioned by condition and returned to its previous use. The majority of the equipment on site can be reused or recycled (99% of the materials used in solar panels are recyclable)

PLANNING CONSIDERATIONS AND ASSESSMENT

102. 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 and visual impact, access and traffic, residential amenity, contamination and coal mining risk, flooding and drainage, ecology, recreational amenity, cultural heritage, agricultural land, cumulative impact, safeguarded areas, community fund, other matters and public sector equality duty.

Principle of Development

103. 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.
104. 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.
105. In light of the adoption of the CDP, the Council now has an up-to-date development plan. Paragraph 11 of the NPPF establishes a presumption in favour of sustainable development. For decision taking this means approving development proposals that accord with an up-to-date development plan without delay (Paragraph 11 c). Accordingly, Paragraph 11(d) of the NPPF is not engaged.
106. The key policies for the determination of this application are CDP Policies 10 (Development in the Countryside) and 33 (Renewable and Low Carbon Energy).
107. CDP Policy 33 supports renewable and low carbon energy development in appropriate locations, including transmission lines. The Policy advises that significant weight will be given to the achievement of wider social, environmental and economic benefits. The Policy also advises that proposals should include details of associated developments including access roads, transmission lines, pylons and other ancillary buildings. Where relevant, planning applications will also need to include a satisfactory scheme to restore the site to a quality of at least its original condition once operations have ceased. Where necessary, this will be secured by bond, legal agreement or condition.
108. The opening paragraph of CDP Policy 10 states that development in the countryside will not be permitted unless allowed for by specific policies in the Plan. These specific policies are set out in footnote 54 (of the CDP) and includes all applicable policies relating to low carbon and renewables. As this is a renewable energy development it

is considered that the development could be allowed for by specific policies in the plan (CDP Policy 33). The development therefore does not have to demonstrate an exception to CDP Policy 10, but the acceptability criteria are engaged.

109. 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.
110. 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.
111. The site is within flood zone 1 and would not increase offsite risk of flooding. The purpose of the development is to generate renewable energy and it would therefore be inherently resilient to the impacts of climate change.
112. Paragraph 163 of the NPPF states that when determining planning applications for renewable and low carbon development, local planning authorities should:
 - a) not require applicants to demonstrate the overall need for renewable or low carbon energy, and recognise that even small-scale projects provide a valuable contribution to significant cutting greenhouse gas emissions; and
 - b) approve the application if its impacts are (or can be made) acceptable. Once suitable areas for renewable and low carbon energy have been identified in plans, local planning authorities should expect subsequent applications for commercial scale projects outside these areas to demonstrate that the proposed location meets the criteria used in identifying suitable areas.
113. It should be noted that the CDP has identified areas suitable for wind turbine development but not for solar.
114. The December 2020 Energy White Paper: Powering our Net Zero Future (WP) reiterates that setting a net zero target is not enough, it must be achieved through, amongst other things, a change in how energy is produced. The WP sets out that solar is one of the key building blocks of the future generation mix. In October 2021, the Government published the Net Zero Strategy: Build Back Greener where under key policies it explains that subject to security of supply, the UK will be powered entirely by clean electricity through, amongst other things, the accelerated deployment of low-cost renewable generation such as solar.
115. The UK Government published their policy paper 'Powering Up Britain: Energy Security Plan' in April 2023. This document outlines the steps to be taken to ensure that the UK is more energy independent, secure and resilient. Within this document it is stated that to provide certainty to investors in the solar industry, in line with the

'Independent Review of Net Zero' recommendation the government will publish a solar roadmap in 2024, setting out a clear step by step deployment trajectory to achieve the five-fold increase (up to 70 gigawatts) of solar by 2035. The Government will also establish a government/industry taskforce, covering both ground mounted and rooftop solar to drive forward the actions needed by Government and industry to make this ambition a reality.

116. The purpose of the proposed development is to generate renewable energy on a large scale. The location affords the space requirement without significant constraints that would limit energy generation. CDP Policy 33 is permissive towards solar farm development, and it is therefore considered that the proposal is acceptable in principle. The social, environmental and economic benefits of the proposal are considered in the sections below. The acceptability of the development in relation to the issues set out below will assist in determining if the location of the development is appropriate in the context of CDP Policy 33 and Part 15 of the NPPF.
117. There are also a number of applicable environmental protection policies within the CDP and the NPPF which are considered below.

Landscape and Visual Impact

118. Paragraph 180 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.
119. 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.
120. 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.
121. 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.
122. There are no landscape designations within the site. An AHLV as defined in the CDP Plan lies to the north of the site boundary with a further AHLV some 200m to the south. Some 7.3km to the west is the AONB. Trees within the site or adjacent to the site are not covered by a Tree Preservation Order (TPO). Cragg Wood, Evenwood LWS and Ancient & Semi-Natural Woodland some 360m to the south east is covered by the

Barnard Castle Rural District Council (Crag Wood, Evenwood) Tree Preservation Order 1970. Cockfield Fell Scheduled Monument (SM) 'The Enclosures and industrial workings on Cockfield Fell' and Cockfield Conservation Area (CA) lie approximately 200m to the southwest of the site at its nearest point. Cockfield Fell is also designated as an Area of Open Access Land. The area is notable for its mining heritage, with some elements of the industrial landscape remaining including railway lines associated with Cockfield Fell SM still visible and within the setting of the proposed development; these include the former Barnard Castle and Bishop Auckland branch line that bounds the site to the south and the Haggerleases Branch (also known as the Butterknowle Branch) Line of the Stockton and Darlington Railway 300m to the south.

123. A Landscape and Visual Impact Assessment (LVIA) has been submitted with the planning application and considers the effects of the proposed development on the landscape and visual amenity. The Assessment considers a winter or worst-case scenario when the vegetation is not in leaf and considers the effects on landscape elements, the landscape character of the site, the landscape character beyond the site and general visual amenity. With regard to the effects on landscape elements, temporary effects during construction in the form of ground disturbance are noted but these are considered to be temporary, and areas would be reinstated. The Assessment considers that the planting proposals would enhance and reinforce the landscape structure across the site, which in turn would be beneficial in terms of strengthening the local landscape character in line with the objectives for the landscape character, identified within the Durham Landscape Character Assessment. The benefits are considered to increase in magnitude over time as planting matures. Effects on the landscape character of the site, overall, the Assessment concludes that the proposals would result in a moderate effect on the character of the site itself. With the potential for landscape effects to reduce following successful management of the existing on-site vegetation and new mitigation planting. On the landscape character beyond the site and on general visual amenity, the magnitude of change to the character in close proximity to the boundary of the site would be medium, diminishing quickly to negligible across the wider landscape.
124. With regard to the effects on general visual amenity, the LVIA acknowledges that prior to the mitigation planting maturing, adverse visual effects upon public rights of way (PRoW) receptors on the site would be experienced, however, this would be a direct consequence of introducing development into an agricultural site although it is noted that the site's former use as a deep and open-cast coal mining site. It is stated that the landscape proposal included with the application would not only strengthen characteristic landscape features within the site but also replicate the treatment of other PRoWs in the vicinity which are tree lined. Once the mitigation planting matures overall, the visual effects upon receptors would reduce, with the exception of PRoW users within the site at proposed breaks in the vegetation which would be retained for the operational phase. In views from publicly accessible locations in the surrounding landscape, the Assessment considers that mitigation proposals would aid in entirely restricting or filtering views of the proposed built form, including locations from within Cockfield Fell. In any of the locations within Cockfield Fell, receptors already have the opportunity to view the pylons which punctuate the skyline. There are locations such as along the road from Cockfield and Evenwood where the mitigation proposals would not entirely prevent views of the built form. However, the oblique and transient nature of this view should be considered.
125. An Environmental Enhancement Strategy has also been submitted with the application which highlights how the proposal places a strong emphasis on the retention and enhancement of existing landscape features, particularly the hedgerow field boundaries, strengthened where necessary to improve diversity and provide additional visual screening. As well as landscape improvements and planting the Environmental

Enhancement Strategy proposes new signage for a proposed circular walk, interpretation and information boards, provision of bat and bird boxes as well as insect hotels, log piles and amphibian and reptile hibernacula features and mammal gates in the proposed fencing. It is proposed that sheep grazing would continue to take place at the site. The submitted Biodiversity Management Plan (appended to the Ecology Assessment) sets out further environmental benefits including new ecological features such as bat and bird boxes and insect habitats. The Strategy considers that the surrounding local community would benefit from the economic boost that the development would provide in terms of the provision of local initiatives and funds for community-based projects. Overall, the Strategy concludes that there would be substantial enhancements to the existing landscape framework of the site, which would strengthen the local landscape character and be beneficial from an ecological perspective, whilst preserving the visual amenity of local residents and visitors.

126. During consideration of the application additional information has been submitted in response to consultee comments. In response to comments from the Council's Landscape Officer a Landscape and Environmental Management Plan (LEMP) and a Woodland Management Plan have been submitted. The objective of the LEMP is to set out the management and maintenance procedure for the development and is designed for the operational phase of the development and is in effect an operational guide for maintaining the landscape and ecological proposals for the lifetime of the solar park. It is subject to change and improvement as the different landscape features mature and develop. The LEMP sets out the landscape proposals for the site, planting areas, general maintenance requirements and a schedule of management and maintenance covering a 40 year period.
127. A Woodland Management Plan relating to existing woodland in six locations around the site covering a period of 40 years has been submitted and sets out the overarching management aims and key objectives along with some key management prescriptions for the first 40 years of the plan. The exact detailed specification for works would be prepared prior to implementation and be subject to review and monitoring. The existing woodlands would be enhanced through thinning and planting and management, thus improving the woodland structure, and offering screening, as well as ecological benefits, during the operational period.
128. An Arboricultural Impact Assessment has also been submitted with the planning application. This states that a total of 46 trees, 10 group features, 50 hedgerows and 6 woodlands were surveyed, and their quality summarised in accordance with the recommendations of the relevant British Standard. Of note a high-quality oak has been recorded as a notable tree and two woodland areas are listed as conifer woodland on the '2014 National Forestry Inventory' hosted by DEFRA. None of the recorded trees would be removed to facilitate the development and tree protection measures including the erection of heras fencing and planting would be put in place during construction works. Two sections of hedgerow and a small area of scrubby trees would however be lost. Additional planting is proposed for screening purposes and would establish new wildlife corridors to link existing woodland helping to improve biodiversity. The Assessment recommends that an Arboricultural Method Statement and finalised Tree Protection Plan would need to be produced and could be secured through condition.
129. The Council's Landscape officer has commented on the scheme.
130. The site lies in the *West Durham Coalfield* which forms part of the larger *Durham Coalfield Pennine Fringe* (NCA 16). It lies in the *Gaunless Valley* Broad Character Area which belongs to the *Coalfield Valley* Broad Landscape Type. The site is made up of pastoral farmland sloping south-eastwards on previous open cast land (*Valley*

farmland: open pasture Local Landscape Type, *Reclaimed land* Subtype). Fully restored, it forms part of a wider tract of attractive '*settled rural landscape with old agricultural villages, enlarged during the industrial period, and numerous scattered farms and building clusters*' which also includes areas of AHLV and Cockfield SM and CA. The landscape is broad in scale, with the Gaunless Valley enclosed by the surrounding ridgeline, with panoramic views afforded from the opposing flanks of the valley.

131. The County Durham Landscape Value Assessment (2019) assessed the larger units the site forms part of (*8i iii High Lands & Low Lands*) as being of moderate value for condition, scenic quality, rarity and representativeness, moderate-high value for nature conservation interest and recreational value, and low-moderate value for perceptual qualities and historic conservation interest. Whilst historic interest is low-moderate across the larger unit due to the area being previously open cast, that interest is higher locally. The southern part of the site and land to the immediate south has a greater time depth with the ancient semi-natural woodlands of Cragg Wood, intact historic field boundaries, the historic green lane known as Norwood Lane (BW No. 53a) and dismantled railways associated with past industrial activity and Cockfield Fell SM. The elevated (MH) value for recreational is due to the diversity and density of the PRoW network in this unit and is one of the characteristics of the site. Land to the south-west (*8i ii Cockfield*) was assessed as having elevated values across many attributes assessed, with high value for rarity, historic interest and recreational value, moderate high value for condition, representativeness and nature conservation interest and moderate value for scenic quality and perceptual qualities.
132. The majority of the site lies within an area identified in the County Durham Landscape Strategy (2008) as a *Landscape Improvement Priority Area* with a strategy of '*enhance*'.
133. The site occupies an elevated south facing position on the flanks of the Gaunless valley. Due to the nature of the topography, views of the locality are generally shallow. The undulating topography, together with mature vegetation including two mature coniferous shelter belts to the immediate west of the site, limits the opportunities to view the site from locations in the wider landscape particularly from the north, east and west. Principle receptors therefore include the comprehensive network of public footpaths and bridleways within the site, Low Lands Cricket Ground and High Lands public amenity area (which includes strategically placed seating to enjoy the view) and areas to the south and southeast on higher ground which afford slightly deeper views including the minor road and associated footway between Cockfield and Evenwood (road C42). It is also visible from the minor road (C30), the public rights of way network and Area of Open Access Land on Cockfield Fell Common and around Cockfield Conservation Area to the west and southwest and the north-western edge of Evenwood. There are a few detracting features in the area as highlighted in the LVIA such as pylons and wind turbines on the skyline however these have little influence on the character and experience of the site or its wider setting.
134. Landscape Officers have considered the landscape and visual effects of the proposal. With regard to effects on landscape features it is considered that there would be no material change to landform of the site to accommodate the access tracks, solar panels and other associated structures. There would be the requirement to remove short sections of hedgerow, to allow access between the fields and erection of security fencing. Given the hedgerows within the site to the north and east of Bridleway No. 53a (Evenwood & Barony Parish) are well established, intact and in good condition (albeit stunted in their growth), there is limited opportunity for improvement and therefore enhancements are likely to be less than stated. Notable lengths of hedgerows are proposed, however many of these would be to the detriment of the

landscape character of the area producing awkward shaped and triangular fields which are inconsistent with the character or field patterns of the local area.

135. With regard to potential effects on landscape character, Landscape Officers advise that the site and the local landscape vary in their sensitivity. While in some respects the value of the site is moderate it has elevated value and susceptibility in respect of the diversity and density of the recreational footpath network. It has an elevated value and susceptibility in its historic interest and its relationship with Cockfield Fell, particularly in respect of the historic railway lines. It has an elevated susceptibility in respect of its scenic qualities due its sloping valley topography which increases visual effects of this form of development and its role in views across the AHLV.
136. At the level of the site and its immediate surroundings the proposals would involve a transformative change from pastoral farmland to a solar farm dominated by features of a notably man-made/industrial character. Added to which, the internal tracks, perimeter fencing, CCTV, inverter stations and prominent substation would increase the industrial character of the proposal in this rural location. The majority of effects would be temporary and reversible but would last for a substantial period (40 years) except for the substation which would remain in situ. The magnitude of the effect at site level would be high and would remain so, even if changes to the proposed mitigation to fit in with the existing character were considered, it would not alter the overall effects upon the character of the site. The transformative effect on landscape character from within the site would be strongly evident from the public rights of way that run through the site due to existing hedgerows and shelter belts along their boundaries. While these would limit views, views would still be afforded, through sporadic sparser sections, and through gaps and gateways.
137. Landscape Officers are of the opinion that the change in character would be strongly evident in views from the minor road (and associated footway) between Cockfield and Evenwood to the southeast (C42) where the site would be open to view more or less in its entirety on land falling towards the viewer. These views are across the AHLV and taking in the wider AHLV to the west. The former historical railway lines make a particular contribution to the historic character of the landscape in these views and helps to contextualise the relationship of Cockfield Fell SM/CA with the wider landscape with the approach of the *Barnard Castle and Bishop Auckland* branch line and crossing of both the river and the *Haggerleases* line via the former *Gaunless Viaduct* intervisible with the proposed development. The setting and character of the landscape within which these features sit would change from agricultural to industrial. Whilst they would still be discernible as linear features in the landscape, their legibility would reduce due to the development becoming the focal point.
138. The effects of development would be less apparent in the wider landscape where views are typically shallow, and development would be filtered by intervening topography and vegetation. The visibility of the development within the site, and therefore its effects on the character of the local landscape, would be reduced over time by the planting of new trees, hedges and native shrubs which would help integrate the proposals with the surrounding area. It would also reinforce the existing landscape framework to a degree however much of the proposed mitigation, relies on new planting that does not reflect the pattern of field boundaries locally or historically and is out of keeping with local landscape character. The new planting particularly adjacent to the footpaths crossing the site which would take a considerable length of time and in the interim period the impact on character would be marked. Photomontages indicate that whilst internal hedgerows would break up the mass, the development would be visible as an extensive tract of notably artificial land cover replacing a large area of open farmland. In these views, due to topography, mitigation

measures would not materially alter the appearance of the site or its effects on landscape character.

139. In terms of effects on designated landscapes and other designations, Landscape Officers consider the proposals would not have direct physical effects on the AHLV. The site nevertheless forms part of the visual environment of the AHLV and is visible from, within and across the AHLV and contains features that contribute to the understanding of the wider historic interest of the AHLV which forms part of its special qualities. Landscape officers defer to Design and Conservation on potential effects on the Scheduled Monument and Cockfield Conservation Area. There would be intervisibility between the SM, CA, and the proposed site, in particular from the Road C42 (Evenwood to Cockfield Road) where the dismantled railways extend out from the SM and CA providing historic context therefore the impacts on the wider setting of these designations would need careful consideration. No concerns are raised regarding impact upon the AONB.
140. Having regard to potential visual effects, Landscape Officers are of the opinion that the proposals would give rise to a number of significant effects on visual amenity. Visual effects would be high for users of the local footpath network within the site which currently enjoy an open aspect across open fields towards the ridge of the Gaunless valley and in some views have framed views of Cockfield SM & CA. The proposed development would be located either side of these paths and whilst offset, the solar panels and associated fencing would be seen in close proximity and the proposals would dominate the users experience resulting in an adverse visually impact and significant loss of amenity when using these paths. Landscaping has been proposed to help provide visual screening, however at the time of development and for several years afterwards (the length of time depending on the design, quality, and performance of the planting), given the current open character of these location this is likely to be upwards of 10 years in which the development would be conspicuous and harmful. The proposed development would also be noticeable to a lesser extent in views from Bridleways No. 53a and 55 in the short term, however with careful management of the existing hedge between these PROW and the site, together with the proposed mitigation planting, the visual impacts would be reduced in the medium term.
141. From Low Lands Cricket ground and High Lands community public open space parts of the site would be visible. At present, both locations enjoy partial views out across open farmland towards the surrounding ridgeline of the Gaunless Valley. Additional tree cover and allowing the vegetation to grow to circa. 6m (as proposed) would result in the enclosure of these spaces and interrupt or curtail views from these community spaces.
142. There would be some notable visual effects as noted above, in medium distance and elevated views particularly from the south and southeast which includes views of the substation. These include sequential views (albeit limited in length) along the C42. Walkers, cyclists, and horse riders, using the footway and road would be of high sensitivity to this change. The development would be conspicuous and would detract from the experience of the landscape to a notable degree. Whilst mitigation has been proposed by a combination of tailored management of existing trees and hedges and the planting of new trees, hedges and native shrubs, these measures would not succeed in screening or assimilating the extent of the solar farm, seen in these middle-distance views. Moreover, the assumptions about plant growth are over optimistic with predicted heights unlikely to be achieved in the timeframe suggested given the poor soils of the former opencast site and extant height of existing hedges planted circa. 20 years ago.

143. In views from the southwest from within the AHLV, CA, SM, Area of Open Access Land and wider public rights of way, the impacts would range from negligible to moderate. Views are heavily influenced by the mature (40yrs +) coniferous shelterbelt to the west of the development site. There would be some views where there would be notable deterioration in the view particularly where an increased extent of the southern part of the site is visible.
144. Visual effects would be reduced in the wider landscape where views are typically shallower, and development is heavily filtered or screened by intervening topography and vegetation. Again, this is heavily influenced by the two coniferous shelter belts to the west of the site and areas of woodland planting put in as part of the opencast restoration to the north and east of the site.
145. In terms of residential amenity, the area is sparsely populated, but there are several properties within the vicinity of the site including Bluestone Farm (associated property) and its neighbouring pair of semi-detached houses, the residential farmhouse at High Gordon Farm approximately 80 m north of the site and the dwellings associated with the hamlet of High Lands which lies directly to the northwest of the site. Except for Bluestone Farm, the orientation of these dwelling and the presence of intervening topography and vegetation is likely to screen or heavily filter views of the proposal from residential properties, although some oblique views however are likely to be afforded from some of the properties at High Lands. Some views would be afforded from residential properties on the edge of Cockfield and Evenwood but due to orientation of the principal elevations, distance and intervening topography and vegetation, the effect on the visual amenity of the more distant properties is likely to be minor.
146. Landscape Officers originally considered that the design of the proposals originally submitted with the planning application required further consideration prior to determination of the application. Comments were made regarding the production of awkward field shapes as a result of the proposal, potential to divert PRoW as a result, details of hedgerow enhancements and potential relocation of the proposed substation to a less prominent location to the north of the farmstead. Submission of a Landscape and Ecological Management Plan (LEMP) to include a maintenance specification and schedule to be detailed for the initial 5-year establishment, followed by a long-term management plan for the lifespan of the development, and a Woodland Management Plan (WMP) covering the mature landscape features essential to the mitigation of the proposal were recommended.
147. Landscape Officers also advise that track surfaces and colour of any cabinets, containers, cabins and the substation's main structural elements would need to be conditioned should it be considered that the benefits of development outweigh the harm. A condition would also be required to include a satisfactory scheme to restore the site to a quality of at least its original condition once operations have ceased.
148. In light of comments made by Landscape Officers, changes were made to the landscaping plan and site layout with the removal of a section of panels and hedge alignment along Footpath No. 57 (Evenwood and Barony Parish). However, Landscape Officers consider that these changes would not materially affect the conclusions previously reached above, although the removal of the section of panels from the northwest of the site would be beneficial in views from the community amenity space at High Lands in the short term, allowing more of a buffer between it and the proposed built development, although the proposed mitigation would still result in the enclosure of this space and interrupt or curtail views from this area in the long term. It is not proposed to divert public rights of way nor to move the proposed substation. Submission of the LEMP and WMP have sought to address matters raised by Landscape officers. The LEMP is considered to be acceptable subject to revisions to

be more explicit as to how a programme of laying etc is going to be incorporated into the long-term management of the hedgerows. This can be secured through condition/legal agreement. The Council's Arboricultural (Trees) Officer has confirmed that the changes to the WMP respond satisfactorily to previous comments made.

149. From a landscape perspective, given the prominence and permanence of the proposed substation, Landscape Officers are of the opinion that this element would be better located to the north of the farmstead where it would benefit from existing screening and would read in wider views as part of the farm cluster and would be better assimilated into the landscape once the wider site is decommissioned and would reduce the residual harm. The substation would be overlooked from higher ground to the south from public vantage points (minor road and associated footway between Cockfield and Evenwood (C42) and would not be readily assimilated into its surrounds in this location.
150. The recreational value is high for this site due to the diversity and density of the public rights of way. However due to the location of the some of the public rights of way and the proposed landscaping to help mitigate the adverse visually impact and significant loss of amenity when using these paths, the proposed landscape mitigation would produce awkward field shapes, completely at odds with the rest of the field pattern in the vicinity and character of the local landscape. Rationalisation of the public rights of way would help to resolve this and has been used on other projects of a similar nature.
151. It is noted that public rights of way require that the hedges along the public rights of way remain at 3m; whilst the hedges at this height would help with the visual amenity of public rights of way users, given they would be no taller than the panels themselves, they would do little to break up the visual mass of the proposal and mitigate effects in wider views. The planting plan however has clarified that all existing hedges would not be reduced.
152. In summary, although not specifically objecting to the proposals, Landscape Officers consider that the proposals would result in some substantial, long-term, and adverse effects to the character, quality and distinctiveness of the local landscape and important views by virtue of its nature, size and visibility and would reduce the quality of the experience for recreational users using the countryside. While some of the harm in near views could be mitigated to some degree in the medium to long term, the effects in views from higher ground could not. Moreover, the proposed mitigation would be at the detriment to the character of the area.
153. In respect of CDP Policy 10 (I) Landscape Officers note that the proposals would cause some harm to the intrinsic character and beauty of the countryside. Whilst the proposals incorporate measures which would mitigate the harm to some degree in the medium term there would be notable longer term residual harm and particularly in respect of views from high ground to the south and south-east. Whether that harm would be unacceptable would depend on the balance of considerations, however given the significance of the harm Landscape officers would expect it to be given some weight in the planning balance.
154. Landscape Officers consider that the proposal would be contrary to CDP Policy 26 being of the opinion that the proposal would reduce the quality of the experience of using the countryside. Given the characteristics of the location Landscape Officer would not consider it appropriate in the way the term is used in CDP Policy 33.
155. Having regard to CDP Policy 39 Landscape Officers consider that the proposals would entail substantial harm to the character, quality and distinctiveness of the local landscape and to important views from the southeast. Officers advise they would

assess the harm as being substantial falling to moderate over time (around 15 years) from within the site, but with moderate-substantial effects on the character of the landscape in views from the higher ground which would not reduce over time. Whether that harm would be unacceptable would depend on the balance of considerations, however given the significance of the harm, would expect it to be given substantial weight in the planning balance. It is stated that the Policy requires that proposals incorporate appropriate measures to mitigate adverse landscape and visual effects. Some of the proposed measures proposed would be to the detriment of the landscape character of the area producing awkward shaped triangular fields which are inconsistent with the character or field patterns of the local area. The proposals would not have direct physical effects on the AHLV. The site nevertheless forms part of the visual environment of the AHLV and is visible from, within and across the AHLV and contains features that contribute to the understanding of the wider historic interest of the AHLV which forms part of its special qualities.

156. Landscape Officers advise that in their opinion, the proposals would not conflict with CDP Policy 40. The proposal would retain existing hedgerow and trees and would fully integrate them into the design except for a few short sections of hedgerow, to allow access between the fields. Tree, shrub, and hedgerow planting has been proposed, along with the maintenance of existing features and these measures could be secured through condition or planning obligation under Section 39 of the Wildlife and Countryside Act 1981.
157. Natural England does not object to the application, but it notes that the proposal is close to the North Pennines AONB, a nationally designated landscape. It advises that the planning authority uses national and local policies, together with local landscape expertise and information to determine the proposal. The North Pennines National Landscape (formerly the AONB Partnership) has been consulted upon the application but has not commented. The Council's Landscape Officers have not raised any issues in relation to the AONB.
158. Objectors have raised concerns in respect of the visual impact of the proposed development, considering it to be adverse. Other concerns being the thinning of woodland, loss of trees and the length of time it would take for replanting and shading from the current woodland. CPRE has also commented upon the visual impact of the proposal and upon the public rights of way and question whether or not this is an appropriate location for the development. Council officers have assessed the application in terms of landscape and visual impact as set out in this report. The applicant has advised that any subsequent tree felling would have no impact on energy generation and would be required only as part of the WMP.
159. It is noted that Landscape Officers consider that there would be substantial, long-term, and adverse effects to the character, quality and distinctiveness of the local landscape and important views by virtue of its nature, size and visibility and would reduce the quality of the experience for recreational users using the countryside. It is also noted that some but not all of the harm could be mitigated, and the proposed mitigation in the form of the LEMP and WMP and additional hedge planting and gapping up, would be at the detriment to the character of the area. The harm would be for a period of 40 years but would be removed following decommissioning and removal of the panels. Having had regard to the comments of the Landscape Officer it is agreed that the proposals conflict with CDP Policies 10(I), 26, 33 and 39 and Part 15 of the NPPF. The proposals are considered not to conflict with CDP Policy 40 and Part 15 of the NPPF given tree, shrub, and hedgerow planting has been proposed, along with the maintenance of existing features and these measures.

160. Paragraph 114 of the NPPF states that safe and suitable access should be achieved for all users. In addition, Paragraph 115 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.
161. Access to the site for construction and maintenance vehicles would be via Bridleway No. 53a (Evenwood and Barony Parish) an existing access and track off the Road C30 in the south eastern part of the site. Managed public rights of way crossing points are also proposed across the wider site during the construction phase. Following construction, a reduced network of internal tracks would remain for maintenance and operational purposes.
162. A Transport Statement (TS) has been submitted in support of the application. The TS sets out the existing highway conditions, proposed access arrangements, and the principal traffic impacts which would occur during construction of the solar farm. It is stated that during operation, solar farms have limited associated traffic generation. The TS states that the proposed access has been designed to accommodate the safe movement of HGV construction traffic, with sufficient visibility splays based on observed vehicle speeds. A Construction Traffic Management Plan (CTMP) has also been produced to support the planning application, to manage all vehicle movements associated with the construction of the solar farm. During the construction period, anticipated to be up to 9 months, it is projected that there would be approximately 1,150 deliveries to the site for all equipment and materials for the solar farm. The TS states that it is unlikely that, even at the most intense periods of construction there would be more than 10 deliveries (20 HGV movements) per day. Construction of the DNO substation would take up to 4 months and deliveries would total approximately 65, typically no more than 2 (4 HGV movements) per day including a single Abnormal Indivisible Load required to deliver a component of the substation. The TS concludes that the proposed development would have negligible trip generation once it is operational, with typically around 10 – 20 visits per year for monitoring and maintenance which would be made in small vans. Given the scale of development and the proposed access arrangements, it is concluded that, subject to appropriate conditions, there should be no highway related objections to the proposed development.
163. A Framework Construction Traffic Management Plan (FCTMP) has been submitted in support of the solar farm application. The FCTMP considers the site access, HGV vehicle routing, and traffic management including delivery times, vehicle sizes, management of the site access, site access to the construction compound, the construction compound, wheel washing and internal traffic and PROW management.
164. Environmental Health and Consumer Protection (Air Quality) Officers note that the FCTMP incorporates measures specified by the DMP where relevant including wheel washing and 10 mph speed limit. Queries were originally raised regarding a statement on emissions resulting from construction traffic and during the operational stage. Additionally, the applicant was asked to confirm whether air quality assessment of traffic impacts had been screened out on this basis that the predicted operational traffic movements would not trigger the indicative criteria to proceed to an air quality assessment, this was confirmed.

165. No objection is raised by the Council as Highways Authority. Highways Officers have considered the proposal and find the access arrangements for both the construction and operational periods to be acceptable. Officers note that speed surveys have been carried out on the C30 to establish existing speeds. The proposed visibility splays for the access would be provided in accordance with the recorded 85th percentile speeds. Solar farms themselves, only generate negligible levels of traffic once operational. The main traffic associated with the use would be during the construction phase. Officers note the predicted vehicle movements for this phase and consider the impact of the construction traffic on the local highway network would be minimal. A Construction Management Plan can be used control vehicle movements during this phase. Once operational, it is noted that the impact of the site on the road network would also be minimal. Highway Officers advise that works to improve the access to the site from the C30 would require the applicant to enter into a licence under Section 184 of the Highways Act 1980 (as amended) with the Local Highway Authority. All works to the adopted highway would be at the applicant's expense. This would be an informative on any grant of planning permission.
166. Objectors are concerned about traffic movements during the construction phase, impact of HGVs local roads, adjacent stone walls and properties and state that HGVs cannot be compared to agricultural machinery. In addition, Highlands Village Hall Association suggests enforcing a 30mph speed limit on the access road between High Lands crossroads and Low Lands bridge for all traffic throughout the period of construction. As stated above, the Highways Authority has no objection and construction traffic can be controlled by the CMP. In response to the comments made in terms of the difference between HGVs and agricultural vehicles, the road is considered to be of suitable width to carry HGV traffic and is not subject to a weight limit, and so HGVs are free to use the road like any other road user.
167. Whilst the proposed solar farm would generate a degree of construction traffic for the 9 month construction period then during the 6 month decommissioning period it would be not be unacceptable in this location due to good access and existing highway capacity for this temporary period. Any weight restrictions would need to be complied with. Following construction, the solar farm would be automated and would only be attended for monitoring and maintenance purposes. Conditions requiring a Construction Management Plan and a condition to ensure that vehicles accessing the site are adequately cleaned before leaving to ensure that debris is not carried onto the public highway. The access improvement works would be secured through a Section 184 Licence. It is considered that the proposals have been appropriately assessed through a Transport Statement and would not result in harm to the safety of the local or strategic highway network and would not cause an unacceptable increase in congestion or air pollution. Subject to the conditions set out above the development would not conflict with CDP Policy 21 and Part 9 of the NPPF.

Residential Amenity

168. Paragraph 180 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 191 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 192 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 193 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).

169. 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.
170. The nearest residential property is Bluestone Farm in the south western part of the site and is immediately adjacent to the proposed site entrance, temporary construction compound and a field of solar panels. At High Lands, to the west of the road C30 on the opposite side of the road to the application site, are a number of residential properties. The closest being some 55m from the site boundary and that part of the site being proposed for biodiversity enhancement. The properties of Chapel Lodge and Sunnycrest are located on the C30. Chapel Lodge is approximately 57m from the site boundary and Sunnycrest 64m from the site boundary. Both properties are separated from the site by the C30 and woodland. Areas of biodiversity enhancement are closest to these properties with solar panel adjacent to the enhancement areas. Lands Methodist Church and Hall is also situated along the C30 on the western side of the road. Low Lands Cricket Club Ground located to the east of the C30 immediately adjacent to the site. There are further individual properties along the B6282 to the north west. High Gordon Is approximately 95m to the north at the closest point with woodland between it and the site. Low Gordon is some 530m to the north east. There are a number of residential properties in Ramshaw some 860m to the north east and Evenwood over 1km to the east. Cragwood Holiday Home Park lies approximately 480m to the east at the closest point.
171. 5 objections have been received in response to the proposal. The loss of privacy and potential noise from the development are raised as concerns.
172. Specific considerations in relation to residential amenity are noise and vibration, air quality and dust, lighting, contamination, glint and glare and visual impact and are considered below.

Noise and vibration

173. There is potential for noise from the construction and operational periods. During the construction phase there is potential for noise from traffic delivering the solar panels and associated equipment and installation of the panels. During the operational stage there would be a number of central inverters, which generate noise whilst the solar farm would be operational during daylight hours. Within the south eastern part of the site would be the DNO substation.
174. Traffic movements are set out in the 'access and traffic' section and would be highest during the first month of the 9 month construction period and then reducing during the

subsequent months. A FCTMP has been submitted setting out how traffic would be managed to ensure minimal disruption to residents.

175. A Noise Assessment accompanies the planning application which presents an assessment of the noise levels attributable to the operation of the solar farm at surrounding noise sensitive receptors. The Assessment presents calculations and an assessment of the likely worst-case noise levels to be generated by the operation of the solar farm. The calculated noise levels have been assessed against relevant standards and guidance, to ensure that the operation of the plant required within the solar farm would not result in occupants of nearby properties being unacceptably affected by levels of noise. The Assessment states that noise would only be generated from the operation of the central inverters associated with the solar panels during daylight hours, when the panels are producing electricity. The highest noise levels, would only occur during the mid-daytime summer periods whilst the solar panels were operating at full capacity and ambient temperatures were high. The operation of the transformers within the substation would generate low frequency noise, typically with peak frequencies of 100Hz and 200Hz. At close proximity to the substation, a hum would be generally noticeable, however, this equipment would be sited well away from neighbouring properties and thus unlikely to be clearly audible or have any distinguishable characteristics at the neighbouring properties. In summary, the operation of the solar farm would generate very low levels of noise at the surrounding properties. The noise levels generated would be equivalent to a 'No Observed Effects Level', when assessed against stringent WHO night-noise guidance, thus ensuring the operation fully complied with the requirements of the NPPF. The Assessment concludes that the operation of the solar farm would generate very low noise levels at surrounding properties throughout the day. Assessing the noise levels against relevant standards and guidance concluded that the operation of the plant would result in a low impact, with noise levels not exceeding a level which would represent a No Observed Effects Level, thus ensuring that the operation would not result in unacceptable levels of noise and thus ensure full compliance with the requirements of the NPPF.
176. The closest noise sensitive receptors are located to the south at Bluestone Farm and cottages, to the north at High Gordon and to the west within High Lands. The proposed layout has sought to maximise the separation distances between the plant and properties, with plant at least 240 metres from Bluestone Farm and over 300 metres to other properties. The dwellings to the north east within Ramshaw and the caravan park to the east would be located further from the proposed plant.
177. Environment, Health and Consumer Protection (Nuisance Action) Officers raise no concerns with the submitted Assessment considering it to have been undertaken by a suitably qualified and competent consultant and the findings are agreed with. These being that operational noise from the development is unlikely to have a negative impact upon sensitive receptors and consider the application complies with the thresholds stated within the Council's TANS indicating that the development would not lead to an adverse impact. Notwithstanding this, given concerns have been raised in relation to noise and vibration during the construction phase conditions are recommended in respect of working hours. Officers advise that no external construction works, works of demolition, deliveries, external running of plant and equipment shall take place other than between the hours of 0800 to 1800 on Monday to Friday and 0800 to 1400 on Saturday. No internal works audible outside the site boundary shall take place on the site other than between the hours of 0730 to 1800 on Monday to Friday and 0800 to 1700 on Saturday. No construction works or works of demolition whatsoever, including deliveries, external running of plant and equipment, internal works whether audible or not outside the site boundary, shall take place on Sundays, Public or Bank

Holidays. Officers also recommend the submission of a Construction Management Plan.

Air quality and dust

178. The proposed solar farm has very limited potential to create any unacceptable dust or light pollution impacts. A Dust Management Plan (DMP) accompanies the application and incorporates a Construction Dust Risk Assessment (CDRA). The DMP describes the measures to be applied to minimise the risk of dust impacts during the whole of the construction works based on the CDRA. Specific measures would be applied to site management, preparing and maintaining the site, operating vehicles/machinery and sustainable travel, operations, waste management, measures specific to construction and measures specific to trackout. The DMP includes recommendations for monitoring, a complaints procedure and actions to be taken should there be a problem. The DMP concludes that the level of risk assigned to construction of the proposed development is 'negligible' to 'low'. This is based on a 'low' dust emission magnitude associated with construction activities and the limited number of sensitive receptors in close proximity to where these activities are taking place.
179. Environmental Health and Consumer Protection (Air Quality) Officers have no objection having considered the proposals and the submitted documentation including the DMP, the TS and the FCTMP. Officers agree that the vehicle movements generated by the proposed development do not trigger requirement for an air quality assessment. Officers consider that the submitted DMP and CEMP appear suitable and could be incorporated into a wider Construction and Environmental Management Plan (CEMP).

Lighting

180. No details of external lighting are provided with the application. Nonetheless lighting details would be required to be submitted through a planning condition as security lighting during the operational stage is likely to be required.

Glint and glare

181. A Solar Photovoltaic Glint and Glare Study has been undertaken to assess the possible effects of glint and glare from the proposed development. The assessment pertains to the potential impact upon road safety and residential amenity in the area surrounding the proposed development. The Study concludes that no impacts are predicted upon road safety or residential amenity, and no mitigation is required. On roads the Assessment concludes that solar reflections are geometrically possible towards a 0.7km section of Lands Road (B6282), a 1.0km section of an unnamed road, and a 0.5km section of Gordon Lane / Oaks Bank. Screening in the form of existing vegetation, buildings, intervening terrain, and/or proposed vegetation is predicted to significantly obstruct views of reflecting panels. No impact is predicted, and no mitigation is required. With respect to dwellings the Study concludes that solar reflections are geometrically possible towards 53 of the 72 assessed dwellings. Screening in the form of existing vegetation, buildings, intervening terrain, and/or proposed vegetation is predicted to significantly obstruct views of reflecting panels. No impact is predicted, and no mitigation is required.
182. An objector disputes the Study because their property is not referred to. Given the close proximity of some dwellings to each other the applicant did not consider it necessary to provide individual assessment on all dwellings as the impact would be the same. The Study therefore selects a number of dwellings which is sufficient to provide a robust assessment as the impact on the omitted dwellings is comparable.

183. Environment, Health and Consumer Protection (Nuisance Action) Officers accept the findings of the submitted Study in relation to the impact upon residential receptors. Officers advise that the Study appears to have been undertaken by suitably qualified and competent consultants, Officers raise no concerns with the findings of the submitted Glint and Glare Study in relation to the impact upon residential receptors and advise that they have not reviewed the study in relation to the impact upon roads users or aviation. Officers note that the Study concludes that mitigation for residential receptors is not required which suggests that there will be no unreasonable impact upon nearby sensitive receptors amenity. Officers consider that where screening is predicated in relation to proposed planting in order to provide mitigation it would take several years for such mitigation to take shape due to the time for the planting to grow, consideration may wish to be given in regard to the planting of mature hedging.
184. Teesside International Airport has no aerodrome safeguarding objection to the proposal based on the information provided. National Air Traffic Services (NATS) has raised no objections to the proposals advising that it does not conflict with its safeguarding criteria. The Highways Authority has raised no concerns in respect of glint and glare.

Visual Impact

185. Landscape and visual impact have been assessed in the section above. In terms of residential amenity, the area is sparsely populated, but there are several properties within the vicinity of the site including Bluestone Farm (associated property) and its neighbouring pair of semi-detached houses, the residential farmhouse at High Gordon Farm approximately 80m north of the site and the dwellings associated with the hamlet of High Lands which lies directly to the northwest of the site. Except for Bluestone Farm, the orientation of these dwelling and the presence of intervening topography and vegetation is likely to screen or heavily filter views of the proposal from residential properties, although some oblique views however are likely to be afforded from some of the properties at High Lands. Some views would be afforded from residential properties on the edge of Cockfield and Evenwood but due to orientation of the principal elevations, distance and intervening topography and vegetation, the effect on the visual amenity of the more distant properties is likely to be minor. Therefore, given the existing screening and impact to a limited number of residential properties it is considered that the visual impact of the site in terms of residential amenity would not be unacceptable.

Residential amenity summary

186. It is considered that the proposal would not create an unacceptable impact on health, living or working conditions or the natural environment. The development would not result in unacceptable noise, vibration, air quality, dust, light pollution and glint and glare and visual impact, subject to the imposition of the conditions recommended above, the development would provide an acceptable standard of residential amenity in accordance with CDP Policies 10 and 31 and Part 15 of the NPPF.
187. Furthermore, Environment, Health and Consumer Protection Officers have assessed the environmental impacts which are relevant to the development in relation to their potential to cause a statutory nuisance, as defined by the Environmental Protection Act 1990 and are satisfied, based on the information submitted with the application, that the development is unlikely to cause a statutory nuisance.

188. Part 15 of the NPPF (Paragraphs 124, 180, 189 and 190) 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.
189. The proposed site falls within the defined Coalfield Development High Risk Area. A Minerals Resource Assessment was submitted with the planning application.
190. Environmental, Health and Consumer Protection (Contaminated Land) Officers have raised no objections to the proposals. Given that the site is a coalfield development high risk area and the presence of potentially contaminated land onsite associated with historical railway cuttings, officers recommend a contaminated land condition should planning permission be granted. This would require further assessment prior to the commencement of development.
191. The Coal Authority has considered the development in respect of coal mining risk and raises no objections. The Coal Authority notes that their records indicate the presence of numerous recorded mine entries (shafts) within the planning boundary and that the site is affected by both actual and probable shallow coal mine workings.
192. The Coal Authority has no objection to the proposed development and advises that there is no requirement for submission of a Coal Mining Risk Assessment or for it to be consulted. Nevertheless, information about the coal mining legacy of the site are provided and the Coal Authority advises that the applicant should be made aware of this by way of an informative note on any permission given and the Coal Authority.
193. Objectors are concerned that shaft locations identified by the Coal Authority have not been identified and a fault line under their house could be affected by the development. Also, the fixings could give off coal gas. As stated above the Coal Authority, and Environmental, Health and Consumer Protection (Contaminated Land), raise no objections to the proposal being satisfied with the information submitted. The development has been assessed as low risk in terms of coal mining legacy matters and coal gas emissions have not been raised as a concern. Elements of the development that are non-exempt (for example the substation and associated buildings) have been located outside the Development High Risk Areas. The depths of the supports would likely be between 1.5m – 2.5m.
194. Objectors have raised the possibility of zinc, copper indium selenide, copper indium gallium selenide, Hexafluoroethane, and polyvinyl fluoride entering the Gaunless environment. No explanation is provided to explain this concern, but it is the case that the Coal Authority and Environmental, Health and Consumer Protection (Contaminated Land), have raised no concerns. The Environment Agency has not replied to the consultation on the application but is not uncommon. There is no evidence of a risk of contamination to the water course upon which a refusal reason could be based.
195. It is considered that the proposed development would be suitable for the proposed use and subject to conditions, would not likely 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 Policy 32 and Part 15 of the NPPF.

Flooding and Drainage

196. 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 180 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.
197. Paragraph 173 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.
198. 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.
199. The site is within Flood Zone 1 and within a Groundwater Vulnerability Area as defined by the Environment Agency. The River Gaunless lies some 350m to the south and Gordon Beck lies between 450m and 630m to the north and north east.
200. The application is accompanied by a flood risk assessment (FRA) which identifies that the application site is located entirely within Flood Zone 1 this being an area assessed as having a less than 1:1,000 annual probability of river or sea flooding in any year. The FRA has been updated during the course of consideration of the application following discussions with the Council's Drainage and Coastal Protection Officers. The FRA has considered the potential consequences of flooding from a variety of sources and the potential flood risk to the site from all sources is considered to be 'Low' to 'Very Low' for the majority of the site. Areas of elevated surface water flood risk are present associated with isolated low spots on-site where surface waters could accumulate and the low-lying areas adjacent to watercourses. All sensitive control equipment would be restricted to areas of 'Very Low' surface water flood risk. A small amount of development would encroach into areas of elevated surface water risk. The proposed security fencing is permeable to flood waters and solar panels would be raised above the flood levels. The FRA states that the equipment is therefore compatible, safe and appropriate in these areas; due to the nature and design, the access tracks, security fence and solar panels are also compatible, safe and appropriate. The development would remain operational and safe for users in times of flood and would not impede water flows and not increase flood risk elsewhere. With

respect to surface water runoff, the solar panels would be raised above the existing ground allowing a permanent grass sward to be maintained underneath the panels. Rainfall falling onto the photovoltaic panels would runoff directly to the ground beneath the panels and infiltrate into the ground at the same rate as it does in the site's existing greenfield state. Access tracks would be semi permeable in nature. The extent of impermeable cover as a result of the solar farm amounts to only 0.29% of the total site area. Supporting calculations demonstrate that this effect of the solar farm on the Mean Annual Flood (QBAR) is minimal and only equates to a 0.5% increase compared with the greenfield runoff rate.

201. A sustainable drainage strategy, involving the implementation of SuDS in the form of interception swales, is proposed for managing surface water runoff on the site. Details would be secured through condition. Interception swales are proposed at the low points of the application site to intercept extreme flows which may already run offsite and provide runoff pathway management. It is emphasised that the swales do not form part of a formal drainage scheme for the development but are provided as a form of 'betterment'. Existing drainage features would be retained and the site would remain vegetated through construction and operation of the solar farm to prevent soil erosion. The proposed interception swales would lead to an overall reduction in surface water flow rates from the site and mitigate any increase in run-off due to the minor reduction in the overall permeable area of the site. On this basis the proposed development would not increase flood risk onsite or elsewhere and would preserve the site's natural drainage regime. The proposed development is located in an area of historic mining activities however, the implications for surface water management and groundwater pollution risk is negligible due to the minimal hydrological effect of solar farm developments and lack of formal infiltration SuDS or deep drainage (>30m) boreholes. The overall conclusions drawn from the FRA are that future users of the development would remain appropriately safe throughout the lifetime of the proposed development and that, subject to a planning condition requiring the proposed drainage arrangements set out in the drainage strategy to be implemented and maintained in accordance with the procedures set out in the FRA and attached check sheet the development would not increase flood risk elsewhere and would reduce flood risk overall.
202. Objectors raise concerns regarding the impact upon drainage and possible increase in flood risk in an area where certain areas already flood, and the provision of numerous swales is seen as the developer having concerns. In response the applicant has advised that solar farms do not change surface water flows or volumes. Rainwater would still fall to the ground and drain via the panels due to the angle of the solar panels and would not result in any increase in flood risk. A surface water drainage strategy is proposed to improve the management of surface water within the site. Interception swales would provide depression storage and to 'stop the flow'. Distributing swales throughout the site and specifically at the low points and perimeter of the site maximises the opportunity for the SuDS features to intercept and slow the rate of runoff. Providing interception swales in this way is good practice and proportionate to the minimal effect of a solar farm on runoff. The interception swales are placed around the low points and perimeter of the development parcels.
203. Drainage and Coastal Protection Officers do not object and approve of the surface water management for the proposed scheme. Officers consider that the site shows a betterment for runoff rate compared to the existing however consider it falls short of CDP Policy 35 in flow reduction. However, Officers state that the Policy is more aimed at residential and business developments and does not specifically consider green space development such as solar or wind farms. The design does include good practice encouraged in the Policy and shows a reduction in flood risk; therefore, Officers offer no objection.

204. Subject to the development taking place in accordance with the submitted surface water management details, it is considered that the proposed development would not lead to increased flood risk, both on and off site, with the measures proposed and 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

205. Paragraph 186 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 42 seeks to restrict development that cannot demonstrate that there would be no residual adverse effects to the integrity of internationally designated sites. 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.

206. CDP Policy 25 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.

207. 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.

208. There are no ecological designations within or adjacent to the proposed site. The closest sites are Gordon Beck Local Wildlife Site (LWS) some 515m to the north east and the Cragg Wood, Evenwood LWS and Ancient & Semi-Natural Woodland are some 360m to the south east. Witton-le-Wear Site of Scientific Interest (SSSI) lies some 5.2km north, Low Redford Meadows SSSI, some 6.7km to the north-west and Frog Wood Bog SSSI approximately 7.4km north-west of the site. Bollihope, Pikestone, Eggleston and Woodland Fells SSSI, the North Pennine Moors Special

Protection Area (SPA) and North Pennine Moors Special Area of Conservation (SAC) are over 7.5km to the west and north west of the site.

209. An Ecological Assessment was submitted with the application. The Assessment includes a Bird Survey Report, a Biodiversity Net Gain Metric and a Biodiversity Management Plan. In addition, a confidential Badger Report and a Biodiversity Management Plan. A Landscape & Ecological Management Plan has also been submitted as referred to the 'landscape and visual impact' section of this report. Documents have been updated during the course of consideration of the application to take account of design changes and comments from consultees.
210. The Ecological Assessment provides a baseline study of the site and immediate surrounding area, identifies the proximity of designated sites, habitats and constraints within the site. The potential impacts to protected species and habitats has been considered and provides for further pre-construction checks and/or mitigation measures, if required, and also provides an outline of proposed biodiversity enhancement measures.
211. In terms of designated sites for nature conservation, the Assessment identifies that the site does not form part of any statutory or non-statutory designated site for nature conservation with the closest statutory designated site being the North Pennine Dales Meadows SAC, approximately 6.5km northwest. Cragg Wood, Evenwood LWS is the closest non-statutory designated site at 345m southeast. No impacts on statutory or non-statutory designated sites for nature conservation are anticipated due to the nature of the proposed development and spatial separation. Having regard to the findings of the Assessment. ecological constraints and opportunities are identified.
212. Regarding habitats and flora, it is identified that the site comprises primarily of grazed pasture (modified grassland) of low ecological value. The habitats identified being other upland acid grassland, modified grass land, mixed scrub and developed land (this being the track at the proposed site entrance). Hedgerows (primary habitat) lines of trees and a stone wall were also identified. Field boundary and neighbouring habitats including an area of acid grass land, hedgerows, trees and woodland are considered to offer higher value habitat and local wildlife interest. Habitat enhancement measures are proposed as part of the development and would serve to enhance the development for local biodiversity. Enhancement measures proposed include new hedgerow and tree plant and creation of diverse grassland with specific areas designated as Biodiversity Enhancement Areas. The Assessment states that landscape plans indicate that nature conservation enhancement of the site would be achieved, resulting in an overall biodiversity gain; in line with NPPF (2021) and BS 42020 – A Code of Practice for Biodiversity in Planning and Development. Furthermore, it is stated that the net gain calculation results show that the proposed development would result in a clear biodiversity net gain of 51.98% in Habitat Units, and over 157.28% in Hedgerow Units. The provision of bird and bat boxes also provides biodiversity benefit which is not included in the Net Gain Calculation process. A number of protection measure are proposed in terms of habitats and flora. Existing features of biodiversity value would be retained and protected throughout the construction and operation phases. It is stated that all retained trees and woodland within the vicinity of construction areas would be protected during construction works in-line with BS 5837:2012 Trees in relation to design, demolition and construction. Standard good practice construction methods including pollution prevention and control would ill ensure that there are no indirect effects on the woodlands or other neighbouring habitats. In addition, the solar farm would not be lit once constructed, maintaining dark corridors along boundary habitats including woodland edges and hedgerows.

213. With regard to birds, the Ecological Assessment states that the breeding bird assemblage using the site is typical of farmland habitats in the region. The majority of the species (including notable species) were associated with vegetation along field boundaries in the site and wider Survey Area. Ground-nesting Skylark and Meadow Pipit were recorded breeding within the Survey Area. Curlew were observed during the breeding bird surveys, although they were not considered breeding within or immediately adjacent to the site, it is considered that the species visit the site for foraging. Habitats on site (most notably the field boundary features) provide some suitable nesting habitat and support breeding birds typical of rural areas in the region, including some of local conservation concern species. The landscape planting, including species diverse grasslands, hedgerow and trees planting would provide a local benefit for birds. Bird boxes would also be installed in suitable locations (as detailed in the BMP). Removal of nesting bird habitats should be undertaken outside of the bird breeding season (01 March to 31 August inclusive). If vegetation works are necessary during the breeding season, suitable nesting habitat should be hand searched by a suitably experienced ecologist prior to works commencing. Only when the ecologist is satisfied that no offence will occur under the legislation would works be permitted to proceed.
214. In terms of bats, some of the mature trees on site may have bat roost suitability; however, all mature trees on site would be retained and protected following British Standards BS5837:2012 Trees in relation to design, demolition and construction. As a result, there would be no loss or disturbance to any trees with roost potential. Mature trees within and bordering the site could potentially provide bat roost features; however, all mature trees would be retained and protected as part of the development. The field boundary habitats (hedgerows, trees and woodland edges) offer foraging and commuting habitat for bats, and these would be protected and retained and protected. Landscape planting (hedgerows and trees) and species diverse grassland creation would encourage increased insect prey and would maintain and strengthen commuting and foraging opportunities. Bat boxes would be installed in suitable locations (as detailed in the BMP) to provide additional roosting opportunities. No mature trees are currently proposed for removal. Should this change, further surveys will be required to ascertain the presence or absence of roosting bats prior to any trees works commencing, with appropriate mitigation employed, if required. Any lighting required during construction of the solar farm should be directed away from trees and hedgerows.
215. Regard has been had to otters and water voles, and the Ecological Assessment concludes that no watercourses or riparian habitats are present on or adjacent to the site. These species are therefore considered unlikely to be present. Having regard to amphibians, no ponds are present on site. Two ponds were identified from OS maps within 250m of the site but are now likely to be dry or not permanent features with the last historical records for great crested newts at one of the sites dated 2009. The grazed pasture fields are considered to be of low value to amphibian species including great crested newts providing little or no cover or shelter. Hedgerow and woodland / woodland edge habitats, which will largely be retained provide more favourable terrestrial habitat for amphibians. Habitat enhancements including new hedgerow planting and diverse grassland creation would increase foraging and refuge opportunities for amphibians, if present locally. In terms of reptiles, the grazed pasture fields are of low value to reptile species providing little or no cover or shelter. Hedgerow and woodland / woodland edge habitats, which would largely be retained provide more favourable terrestrial habitat for reptiles. Habitat enhancements including new hedgerow planting and diverse grassland creation would increase foraging and refuge opportunities for reptiles, if present locally.

216. The Ecological Assessment advises that the habitat is suitable for brown hare and other small mammal species including western hedgehog. The boundary hedgerows and trees may also provide some interest for invertebrate species. Grassland within the Biodiversity Enhancement Area Site would provide additional habitats for mammal species with access within the security fence facilitating continued use during the operational period. The retention/enhancement of hedgerows, trees, and woodland on and bordering the site would likely continue to provide for a variety of invertebrate species, with additional planting and creation of diverse grassland along site boundaries and with Biodiversity Enhancement Areas enhancing the site's potential to support a more diverse invertebrate assemblage. No invasive species were recorded within the site.
217. A Confidential Badger Report has been submitted and a series of precautionary avoidance and protection measures would be implemented to protect the species including buffers and safe working methods. Durham County Badger Group has provided advice that access should be enabled/secured for the species. Mammal access points into and out of the site would be provided at various points along the perimeter security fences to maintain such access. The location of these would be determined by a pre-commencement badger survey which would identify path and existing commuting routes.
218. A Landscape and Biodiversity Management Plan (LBMP) has been submitted. The purpose of the LEMP is set objectives and standards for the performance of landscape maintenance work prior to the handover to the landscape maintenance contractor; to develop work programmes and schedules for landscape maintenance staff for the first year after completion and thereafter for a period of 40 years; to preserve and enhance the site biodiversity; to ensure that management of landscape features ensures they sustain their intended purpose such as to provide screening of proposed solar elements, or to break up visual massing; to help in the allocation of financial resources for landscape maintenance; and to help monitor success and progress against management targets. Such measures include hedgerow maintenance, management of trees, grassland, wildflower grassland strip management, bird cover strip management, mammal gate installation, and provision of bat and bird boxes and lighting. The LBMP is an operational guide for maintaining the landscape and ecological proposals for the lifetime of the solar park and is subject to change and improvement as the different landscape features mature and develop.
219. Objectors consider that there would be adverse impacts upon ecology as a result of the proposals with the land being covered with panels. It is claimed that there are adverse impacts at a site in School Aycliffe. Concerns are also raised about bird strikes and vermin.
220. The site is currently grazed by sheep, and this would continue should planning permission be granted. No concerns have been raised by consultees regarding possible bird strikes. Vermin as a direct result of the proposals is unlikely.
221. Ecology Officers have considered the proposals and originally raised queries regarding the proposed habitat losses and creation, seed mixes for proposed biodiversity enhancement areas and clarity regarding the location of proposed habitats. Following clarification officers have no objection subject to the securing the type and amount of habitat creation details in the submitted documents. In terms of protected species Ecology Officers advise that whilst there are mature trees on site, some which have risk of bat use it is understood that these would be retained as part of the proposals. No protected species would be directly affected by the proposed development. Accordingly, there is no requirement to apply the derogation tests for a licence.

222. Ecology Officers consider the Woodland Management Plan and the detailed LEMP including all habitat enhancement, creation and required monitoring for a minimum of 30 years should be secured by Section 39 agreement or similar. Section 39 of the Wildlife and Countryside Act 1981 enables local authorities to enter into management agreements with the owner of land for its conservation (and for other related purposes) and is regarded as a suitable mechanism for securing long term land management in relation to biodiversity net gain. A condition is not regarded as a suitable mechanism due to the minimum 30 year timescales involved and a Section 39 is more suited to ensuring long term management. Given the development is for a period of 40 years, it would be appropriate for the Section 39 agreement to cover 40 years as opposed to 30 years.
223. Natural England does not object and advises that the proposed development would not have significant adverse impacts on statutorily protected nature conservation sites. is consulted.
224. The proposed development would result in a net gain for biodiversity and where possible impacts on extant species are minimised using appropriate method statements and avoidance of impacts. Based on the submitted information relation ecology and air quality it is considered that the proposal would not have a harmful effect on protected species or designated habitats. Lighting details would be required to be submitted through a planning condition and it would be ensured that any lighting would be directed away from potential bat habitats.
225. The proposed solar farm would provide biodiversity enhancement to the site and, whilst there may be temporary displacement of wildlife during the construction process, the net increase in biodiversity value would adequately mitigate any residual harm. It is considered that the proposed solar farm would not impact upon any internationally, nationally or locally protected sites. Nor would the proposal impact adversely upon statutorily protected species. Suitable mitigation would be secured through Section 39 agreement. It is therefore considered that the proposals would not conflict with CDP Policies 25, 41, 42 and 43 and Part 15 of the NPPF in respect of avoiding and mitigating harm to biodiversity.

Recreational Amenity

226. 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.
227. Footpath Nos. 57, 59 and 62 (Evenwood & Barony Parish) and Bridleway No. 53a (Evenwood & Barony Parish) run through the proposed site. Footpath No. 59 runs approximately north-south through the centre of the site. Footpath No. 57 runs through the north-western extent of the site. Bridleway No. 53a runs north east by south west through the centre of the site before turning eastwards through the site's north eastern extent. Footpath No. 62 is northeast by southwest through the northern extent of the site. Footpath No. 55 passes along the northern boundary of the site. Footpath Nos. 54 is located to the north west of the site, outside of the site boundary. All of which link into the wider public rights of way network.

228. As stated above Bridleway No. 53a (Evenwood and Barony Parish) would form the access to the site and measures to reduce impacts on users would be put in place. The application site is crossed by a number of public rights of way, the route of Footpath No. 62 (Evenwood and Barony Parish) has an outstanding claim for rights of at least bridleway status to be added to the Definitive Map.
229. Access and Rights of Way officers have raised no objections noting it appears these rights of way can be accommodated on their legal lines through the development and there appears to be no proposal to stop up or divert any of these rights of way. Officers advise that if the safe use of the paths cannot be managed during the build with signage and banksman where necessary then temporary closures of the paths would need to be applied for. General advice is provided in that no plant or material should be stored on the paths, and the path surfaces cannot be changed. Officers are content with heights of hedges and widths of paths.
230. The British Horse Society (BGS) highlights the Bridleway within the site and that Footpath No. 62 (Evenwood and Barony Parish) is the subject of an application to upgrade it to a bridleway and that it is important to ensure adequate width of both are retained. BHS regrets the loss of amenity this development would inevitably result in and would urge that mitigation in the form of increased or improved local access to off road riding be included in the development plans.
231. Objectors to the proposal consider that there would be no wellbeing or mental health benefits from walking through an electricity producing plant. Walking through the solar farm would be for a short period of time and the routes lead to the wider rights of way network. As stated above hedgerows either side of the routes within the site would screen the panels over time.
232. There would be no loss of public rights of way and there would no physical deterioration in the quality of the paths, and in some cases, there would be an enhanced width. The proposed development would be located either side of the paths and whilst offset and bound by new and enhanced hedgerows, the solar panels and associated fencing would be seen in close proximity and the proposals. As a result, the recreational value of those rights of way would be diminished, in conflict with CDP Policy 26, due to the intrusion and visual impact of the proposed solar panels. The visual impacts would however be reduced as the proposed landscaping matures. In addition the hedgerows along the PRow would be maintained at a height of 3m at the request of Access and Rights of Way Officers to reduce the tunnelling effects of tall hedgerows and this would be secured through condition. Landscape Officers consider maintaining the height of the hedges at 3m would reduce mitigation of the development in wider views. The impact of the intended planting, although to screen the proposed development would divide the land into smaller compartments and in the opinion of the Landscape Officer, this would be without reference to the historic landscape pattern, eroding the character of the area and in doing so, the experience of a user of a PRow through the site would be changed from open to enclosed.
233. Although the proposed landscaping scheme would go some way towards protecting the recreational value of the site, views from users of the rights of way within the site would be significantly altered by the proposal in a manner which would not be consistent with CDP Policy 26 and Part 8 of the NPPF. The proposals would therefore conflict with the requirements of CDP Policy 26 and Part 8 of the NPPF.

234. In assessing the proposed development regard must be had to the statutory duty imposed on the Local Planning Authority under the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character and appearance of a conservation area. In addition, the Planning (Listed Buildings and Conservation Areas) Act 1990 also imposes a statutory duty that, when considering whether to grant planning permission for a development which affects a listed building or its setting, the decision maker shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. If harm is found this must be given considerable importance and weight by the decision-maker.
235. 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. CDP Policy 46 permits development which impacts upon the historic route of the Stockton and Darlington Railway (S&DR) of 1825, the Black Boy and Haggerleases branch lines and the Surtees Railway, together with their associated structures, archaeological and physical remains and setting, in certain circumstances.
236. No heritage assets are identified within the site boundary, however, a number of designated and non-designated assets of national importance are identified where setting may be affected as a result of the proposal. The principal assets affected are the Cockfield Fell scheduled monument which constitutes one of the largest landscape scale monuments in the County, the Cockfield Conservation Area and the remains of the Haggerleases Branch Line associated with the Stockton and Darlington Railway which relates to CDP Policy 46 acknowledging such railway infrastructure as being of national or international importance.
237. A Heritage Desk Based Assessment has been submitted in support of the application. This includes a description of the site and planning history, the assessment methodology, a description of known designated and non-designated heritage assets and a consideration of changes to setting that may affect the cultural significance of the designated heritage assets. The Assessment advises that the proposed development site was subject to a geophysical survey completed between November and December 2022. This survey identified a high level of magnetic disturbance from former extractive works within the site and therefore a low archaeological potential for the Site overall. Limited amounts of prehistoric and Romano-British archaeological remains are recorded within a 1km radial study area from the site. Those remains identified are limited to one discrete area, Cockfield Fell. It is stated that the potential for unrecorded prehistoric or Roman remains to be present within the site is low. Possible ridge and furrow identified through the geophysical survey of the site indicate the likely agricultural use of the site during the medieval/post medieval periods. The potential for significant unrecorded remains dating to the medieval period is considered to be low. The agricultural use of the site is likely to have continued through to the early modern period after which the site was the subject to opencast and pit mining. Reinstatement works took place within the site during the late 20th and early 21st centuries returning the site to agricultural use. The potential for significant unrecorded post-medieval, early modern or modern archaeological remains within the site is low.
238. The Heritage Desk Based Assessment which in terms of the built heritage divides the analysis between designated and non-designated assets. The Assessment includes

a settings assessment and concludes that the proposed development of the site would not result in any harm to the heritage significance/heritage interest of the Scheduled Enclosures and Industrial Workings on Cockfield Fell or Cockfield Conservation Area through changes to setting. No other designated heritage assets were considered to be sensitive to the proposed development of the site area and Officers do not disagree with this conclusion.

239. Concerns are raised by objectors that certain bridges would not be able to cope with the weight of vehicles and they are listed. They also note that high voltage lines cross the Scheduled Monument and that the development would prevent the potential of the area becoming an archaeological site and tourist attraction in the future.
240. Design and Conservation Officers have considered the significance and setting of Cockfield Fell as set out in the Heritage Desk Based Assessment. Officers consider That the principal significance lies in the role of the site in the setting of the Cockfield Fell Scheduled Monument, Cockfield Conservation Area and the historic railway infrastructure including the remains of the trackbed of a branch line of the S&DR which is of national importance. Setting is also considered to make a contribution towards the heritage significance of Enclosure and Industrial Workings on Cockfield Fell Scheduled Monument. However, the contribution of setting to significance is considered to be lesser than the contribution made by elements within the Scheduled Monument's boundary. The overall appraisal is considered to be reasonable and accurate. Whilst the conclusion is considered to underplay the relationship between the application site and the scheduled monument especially prior to planting mitigation maturing the end result of there being no harm to significance is accepted. There would be change in some views and some views of the asset would be removed within the application site, but this is not considered harmful.
241. Design and Conservation Officers have considered the significance and setting of Cockfield Conservation Area. The special heritage interests of Cockfield Conservation Area are primarily derived from features contained within its boundaries as well as the Scheduled elements of Cockfield Fell. The desk based assessment concludes that the proposal would not be harmful to the setting of the conservation area, and Design and Conservation Officers accept this conclusion although the level of impact is considered to be higher than suggested with the development being present in views to, from and across the asset, like the scheduled monument the conservation area is capable of accommodating a degree of change given its inherent significance and character and reliance on the surrounding landscape for heritage significance.
242. The relationship of the development to the non-designated historic railway infrastructure especially that of the S&DR Haggerleases Branch Line has been considered in detail and again whilst there would be a degree of change to setting this has been assessed against the provisions of Policy 46 of the CDP and does not give rise to objections. The proposals to include interpretation in the mitigation plan would also better reveal significance to a wider audience which is welcomed.
243. Overall, Design and Conservation officers conclude that given the scale, location and short to medium term inability to mitigate visual impact the development would feature in the setting of these assets to some degree. The test of acceptability lies in any harm which would result. Having considered the submitted impact assessment and reviewed the assets on site it is considered that as a result of the very specific characteristics of the assets a degree of change can be accommodated without harm, and the benchmark of sustaining a heritage objection is not reached. Added to this, interpretation of elements of the heritage is offered, as accepted by the Friends of Stockton and Darlington Railway as a positive benefit. In terms of policy tests this

would better reveal significance and add to understanding, as such this is welcomed and should be secured if permission is granted, through an appropriate mechanism.

244. An Archaeological Evaluation report has been submitted following the excavation and recording of 55 evaluation trenches. In the north-west part of the site truncated former field boundaries, disturbed ground, modern utilities and drainage were identified. Towards the north-east part of the site, a ditch of unknown date was recorded. The palaeoenvironmental sample from the primary ditch fill comprised a small amount of undiagnostic fuel waste. The few charred palaeoenvironmental remains are mineral-encrusted indicating lengthy exposure to post-depositional processes, but they do not provide any further information about the origin of the ditch. In the south-east part of the site no evidence for opencast mining was recorded, confirming its extents as shown on Coal Authority records and historic aerial photographs of this part of the site. Furrows, the remains of medieval or postmedieval ploughing, were recorded in trenches. In the east part of the site evidence for modern disturbance relating to opencast mining was recorded, no archaeological features were recorded. Shallower deposits of opencast backfill were recorded in the south-east part of the site in an area marked as beyond the limits of the opencast on the Coal Authority plans. This area is likely to have been used for stockpiling material that was then levelled out as part of the reinstatement process, with deeper deposition of backfill recorded towards the north-east. A small assemblage of modern artefacts was recovered, consisting mainly of discarded food and drinks-related household items. Where dateable the assemblage spans the early to mid-20th Century.
245. Archaeology officers have considered the proposals and have no objection subject to conditions requiring submission of a Written Scheme of Investigation setting out a phased programme of archaeological work and the subsequent submission of a post investigation assessment. This is because the submitted archaeological report has shown some archaeological potential for the site, based on some undated remains and also encountered more information regarding the extent of previous disturbance on the site. Officers advise that further trenching is required to further test and confirm the geophysical survey results and also to confirm the nature and extent of archaeological remains present.
246. Historic England has not offered advice on the application. The Friends of the Stockton & Darlington Railway has not objected and has expressed interest in the proposed information boards.
247. Subject to the imposition of conditions requiring further trial trenching and evaluation and interpretation material it is considered that the proposed solar farm would not conflict with CDP Policies 44 and 46 and would cause no harm to heritage assets in accordance with Part 16 of the NPPF and Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Agricultural Land

248. Paragraph 180 of the NPPF seeks to protect best and most versatile land. CDP Policy 14 states that development of the best and most versatile agricultural land will be permitted where it is demonstrated that the benefits of the development outweigh the harm, taking into account economic and other benefits. It goes on to state that all 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.
249. The proposed development would occupy approximately 64ha of agricultural land previously subject to surface coal extraction. An Agricultural Land Classification (ALC)

Assessment has been carried out for the whole 64ha site. The Assessment includes a desktop study and fieldwork analysis with the conclusion that all of the soils on the site are Grade 3b. The site is therefore not comprised of best and most versatile land. The application states that it can be anticipated that the soil quality would improve over this long fallow period, and the restored land whether used for arable or livestock farming would be more productive than at present.

250. CPRE whilst recognising that the land is not best and most versatile question how soil would be treated. However, it is the case that the land would remain as grazing land with minimal disturbance.
251. Natural England has provided general advice relating to best and most versatile agricultural land and soils, advising that Local planning authorities are responsible for ensuring that they have sufficient detailed agricultural land classification (ALC) information to apply NPPF policies and recommending that good practice is followed. Should the development proceed, Natural England advise that the developer uses an appropriately experienced soil specialist to advise on, and supervise soil handling, including identifying when soils are dry enough to be handled and how to make the best use of soils on site.
252. Although the development would temporarily remove a significant portion of land from agricultural use, it is currently being used for sheep grazing and would still be available for low intensity grazing. Given the nature of the proposed development impact upon soil resources is expected to be minimal and any stripping, storage and replacement of soils would take place in accordance with best practice. The proposal would not conflict with CDP Policy 14 or Part 15 of the NPPF in this respect.

Cumulative Impact

253. Paragraph 191 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.
254. The application site is currently comprised agricultural fields, hedgerows and public rights of way. There are no other existing or approved solar farms or substations within the vicinity of the proposed development, nor are there wind farm developments.
255. The proposed solar development would not therefore cumulatively add to the amount of energy infrastructure in the surrounding area. There would be temporary impacts during the construction stage and these impacts are considered within this report and are considered to be acceptable, subject to conditions where appropriate. It is therefore considered that the proposed development would not conflict with CDP Policy 31 and Part 15 of the NPPF.

Safeguarded Areas

256. CDP Policy 56 advises that planning permission will not be granted for non-mineral development that would lead to the sterilisation of mineral resources within a Mineral Safeguarding Area or which will sterilise an identified 'relic' natural building and roofing stone quarry as shown on Map C of the policies map document unless one of the following apply: a) it can be demonstrated that the mineral in the location concerned

is no longer of any current or potential value as it does not represent an economically viable and therefore exploitable resource; b) provision can be made for the mineral to be extracted satisfactorily prior to the non-minerals development taking place without unacceptable adverse impact on the environment, human health or the amenity of local communities and within a reasonable timescale; c) the non-minerals development is of a temporary nature that does not inhibit extraction within the timescale the mineral is likely to be needed; d) there is an overriding need for the non-minerals development which outweighs the need to safeguard the mineral; or e) it constitutes exempt development as set out in Appendix C of the CDP.

257. The site lies within the surface mined coal resource area and mineral safeguarding area as defined in the CDP.
258. A Mineral Reserve Assessment has been submitted with the application. The Assessment estimates that there are 1.4M tonnes of coal deposits, primarily the Busty and Brockwell seams, present at the site. However, this figure is considered to be a gross overestimate of the potential mineral resource present due to past coal mining activities in the area. The Assessment states that it has not been possible to refine this estimate without intrusive data for the site. It also highlights that if the deposit was to be worked, the recoverable tonnage would be further reduced by buffer zones required adjacent to the residential properties on the north-western and western site boundaries, as well as the cricket ground adjacent to the western boundary. The environmental considerations of a mineral extraction are also highlighted. The Assessment concludes that the mineral within the site is likely to have very limited commercial interest. In addition, there are significant constraints, and the extraction of the mineral would likely create numerous detrimental environmental issues and be subject to public objections. Having regard to Policy 56 criteria a) the Assessment concludes that Due to the historic coal mining on Site, it is considered likely that the mineral deposit is significantly smaller than indicated by the available BGS borehole records. In addition, the cost of overcoming challenges posed by the proximity of human, environmental and cultural heritage receptors to the deposit indicates that the deposit would not be economical to exploit. With regard to Policy 56 criteria b) the Assessment concludes that it is likely that there would be significant local objection on environmental grounds to the extraction of mineral from the Site, due to the increased HGV traffic, the site's proximity to the Durham AHLV, historic Stockton and Darlington Railway, Cockfield Conservation Area, and the Scheduled Monument of Enclosures and industrial workings on Cockfield Fell. In terms of Policy 56 criteria c) the proposed development of a solar farm at the site is not considered to pose a risk of permanent sterilisation of the mineral resource, due to solar farms typically having a lifespan of up to 40 years.
259. With regard to criteria a) of Policy 56, the site has previously been subject to coal extraction via surface mining and as such the economically viable and exploitable resource has likely been extracted. With regard to criteria c) the proposed development is temporary, albeit for 40 years, and would not permanently sterilise any remaining resource should it be considered to be should it be considered viable and in the future.
260. Having regard to the Mineral Reserve Assessment and the planning history of the site, officers concur with the above conclusions. It is therefore considered that the proposed development would not conflict with CDP Policy 56 and Part 17 of the NPPF.
261. CDP Policy 28 requires that within the defined Durham Tees Valley and Newcastle International Aerodrome Safeguarding Areas. The site lies within the 30km wind farm consultation zone for Tees Valley Airport. As previously stated, National Air Traffic Services (NATS) has raised no objections to the proposals advising that it does not

conflict with its safeguarding criteria. Teesside International Airport has no aerodrome safeguarding objection to the proposal. It is therefore considered that the proposed development would not conflict with CDP Policy 28 or Part 10 of the NPPF.

Community benefits

262. The applicant has proposed to make a financial contribution of at least £400,000 for local community projects, along with free energy surveys and a retrofit solar and battery programme for around 60 local houses. It is understood that the equipment would be wholly owned by the residents who would then benefit from the free electricity generated by the equipment over its lifetime. The potential provision of a community garden is also mentioned. No details are provided as to how these would be delivered but this does not form part of the planning application, so details are provided for information.
263. Objectors raise queries regarding the proposed benefits considering that they are offered to sway opinions and that it should be made clear who has been offered what. Questions are raised regarding ownership of electricity produced from households who may be provided with solar panels from the developer. Highlands Village Hall Association seeks to secure the community benefits proposed by the developer.
264. No details are provided as to how the financial contribution or other benefits offered would be delivered. Nevertheless, Officers consider that the harm identified in the determination of this application could not be mitigated by a financial contribution or other community benefits and therefore such should not be weighed in the planning balance. Any financial or other benefits offered by the Applicant do not meet the tests for a Section 106 obligation under the Town and Country Planning Act 1990 (as amended) and accordingly, are offered on a voluntary basis outside of the planning system.

Other Matters

265. Durham Constabulary Crime Prevention Unit has provided advice to the applicant in respect of designing out crime/crime prevention perspective and make a number of recommendations. They advise that monitored CCTV should provide full coverage of the solar site/s, and it should not be able to be tampered with. If any CCTV systems get broken, they should be fixed as soon as possible as it would then be difficult to identify a crime in action. It should be ensured that there are no gaps in the hedging or fence lines. Consideration should be given to making it difficult for vehicles to be brought onto site by the use of ditches, concrete blocks or gates. Overt deterrents are recommended, such as visible CCTV, warning signs etc. Forensic marking of panels and cables should be considered, so that they are identifiable when recovered if stolen. It is recommended that regular (daily if possible) walks of the perimeter fence line take place, to quickly identify any holes cut that could be a precursor to an upcoming theft.
266. Objectors have questioned the need for the extra electricity, the lack of cheap energy and consider that the solar farm would stop wind turbines from turning and there is a cost implication to this. There is a need to reduce society's energy dependence on external sources and encourage the development of renewable energy schemes. The development of renewable sources of energy makes a valuable contribution to tackling the rate of climate change, enabling us to live in a more sustainable manner, and helps to reduce our reliance on fossil fuel derived energy provision from abroad. No evidence has been provided to suggest that the solar farm would be detrimental to the functioning of wind turbines. It is the acceptability of the proposed solar development which is being considered.

267. The applicant has advised that all energy generating assets are turned off from time to time, including coal, gas and nuclear plants. This can be for a variety of reasons including grid balancing, planned and unplanned grid 3 outages etc. The applicant's experience of operating over 100 solar farms throughout the UK is that these are rare occurrences. Wind and solar power are largely complementary and generally displace the more expensive forms of energy such as coal, gas and nuclear. Daytime consumption of electricity is predicted to increase as we electrify homes, businesses and transport and use more air conditioning in response to a warming climate and more daytime electricity generation will be required not less.
268. Objectors have stated that a public inquiry is required. It is not explained why this should be the case. Members of the public are able to make representations through consideration of the application in writing and verbally at Committee. Concerns that there would be a solar heat island effect raising the temperature of the surrounding land and that there would be RF interference have not been substantiated.
269. Objectors claim that the applicant does not have the funds to clear the site and the site would be left unrestored. The situation in 40 years is not known but there would be a planning requirement for removal of the infrastructure which would be enforced if necessary.
270. Opinion given by objectors on the location of the connection to the pylons, with a better option considered to be on the Gaunless side of the road. The Council is considering the application as submitted.
271. The impact upon tourism is raised but there is no evidence to suggest that there would be an impact.
272. The potential impact upon users of the cricket field is questioned with lost balls or models not being able to be recovered. No representations have been received from the cricket club or any model flying club. This would be a matter for the parties outside of the planning system. The applicant has advised that there is ongoing dialogue with the cricket club. In terms of the solar farm itself, consider it would have no impact on them once operational and unlikely to have any impact during construction other than deliveries going past the club entrance. The application has no concerns regarding cricket ball cricket balls damaging the panels noting that the field immediately north of the cricket pitch is BEA and the nearest fields with panels would be at oblique angles. The applicant suggests that cricket balls landing in these areas could be returned by the farmer to the cricket club. In the longer term the planting along the boundary would reduce the likelihood further.
273. Objectors have stated that the proposal would result in the devaluation of prices and a council tax rebate be given. Property values are affected by many factors and cannot be taken into account as a material consideration in the determination of a planning application. However, the effects of the proposal have been thoroughly assessed in relation to residential amenity and considered to be acceptable.
274. Objectors raise concerns regarding the acceptability of the site and impact upon Human rights due to invasion of privacy" given reference to cameras, dangerous to human beings with rights of way through the site and the number of people involved with the development all of a sudden being within close proximity to the locals. It is not clear which Human Right is being asserted, however, the effects of the proposal have been thoroughly assessed in relation to residential amenity and considered to be acceptable.

275. 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.
276. In this instance, officers have assessed all relevant factors and do not consider that there are any equality impacts identified.

CONCLUSION

277. The proposal would constitute development in the countryside resulting in a degree of landscape harm. There would be some substantial, long-term, and adverse effects to the character, quality and distinctiveness of the local landscape and important views by virtue of its nature, size and visibility. In addition, it would reduce the quality of the experience for recreational users using the countryside. Mitigation would reduce some of the harm in near views in the medium to long term but not the effects in views from higher ground. This proposed mitigation would be at the detriment to the character of the area, however, there would be no harm to important features or views.
278. Although there would be a degree of landscape harm and reduction in the quality of the experience for recreational users, this harm must be weighed in the planning balance. As highlighted in the most recent appeal decision in the County, both national and development plan policy recognise that large scale solar farms may result in some landscape and visual impact harm. However, both adopt a positive approach indicating that development can be approved where the harm is outweighed by the benefits.
279. In these circumstances, whilst there would be some localised harm to landscape character and some visual harm in conflict with some of the relevant development plan policies, the imperative to tackle climate change, as recognised in legislation and energy policy, and the very significant benefits of the scheme clearly and decisively outweigh the limited harm. As such the proposal would accord with CDP Policy 39. The reduction in the quality of the experience for recreational users would be for a limited time until planting became established and for the period taken to walk the rights of way.
280. Furthermore, there are no physical constraints limiting early development of this site and a grid connection offer is in place. Therefore, the scheme could make an early and significant contribution to the objective of achieving the statutory Net Zero target set for 2050 and the commitment to reducing emissions in the shorter term also. Taking all of this into account, this benefit attracts significant weight.
281. The proposed development would provide a significant renewable energy source using solar power sufficient to provide clean energy for approximately 13,000 homes whilst also reducing dependence on fossil fuel power stations. This would equate to a reduction of 8,700 tonnes of CO₂ emissions annually, equating to 348,000 tonnes over the proposed 40 years operating period. Further benefits would be direct employment to the construction industry for the 9 month construction period with a project investment of circa £20 million. Local businesses would benefit from increased trade.

282. Additional benefits of the scheme include biodiversity and landscape improvements to the site. Notwithstanding this, the landscape harm is lessened as the development is temporary in nature and the traditional land use and links to the wider landscape can be reinstated on removal of the panels at the end of their lifespan. Furthermore, it is considered that the proposal offers an opportunity to contribute to renewable energy requirements and the harm can be reversed in due course. As the proposal is considered acceptable in other matters, then this temporary harm does not in itself justify refusal of this application.
283. Having weighed the landscape harm and reduction in the quality of the experience for recreational users in the planning balance, it is considered that the benefits of the proposal would outweigh this harm.
284. Consideration has also been given to the impact on designated and non-designated heritage assets and no harm has been identified. The proposed interpretation information is regarded as positive.
285. Mitigation measures proposed for biodiversity would ensure that there was no net loss of biodiversity and that on balance the proposals would be beneficial. Landscape and biodiversity mitigation measures would be secured by an obligation under Section 39 of the Wildlife and Countryside Act 1981. The site would be restored upon completion of its operational life.
286. Furthermore, the site is not subject to nature conservation designations, and it is not considered that there would be an adverse impact on designations close by, a view endorsed by the ecological consultees. Nor is it considered that there would be an adverse impact upon flora or fauna, including protected species. Consideration has also been given to the impact of the proposals upon recreational amenity, hydrology and hydrogeology, access and highway safety and, subject to appropriate conditions where appropriate, the impacts are considered to be acceptable.
287. The site is not best and most versatile and although it would not be available for arable production it could, to some degree, be used for grazing. Upon decommissioning the site would be restored and put into productive agricultural use.
288. There would inevitably be some disturbance and disruption from temporary construction and decommissioning for those living close to the proposed extension but for a limited 9 month and 6 month period respectively and suitable mitigation measures would be secured through site design and condition.
289. The proposed development has generated some public interest, with letters of objection and support having been received. Concerns expressed regarding the proposal have been taken into account, and carefully balanced against the scheme's wider social, environmental and economic benefits.
290. The proposed development proposal is considered to broadly accord with the relevant policies of the County Durham Plan and relevant sections of the NPPF.

RECOMMENDATION

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

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

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

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

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

3. The development hereby permitted shall cease on or before the expiry of a 40 year period from the date of first export of electricity.

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

4. The Local Planning Authority shall be given at least seven days prior written notification of the date of first export of electricity.

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

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

- Site Location Plan ref. P20-2730_01 Rev E (received 20th February 2023)
- Master Site Layout ref. P20-2730_EN_00_016 Rev H (received 5th October 2023)
- Detailed Planting Plan ref. P20-2730_EN_00_19 Rev E (received 5th October 2023)
- Planning Elevations PV Array – Side ref. P008.1-300 Rev 02 (received 20th February 2023)
- Planning Elevations PV Array – Front ref. P008.1-301 Rev 02 (received 20th February 2023)
- Planning Elevations Inverter ref. P008.1-303 Rev 02 (received 20th February 2023)
- Planning Elevations Perimeter Fence P008.1-304 Rev 03 (received 20th February 2023)
- Planning Elevations CCTV Elevations P008.1-305 Rev 02 (received 20th February 2023)
- Planning Elevations O&M Building P008.1-306 Rev 02 (received 20th February 2023)
- Planning Elevations Welfare Office P008.1-307 Rev 01 (received 20th February 2023)
- Elevations – 33kv Intake Client Switch Room ref. XXXXX-E-ELE-01 Rev A (received 20th February 2023)
- Transformer Elevations ref. 10015-E-ELV-03 Rev A (received 20th February 2023)
- Substation Layout Plan ref. ESN-E-SP-1 Rev A (received 20th February 2023)
- Control Room Layout and Elevation ref. 10015-E-ELV-02 Rev C (received 20th February 2023)
- 66kv Compound rev. 10031-E-ELV-01 Rev A (received 20th February 2023)
- Drainage Strategy ref. B775/07 Rev G (received 15th November 2023)

- Woodland Management Plan (Barton Hyett dated 29th September 2023)
- Landscape and Ecological Management Plan (Pegasus Group ref. P20-2730_EN_00_27C, dated September 2023)
- Biodiversity Management Plan (Avian Ecology dated 10th July 2023)
- Ecological Assessment Report, including Bird Survey Report, Biodiversity Net Gain Assessment, and Biodiversity Management Plan (Avian Ecology, February 2023).
- Biodiversity Metric 3.1 (June 2023)
- Environment Enhancement Strategy Rev C (Pegasus Group, dated February 2023)
- Construction Management Plan (PFA, February 2023)
- Dust Management Plan (Air Quality Consultants dated February 2023)
- Framework Construction Traffic Management Plan (PFA Consulting Ltd, November 2022).
- Flood Risk Assessment (PFA Consulting Ltd, October 2023)

Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with Policies 10, 14, 21, 25, 26, 28, 31, 32, 33, 35, 39, 40, 41, 42, 43, 44, 46 and 56 of the County Durham Plan and Parts 2, 6, 8, 9, 14, 15, 16 and 17 of the National Planning Policy Framework.

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

9. Details of provision for all site operatives, including visitors and construction vehicles for parking and turning within the site during the construction period;
10. Details of delivery arrangements including details of construction hours, number of construction workers, methodology of vehicle movements between the compound and various site accesses, details of operation of banksmen, measures to minimise traffic generation (particularly at peak hours), measures to control timings and routings of deliveries and construction traffic (including abnormal loads) and pedestrian routes to the site;
11. Details of the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
12. Waste audit and scheme for waste minimisation and recycling/disposing of waste resulting from demolition and construction works.
13. Detail of measures for liaison with the local community and procedures to deal with any complaints received.

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

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

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

7. Notwithstanding the submitted information, no development shall commence until, a detailed landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The landscape scheme shall include the following:
 - a. Any trees, hedges and shrubs scheduled for retention, including method of protection in accordance in BS.5837:2010.
 - b. Details soft landscaping including planting species, sizes, layout, densities, numbers.
 - c. Details of planting procedures and/or specification.
 - d. Finished topsoil levels and depths.
 - e. Details of temporary topsoil and subsoil storage provision.
 - f. The timeframe for implementation of the landscaping scheme.
 - g. The establishment maintenance regime, including the replacement of vegetation which die, fail to flourish within a period of 5 years from planting.

The approved landscaping scheme shall thereafter be undertaken in accordance with the approved details and timeframes.

Reason: In order to provide landscape enhancement and screening for the development in accordance with Policy 39 of the County Durham Plan and Part 15 of the National Planning Policy Framework. Required to be pre-commencement in order to ensure landscaping is agreed and takes place early in the development.

8. Prior to the commencement of development, an Arboricultural Method Statement and finalised Tree Protection Plan shall be submitted to and approved by the Local Planning Authority. Once approved the details shall be implemented in full and to the satisfaction of the Local Planning Authority.

Reason: In the interests of the 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. Required to be pre-commencement in order to ensure the protection of retained trees and hedgerows.

9. Prior to the commencement of development precise details of the internal track surfaces shall be agreed in writing with the Local Planning Authority and the development carried out in accordance with agreed details.

Reason: To ensure the development is carried out in accordance with the approved documents and in the interests of visual amenity and highway safety in accordance with Policies 21 and 39 of the County Durham Plan and Part 15 of the National Planning Policy Framework. Required to be pre-commencement in order to assess the appearance of the development.

10. The development shall be implemented in line with the recommendations contained within the submitted document entitled Ecological Assessment Report F2 prepared by Avian Ecology dated 13/06/2023.

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

11. Prior to the commencement of development, a pre-commencement badger survey shall be undertaken. The survey and any resulting recommendations shall be submitted to and approved by the Local Planning Authority. Once approved the details shall be implemented in full and to the satisfaction of the Local Planning Authority.

Reason: In the interests of nature conservation and to conserve protected species and their habitat in accordance with Policies 41 and 43 of the County Durham Plan and Part 15 of the National Planning Policy Framework. Required to be pre-commencement to conserve protected species and their habitat.

12. Prior to their use details of any external lighting shall be submitted to and approved in writing by the Local Planning Authority. The lighting shall be erected and maintained in accordance with the approved details.

Reason: To confirm the final precise lighting proposals having regards to residential amenity and biodiversity having regards to Policies 31, 41 and 44 of the County Durham Plan and Parts 12 and 15 of the NPPF

13. The development shall be carried out in accordance with the approved Drainage Strategy ref. B775/07 Rev G. The features shall be fully completed prior to installation of the above ground structures. The features shall be retained and maintained thereafter throughout the lifetime of the development.

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

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

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

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

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

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

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

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

16. Notwithstanding the detail in the approved plans set out in Condition 5, prior to the commencement of development of any building and above-ground structure, precise details of that building and structure shall be submitted to and approved in writing by the Local Planning Authority. The submission shall include the colours and finishes. The development shall be carried out in accordance with agreed details.

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

17. No development shall commence until a written scheme of investigation setting out a phased programme of archaeological work in accordance with 'Standards for All Archaeological Work in County Durham and Darlington' has been submitted to and approved in writing by the Local Planning Authority. The programme of archaeological work will then be carried out in accordance with the approved scheme of works.

Reason: To safeguard any archaeological interest in the site, and to comply with 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.

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

Reason: To comply with County Durham Plan Policy 44 and Paragraph 205 of the National Planning Policy Framework, which requires the developer to record and advance understanding of the significance of heritage assets, and to ensure information gathered becomes publicly accessible.

19. 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 Yorkshire and Lincolnshire Pollution Advisory Group (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 is suitable for use, in accordance with County Durham Plan Policy 32, Part 15 of the National Planning Policy Framework. Required to be pre-commencement to ensure that the development can be carried out safely.

20. 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 County Durham Plan Policy 32, Part 15 of the National Planning Policy Framework.

21. Within 6 months of the commencement of development detail including construction and content of proposed site interpretation material based on the local heritage and including a timescale for installation shall be submitted to and approved in writing by the Local Planning Authority. The interpretation material shall be erected and maintained in accordance with the approved details.

Reason: To comply with County Durham Plan Policies 44 and 46 and Part 16 of the National Planning Policy Framework.

22. A scheme for the restoration of the site, including the dismantling and removal of all elements, shall be submitted to and be approved in writing by the Local Planning Authority not later than 40 years from the date of first export of electricity. The approved scheme shall be carried out and completed within 6 months from the date that the planning permission hereby granted expires.

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

23. In the event the site does not export electricity to the grid for a continuous period of 12 months after the date of first export, a scheme of early decommissioning works (“the Early Decommissioning Scheme”) and ecological assessment report detailing site requirements in respect of retaining ecological features (“the Early Ecological

Assessment Report”) shall be submitted no later than 3 months after the end of the 12 month non-electricity generating period to the local planning authority for its approval in writing. The Early Decommissioning Scheme and the Early Ecological Assessment Report shall be implemented in full thereafter.

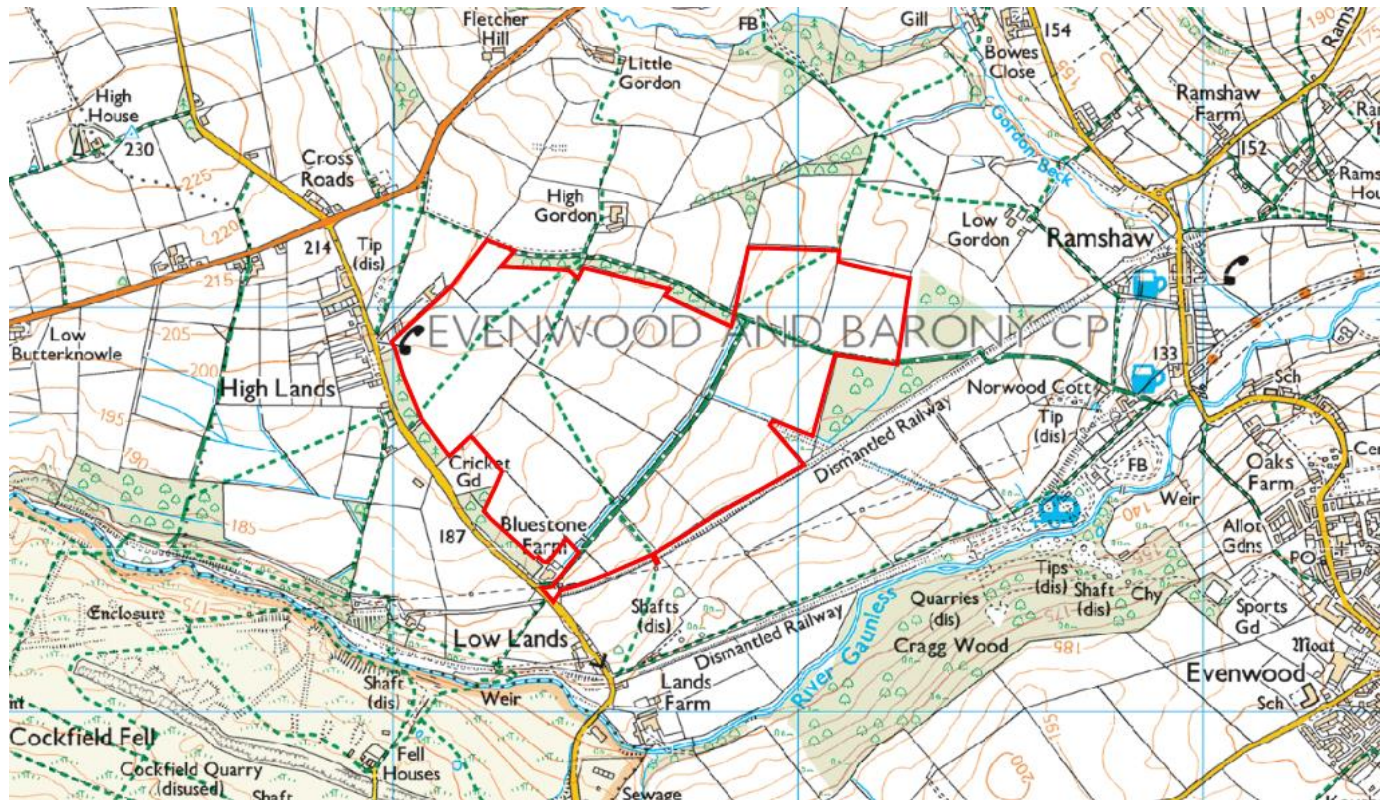
Reason: In the interests of visual amenity, pollution prevention and reinstatement of agricultural land in accordance with County Durham Plan Policies 31 and 39 and Part 15 of the National Planning Policy Framework.

STATEMENT OF PROACTIVE ENGAGEMENT

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

BACKGROUND PAPERS

- Submitted application form, plans supporting documents and subsequent information provided by the applicant.
- The National Planning Policy Framework (December 2023)
- National Planning Practice Guidance notes
- County Durham Plan (2020)
- County Durham Landscape Value Assessment (2019)
- County Durham Landscape Strategy (2008)
- County Durham Landscape Character (2008)
- 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)
- Overarching National Policy Statement for Energy (EN-1) (November 2023 to be designated in early 2024)
- National Policy Statement for Renewable Energy Infrastructure (EN-3) (November 2023 to be designated in early 2024)
- Powering Up Britain: Energy Security Plan (April 2023)
- Statutory, internal and public consultation responses



Planning Services

DM/23/00486/FPA

Construction of a solar farm with all associated works, equipment and necessary infrastructure Bluestone Farm, Low Lands, Cockfield, Bishop Auckland, DL13 5AW

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Comments

Date December 2023

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COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION No:	DM/23/00294/FPA
FULL APPLICATION DESCRIPTION:	Demolition of existing school buildings with the exception of the drama block
NAME OF APPLICANT:	Durham County Council and the Department for Education
ADDRESS:	Belmont Church Of England Junior School, Buckinghamshire Road, Belmont, Durham, DH1 2QP
ELECTORAL DIVISION:	Belmont
CASE OFFICER:	Claire Teasdale, Principal Planning Officer 03000 261390 claire.teasdale@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

Site

1. The 8.27 hectare (ha) application site comprises the existing Belmont Church of England Primary School and Belmont Community School with associated playing fields and sports facilities. Access to the site is from Buckinghamshire Road and an internal school road runs from the western boundary (Buckinghamshire Road) up to the Belmont Church Of England Primary School building; providing vehicular access to Belmont Community School and serving car parking areas to the north and south.
2. The existing school buildings are across five buildings; two single storey buildings which house the junior school and nursery, and the high school which currently comprises three buildings (main school, sports hall and drama block) which vary between single and two storey height.
3. The site is surrounded by residential properties on all sides. The residential properties are accessed from Broomside Lane (Road C13) to the north, Buckinghamshire Road to the south and west and The Links to the east. Cheveley Park Medical Centre, library, Belmont Grange Care Home and Cheveley Park Shopping Centre are located to the north east of site and to the east of The Links. More widely, the site is located approximately 3km to the northeast of Durham City centre. The A1 lies approximately 220m to the west and Durham City Retail Park immediately to the west of it.
4. The rear gardens of residential properties along Broomside Lane, Buckinghamshire Road and The Links back immediately onto the application site with the distances varying depending upon the length of the gardens.
5. The site is not within or adjacent to any landscape designation. There are no Tree Preservation Orders (TPOs) within the site but there are two area TPOs along the north east boundary at Beechcroft Belmont and Belmont Vicarage and Belmont Grange, Broomside Lane, Belmont, Durham. Some 70m to the north west to the east

of Buckinghamshire Road are eight TPOs at Belmont House and in the vicinity of Belmont Court.

6. There are no ecological designations within or immediately adjacent to the proposed site. Some 350m to the south east is The Scrambles Local Wildlife Site (LWS). 1km to the north west is Frankland and Kepier Woods LWS and Ancient Woodland and Frankland Wood Ancient Woodland along the River Wear. 1.4km to the south west is Coalford Beck Marsh LWS. The closest Sites of Special Scientific Interest are located 1.8km to the north west (brasside Pond SSSI), 2.6km to the north east are Pittington Hill and High Moorsley SSSIs and 2.5km to the south east is Sherburn Hill SSSI and 4km to the south east Crime Rigg Quarry SSSI. The site lies within an identified SSSI Impact Risk Zone relating to the Brasside Pond SSSI present in the wider area.
7. There are no designated heritage assets within in the proposed site. The closest listed buildings are located to the north and north east. These being the Grade II Old School Community Centre and House Attached approximately 15m to the north and the Grade II Vicarage of St Mary Magdalene with Yard Wall and Gateway 25m to the north in the north eastern part of the site. The Grade II Church of St Mary Magdalene is located approximately 68m to the north of the site to the north of Broomside Lane. 158m to the north is the Grade II Belmont War memorial. Other listed buildings are some 1.8km distant from the site. The site lies close to the site of Ravensflatt medieval farmhouse. The Durham City Conservation Area lies over 1.6km to the south west with Sherburn House Conservation Area to the south and Sherburn Conservation Area 1.3km to the south east. The Durham Castle and Cathedral World Heritage Site is 3km to the south west with the World Heritage Site Inner Setting being closer at 1.4km to the south west. Kepier Hospital Scheduled Monument lies 2km to the west and Maiden Castle promontory fort.
8. There are no recorded public rights of way within or in the immediate vicinity of the school grounds. Public rights may be accrued by 20 plus years uninterrupted use, however, there is no evidence on file of this.
9. The site lies within an area of Groundwater Vulnerability as defined by the Environment Agency. There are no watercourses within or adjacent to the site. The site is in Flood Zone 1. The closest watercourses are Pittington Beck 740m to the east and the River Wear some 1.1km to the north west.
10. The site lies within a Coalfield Development Low Risk Area. The site lies within the mineral safeguarding area for coal as defined in the County Durham Plan and the south eastern corner of the site lies within an area identified for glacial sand and gravel. The site lies within the consultation area of the High Moorsley Metrological Office for any building/works exceeding 45.7m above ground level.
11. The lies approximately 555m to the west, beyond the A1, of the Durham City Air Quality Management Area Boundary.

The Proposal

12. Although the 8.27ha application site comprises the existing Belmont Church of England Primary School and Belmont Community School with associated playing fields and sports facilities, this planning application is for the demolition of the existing school buildings with the exception of the drama block.
13. In March 2023 Planning Permission No. DM/22/03248/FPA was granted 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. That application as originally submitted included the demolition of existing educational buildings. However, during the consideration of the application, it was identified that additional bat surveys were required for certain buildings and the application was subsequently amended to exclude all demolition apart from the drama block.

14. The layout of the approved new schools development has been designed to avoid the need for advanced demolition of the existing school buildings, reducing disruption to staff and pupils and to minimise the impact on existing site features and below-ground services. The development is phased to allow for teaching in the existing buildings to continue whilst the replacement buildings are constructed on site. There will be a temporary loss of grass playing field that will be used for the construction of the new buildings and new car parking area located within the western section of the site. However, the area of playing fields lost to the redevelopment proposals would be re-provided on the site of the existing buildings following their demolition.
15. Following construction of the new buildings the schools will decant into their new accommodation. The demolition phase would then commence. The proposed demolition works are scheduled to start in September 2024 with the first 4 months of work involving specialist asbestos removal. Demolition would be followed by the completion of the overall development with the provision of the sports fields, landscaping and parking.
16. Additional and amended plans have been submitted during the consideration of the application reflecting proposed changes to Planning Permission No. DM/22/03248/FPA through a Non-Material Amendment application no DM/23/02845/NMA. The changes relate only to the overarching landscape masterplan for the site and do not impact the wider principles of the scheme or the proposed demolition works.
17. This application is being reported to the County Planning Committee because it involves major development of more than 2ha.

PLANNING HISTORY

18. The existing school buildings date from the 1960s/1970s with some modern additions, including the 2007 performing arts block. There has also been a number of applications granted for car parks, storage containers and kitchen ventilation ductwork.
19. Planning application no. DM/22/03248/FPA 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) was approved in March 2023.
20. Planning application no. DM/23/02845/NMA for a Non-material amendment pursuant to Condition 3 (Approved Plans) of Planning Permission No. DM/22/03248/FPA to permit internal and external design changes to the approved buildings and external amendments including a reduction in the size of the artificial grass pitch was approved in December 2023.

PLANNING POLICY

NATIONAL POLICY

21. A revised National Planning Policy Framework (NPPF) was published in December 2023. The overriding message continues to be that new development that is sustainable should go ahead without delay. It defines the role of planning in achieving sustainable development under three overarching objectives – economic, social and environmental, which are interdependent and need to be pursued in mutually supportive ways.
22. In accordance with Paragraph 225 of the National Planning Policy Framework, existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with the Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given). The relevance of this issue is discussed, where appropriate, in the assessment section of the report. The following elements of the NPPF are considered relevant to this proposal.
23. *NPPF Part 2 – Achieving Sustainable Development* – The purpose of the planning system is to contribute to the achievement of sustainable development and therefore at the heart of the NPPF is a presumption in favour of sustainable development. It defines the role of planning in achieving sustainable development under three overarching objectives - economic, social and environmental, which are interdependent and need to be pursued in mutually supportive ways. The application of the presumption in favour of sustainable development for plan-making and decision-taking is outlined.
24. *NPPF Part 6 – Building a Strong, Competitive Economy* – The Government is committed to securing economic growth in order to create jobs and prosperity, building on the country's inherent strengths, and to meeting the twin challenges of global competition and a low carbon future.
25. *NPPF Part 8 – Promoting Healthy and Safe Communities* – The planning system can play an important role in facilitating social interaction and creating healthy, inclusive and safe communities. Local Planning Authorities should plan positively for the provision and use of shared space and community facilities. An integrated approach to considering the location of housing, economic uses and community facilities and services should be adopted.
26. *NPPF Part 9 – Promoting Sustainable Transport* – Encouragement should be given to solutions which support reductions in greenhouse gas emissions and reduce congestion.
27. *NPPF Part 14 – Meeting the Challenge of Climate Change, Flooding and Coastal Change* – The planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.

28. *NPPF Part 15 – Conserving and Enhancing the Natural Environment* – The Planning System should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, 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.
29. *NPPF Part 16 – Conserving and Enhancing the Historic Environment* – Heritage assets range from sites and buildings of local historic value to those of the highest significance, such as World Heritage Sites which are internationally recognised to be of Outstanding Universal Value. These assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations.
30. *NPPF Part 17 - Facilitating the sustainable use of minerals*. It is essential that there is a sufficient supply of minerals to provide the infrastructure, buildings, energy and goods that the country needs. Since minerals are a finite natural resource, and can only be worked where they are found, best use needs to be made of them to secure their long-term conservation.

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

31. The Government has consolidated a number of planning practice guidance notes, circulars and other guidance documents into a single Planning Practice Guidance suite. This document provides planning guidance on a wide range of matters. Of particular relevance to this application is the practice guidance with regards to: air quality; climate change; determining a planning application; flood risk and coastal change; healthy and safe communities; historic environment; light pollution; natural environment; noise; 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)

32. *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.
33. *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.

34. *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.
35. *Policy 27 – Utilities, Telecommunications and Other Broadcast Infrastructure* – supports such proposals provided that it can be demonstrated that there will be no significant adverse impacts or that the benefits outweigh the negative effects; it is located at an existing site, where it is technically and operationally feasible and does not result in visual clutter. If at a new site then existing sites must be explored and demonstrated as not feasible. Equipment must be sympathetically designed and camouflaged and must not result in visual clutter; and where applicable the proposal must not cause significant or irreparable interference with other electrical equipment, air traffic services or other instrumentation in the national interest.
36. *Policy 28 – Safeguarded Areas* – within safeguarded areas development will be subject to consultation with the relevant authority and will be permitted within the defined consultation zones of the Major Hazard Sites and Major Hazard Pipelines, where it can be demonstrated that it would not prejudice current or future public safety. The Policy also requires that development would not prejudice the safety of air traffic and air traffic services, that there would be no unacceptable adverse impacts upon the operation of High Moorsley Meteorological Officer radar and the operation of Fishburn Airfield, Shotton Airfield and Peterlee Parachute Drop Zone Safeguarding Areas.
37. *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).
38. *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.
39. *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.
40. *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.

41. *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.
42. *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.
43. *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.
44. *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.
45. *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.
46. *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.

47. *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:

48. There is no Neighbourhood Plan for this area.

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

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

49. *Highway Authority* – has raised no objections to the proposals advising that subject to the applicant following the procedures as set out in the Construction Environment Management Plan submitted as part of the application, then this proposal would be acceptable from a Highways perspective.
50. *Drainage & Coastal Protection (Lead Local Flood Authority)* – officers advise that the application heading is for the demolition of the existing school buildings; the information provided is for the proposed new development. A site specific surface water management plan should be submitted for the demolition and control of water during the demolition process.
51. *Northumbrian Water* – has raised no objections to the proposal. For information only Northumbrian Water advises that a public combined sewer and a sewerage rising main is within the red line site boundary be affected by the proposed demolition. Northumbrian Water does not permit a building over or close to its apparatus. It advises that it would work with the developer to establish the exact location of its assets and ensure any necessary diversion, relocation or protection measures required prior to the commencement of the demolition. Northumbrian Water advises that this is an informative only and does not materially affect the consideration of the planning application.
52. *Sport England* – supports the application. Sport England advises that demolition proposals are not a form of development which Sport England is usually consulted upon. In this instance however, the demolition of these buildings will deliver the replacement playing field (in the form of an Artificial Grass Pitch) that means that the overall redevelopment of the school site meets playing field policy. In light of this Sport England wishes to support this application.
53. *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. This means that there is no requirement under the risk-based approach that has been agreed with the LPA for a Coal Mining Risk Assessment to be submitted or 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 will 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.

54. *High Moorsley Metrological Office* – has no objections. It is noted that the proposal is approximately 3.9km from the meteorological radar at High Moorsley and there would not be any impact on the data or the forecasts and warnings derived from it.

INTERNAL CONSULTEE RESPONSES:

55. *Spatial Policy* – has raised no objections to the proposals. Officers consider the proposal to be in accordance with CDP Policy 6 (Development on Unallocated Sites) subject to satisfying other policy requirements within the CDP. Officers advise that it will be a matter for the case officer in conjunction with advice from specialist services to determine if the proposal is compliant with relevant CDP policy in relation to design, amenity, environmental health and landscape etc. Overall, there are no Spatial Policy objections to the development of a school on this site, however, there are a number of considerations to be taken into account, with a key issue being seeking confirmation that Sport England are satisfied.
56. *Environmental Health and Consumer Protection (Air quality)* – raise no objections having considered the submitted Air Quality Assessment, Dust Management Plan and the Construction Environmental Management Plan. Officers note that the Planning Statement appropriately summarises the conclusions of the air quality assessment.
57. *Environmental Health and Consumer Protection (Nuisance Action)* – has raised no objections to the proposals having undertaken a technical review of information submitted in relation to the likely impact upon amenity in accordance with the relevant TANs (Technical Advice Notes). Officers advise that their main concerns would be the impact of the demolition process on nearby residential dwellings and the surround environment. It is noted a dust management plan and Construction Method Statement has been submitted which provides further information on how various emissions from the demolition process will be controlled, this includes working times. Providing these documents are adhered to then it is envisaged relevant impacts would be within reasonable parameters. The information submitted demonstrates that the application complies with the thresholds stated within the TANS. This would indicate that the development would not lead to an adverse impact, however, the planning officer should consider the supporting detail. Officers confirm they have assessed the environmental impacts which are relevant to the development in relation to their potential to cause a statutory nuisance, as defined by the Environmental Protection Act 1990 and are satisfied, based on the information submitted with the application, that the development is unlikely to cause a statutory nuisance.
58. *Environmental Health and Consumer Protection (Contaminated Land)* – has raised no objection having assessed the historical maps and available information with respect to land contamination. There is no requirement for a contaminated land condition. An informative to cover any circumstance if unforeseen contamination is encountered is recommended.
59. *Ecology* – raise no objection. Officers advise that the bat surveys confirm the presence of 3 common pipistrelle roosts therefore a Natural England (NE) bat mitigation licence is required for the demolition of the school buildings. Replacement roost provision is

likely to be required as part of the NE licence. Further information was requested on the proposed bat roost provision as officers need to be sure that the bat roost provision is sufficient to enable a successful NE licence application, and this was provided. Ecology officers consider that the bat survey work is sound, but that demolition should not proceed until a NE licence is in place as per the Ecological Impact Assessment Sept 2023 OS Ecology.

60. *Landscape* – has raised no objections and advise that there are no landscape and visual issues subject to tree protection measures required by the Arboricultural officer.
61. *Arboricultural (Trees)* – officers advise that tree removals would have a negative effect within the site noting that the trees provide mature cover within the carparking area. Trees which are to be retained within the site and those concentrated within the boundaries must be protected with fencing shown within submitted tree report. Inspection must be undertaken before demolition of buildings to ensure that fencing is in place and at the recommended distances shown within the AIA. Officers provide advice on the specifics tree planting recommending that all tree work and planting must be undertaken to a high professional standard in accord with arboricultural best practice and in line with the appropriate British Standard.
62. *Design and Conservation* – advise there is no objection from a design and conservation perspective.
63. *Archaeology* – raise no objection stating that there are no archaeological concerns regarding the demolition of the existing school buildings. Archaeological investigations in advance of the construction of the replacement buildings and landscaping will take place as part of planning application DM/22/03248/FPA.
64. *Access & Rights of Way* – advise they have no comments to make.
65. *Sustainable Travel* – advise no comment is required.

PUBLIC RESPONSES:

66. 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. Notification letters were sent to 1,307 individual properties in the vicinity of the site. A reconsultation took place following receipt of the additional information referred to above.
67. One representation has been received from a member of the public. The member of the public advises that he is all for improving and developments of schools and other public buildings, however queries if it would it be possible to provide a park and ride service for the workmen involved. It is stated that the streets are quite congested with their personnel vehicles which in turn creates difficulty for refuse disposal and general service deliveries to the Cheveley Park area.

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:

68. The Durham County Council Plan 2020-2023 includes the ambition ‘to safeguard, enhance and provide a wide range of educational facilities’.

69. The application is for the demolition of existing school buildings with the exception of the drama block. This forms the second element of the Proposed Development, following approval earlier this year for the first part of the proposals for the construction of replacement educational buildings for both Belmont C of E Primary School and Belmont Community school and a new sports hall and playing fields, co-located on the same site. The existing school buildings have reached the end of their design life and have been prioritised for replacement.
70. The approach to split the proposed development into two applications was taken due to timescales for the delivery of the new school buildings and the requirement for additional bat surveys relating to the existing buildings which could not be undertaken until May 2023, meaning mitigation requirements could not be clearly identified until recently.
71. Approval of this application will therefore enable the delivery of the full masterplan for the site with the demolition of existing buildings freeing up the space required to deliver the playing fields.
72. The works for the demolition are scheduled to start in September 2024.
73. The Applicant team has engaged with the LPA and statutory consultees, including Ecology and Sport England prior to the submission of the planning application to agree the approach for the split application and throughout the determination period to address consultee feedback and to ensure that proposals are appropriate for the local area
74. The proposals once fully delivered, including elements already approved, will result in significant benefits to the local community, as summarised below:
 - The development will provide accommodation for 1,475 students and 122 staff across the two schools and community use of the sporting facilities. The new schools will allow for additional pupil capacity to accommodate existing residential growth and future projected growth in the area.
 - The proposals will result in a betterment to the sporting provision on site through an increase in the area available for sporting use as well as the inclusion of an artificial grass pitch. The existing playing field area on site is 39,942sqm and the proposed playing field provision will increase to 42,425sqm, which will include a playing field area of 30,986sqm, sports courts and an artificial grass pitch. The artificial grass pitch will be floodlit, allowing for additional usage during the winter months whilst being controlled to ensure no adverse impacts on nearby residents. The development will benefit staff, student and the community health and well-being by providing access to additional, modern and better quality sports facilities within the locality.
 - The development will replace the current energy inefficient buildings with modern high-quality buildings which incorporate a number of measures to reduce energy consumption and utilise renewable energy sources. The development incorporates LZC technologies, such as photovoltaics and air source heat pumps in order to offset the energy requirements of the development. The aim is to be consistent with the drive to the electrification of heating systems and to utilise heat pumps to generate heating and hot water demands for all the buildings.
 - The proposed development will utilise a fabric-first approach to improve sustainability and energy performance. Both airtightness and U-values show improvement upon the targets set out within the Building Regulations. The

development also incorporates a range of passive design and energy efficiency measures throughout the site, including improved building fabric standards beyond the requirements of the Building Regulations, Part L document and highly energy efficient mechanical and electrical plant.

75. Overall, the proposals will have significant benefits for the residents of Belmont and surrounding areas by improving the education and community sport facilities being offered in the area. Approval of the demolition application is essential to facilitating the delivery of the new school development and realising the benefits associated with the development described above.

PLANNING CONSIDERATIONS AND ASSESSMENT

76. 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, residential amenity, access and traffic, layout and design, contamination and coal mining risk, flooding and drainage, landscape and trees, ecology, recreational amenity/sports provision, cultural heritage, other matters and public sector equality duty.

The Principle of the Development

77. 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 relevant to this proposal and are the starting point for determining applications as set out in the Planning Act and reinforced at Paragraph 12 of the NPPF. The CDP was adopted in October 2020 and provides the policy framework for the County up until 2035.
78. 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.

79. The Council has an up-to-date development plan. Paragraph 11 of the NPPF establishes a presumption in favour of sustainable development. For decision taking this means approving development proposals that accord with an up-to-date development plan without delay (Paragraph 11 c). Accordingly, Paragraph 11(d) of the NPPF is not engaged.
80. The proposal is for the demolition of existing school buildings with the exception of the drama block. Planning permission has previously been granted for the construction of a new two-storey primary school building, a three-storey secondary school building, and a sports hall building and playing fields with associated landscaping, access and parking and demolition of the drama block. The proposed development would enable the delivery of the approved scheme which would provide an improved educational facility for the local community and increase the capacity of the schools allowing for additional pupil capacity to accommodate for existing residential growth and future projected growth in the area.
81. Paragraph 99 of the NPPF emphasises the importance of sufficient school places to meet the needs of existing and new communities. Local Planning Authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education. In essence new schools on this site will deliver wider community benefits and can be viewed in terms of the requirements of CDP Policy 6, along with other policy requirements of the CDP.
82. Policy 6 of the CDP states that 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 services unless it has been demonstrated that they are no longer viable; or
 - h) minimises vulnerability and provides resilience to impacts arising from climate change, including but not limited to, flooding;

- i) where relevant, makes as much use as possible of previously developed (brownfield) land; and
 - j) where appropriate, it reflects priorities for urban regeneration.
83. The application site is not allocated for educational use within the CDP but benefits from an established use as a school site for both a primary and secondary school and planning permission has recently been granted for a new schools development. The site is located in a built-up area and therefore the acceptance criteria associated with CDP Policy 6 are engaged. Many of the criteria associated with CDP Policy 6 and applicable to the current application are considered in more detail elsewhere in this report. However, with regard criterion a), the application site is currently occupied by two schools and planning permission has recently been granted for a new schools complex. The demolition of the existing buildings would enable the delivery of an approved educational scheme, thus being compatible and not be prejudicial to the approved use.
84. Criteria b) is not relevant given the current application is for the demolition of the existing buildings and would not contribute to coalescence with other settlements nor result in lead to ribbon development or coalescence with other settlements. With respect to criterion c) loss of the buildings would not result in the loss of open land. The wider application site is not publicly accessible and has limited recreational and ecological value and no heritage value, although there is a listed building approximately 15m to the north and others slightly further distant which is considered below.
85. Criterion d) is not applicable to the demolition of the buildings. Consideration was given to Criterion d) when considering the new schools development and the proposals were considered to be acceptable.
86. Criteria e) and f) relate to transport and access. The site is located within a primarily residential area and with existing bus stops in the vicinity and has good access by sustainable modes of transport. During demolition works all transport would be directed via Buckinghamshire Road. Given the temporary duration of the demolition works it is considered that there would not be an adverse impact on the highway network.
87. With respect to criteria g) there would be a loss of existing educational buildings but the demolition of the buildings would enable the delivery of the approved new schools development and would not negatively impact or result in the loss in neighbourhood facilities or services.
88. A suitable drainage scheme would be provided during demolition. Demolition of the buildings would allow playing fields and landscaping to be provided in their place on previously developed land and would enable the provision of the approved new schools development in accordance with criteria h), i) and j).
89. The current application to demolish the existing buildings would enable the delivery of the approved new schools development. In summary it is considered that the development of the application site would accord with CDP Policy 6 as it is considered 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 opinion is set out in the consideration of the scheme against the relevant criterion of the Policy in later sections of this report.

90. Paragraph 180 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 191 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 192 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 193 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).
91. 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.
92. The site is surrounded by residential properties on all sides. The nearest residential properties are located on Broomside Lane to the north, Buckinghamshire Road to the south and west and The Links to the east which are bungalows on the school side of the road. Belmont Grange Care Home is located to the north east. All properties are separated from the site by their rear gardens with varying widths.
93. The impact of the proposals during construction and operation of the school including use of external sports facilities were considered as part of the previous new schools application and considered to be acceptable subject to conditions where appropriate.
94. During demolition, the proposed hours of working are 08:00 to 18:00 hours Monday to Friday and 08:00 to 13:00 hours on Saturdays when required. It is not proposed to work on Sundays, Bank or Public Holidays. Any noisy operations (defined in the Construction Method Statement as deliveries, soil stripping and enabling works, excavations, concrete placement (foundations and upper floors) and steel frame erection and composite decking) are proposed to be undertaken between 09:00 to 17:00 hours or out of those hours upon agreement with the school and neighbours.
95. A Construction Method Statement and Construction Environmental Management Plan have been submitted with the application. These set out how the construction process would be managed seeking to ensure that the site would have a minimal impact on the surrounding residential properties and providing mitigation measures in terms of traffic, noise, vibration and dust during both the construction (Phase 1) and demolition phase (Phase 2). The Construction Method Statement seeks to enhance the safety of the scheme for onsite workers, suppliers, and local residents and seeks to reduce

congestion and disruption providing a framework to reduce the number of deliveries and by scheduling deliveries outside of peak periods.

96. The Construction Environmental Management Plan specifies the method and process of demolition with a mixture of mechanical and hand demolition techniques. It advises that all practical measures would be employed to ensure no significant adverse environmental effects to air quality occur over the site and surrounding area. The document also states that local residents would be informed in writing prior to any demolition works taking place and contact details for the site team would be made available.

Noise and vibration

97. Planning conditions would require adherence to the submitted Construction Method Statement and Construction Environmental Management Plan which, amongst other matters, control the hours of construction and limits as to when noisy operations would take place. These also include measures to seek to control vibration.

Lighting

98. External lighting is proposed for the new schools development along with sports lighting and lighting for the car park. This was previously assessed and considered to be acceptable subject to conditions where appropriate.
99. Details of any lighting required for demolition can be required through condition.

Air Quality/Dust

100. An Air Quality Assessment has been submitted in support of the application. The assessment provides a baseline analysis, details of assessment methodology, legislation and policy and consideration of the potential impacts. The assessment identifies that the proposals have the potential to cause air quality impacts at sensitive locations during the construction phase. These may include fugitive dust emissions and road traffic exhaust emissions from construction vehicles travelling to and from the site during operations. During the construction phase of the development there is the potential for air quality impacts as a result of fugitive dust emissions from the site as a result of demolition, earthworks, construction and trackout activities. This has been assessed in accordance with the IAQM methodology. It is advised that, assuming good practice dust control measures are implemented, impacts would be minimised throughout construction. During the operational phase of the development there is the potential for air quality impacts as a result of traffic exhaust emissions associated with vehicles travelling to and from the site. These were assessed against the relevant screening criteria. This has been assessed against the screening criteria provided within relevant IAQM guidance. Due to the low number of anticipated vehicle trips associated with the proposals, road traffic impacts were not predicted to be significant. As such, mitigation to reduce potential effects is not considered necessary.

Summary

101. There would be some disturbance to residential properties during demolition operations as there are during construction operations, but these can be mitigated through appropriate conditions and implementation and adherence to the Air Quality Assessment, Dust Management Plan and the Construction Environmental Management Plan. This disturbance would be time limited and necessary to provide new educational facilities.

102. Environmental Health and Consumer Protection (Nuisance Action) officers raise no objection. Providing the submitted dust management plan and Construction Method Statement are adhered to then it is envisaged relevant impacts would be within reasonable parameters and working hours would also be controlled. Officers consider that the development would not lead to an adverse impact and consider that the development is unlikely to cause a statutory nuisance. Environmental Health and Consumer Protection (Air quality) also raise no objections.
103. Overall, it is considered that the proposed demolition works would not create an unacceptable impact on health, living or working conditions or the natural environment. The proposals would not result in unacceptable noise, air quality or light pollution and, subject to the imposition of the conditions recommended above, it is considered that the proposals would provide an acceptable standard of residential amenity in accordance with CDP Policies 29, 31 and Part 15 of the NPPF.

Access and Traffic

104. Paragraph 114 of the NPPF states that safe and suitable access should be achieved for all users. In addition, Paragraph 115 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.
105. A new vehicular access with The Links has previously been approved in the form of a crossroads junction with Brackendale Road to serve the proposed new schools. The existing vehicular access arrangement with Buckinghamshire Road would remain as existing but be used by the school bus services only, with all traffic associated with the car park reassigned to the new vehicular access on The Links. Pedestrian access to the schools would be via Buckinghamshire Road and The Links.
106. The current access to the site from Buckinghamshire Road is being retained during the construction phase and is utilised by the schools, pupils, staff, and parents. Following the completion of the new buildings and the relocation of students to the new facilities, the access would be utilised for the demolition works. Following the completion of the demolition works and re-installation of the sport pitches the access point would be closed.
107. A Transport Assessment was submitted in support of the previous application. Subject to conditions, the Council as Highways Authority had no objection to the previous application.
108. In terms of the current demolition application, Highways officers advise that subject to the applicant following the procedures as set out in the submitted Construction Environment Management Plan, the proposal would be acceptable from a Highways perspective.
109. No objection is raised by the Council as Highway Authority. It is considered that the demolition 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. It is therefore considered that the proposed demolition of the existing buildings would not conflict with CDP Policy 21 and Part 9 of the NPPF.

Layout and Design

110. CDP Policy 29 outlines that development proposals should contribute positively to an area's character, identity, heritage significance, townscape and landscape features, helping to create and reinforce locally distinctive and sustainable communities. Parts 12 and 15 of the NPPF also seek to promote good design, while protecting and enhancing local environments. Paragraph 135 of the NPPF also states that planning decisions should aim to ensure developments function well and add to the overall quality of the area and establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit.
111. Tree cover on the wider schools site is generally contained around the periphery of the site or within occasional groups around parking areas and playgrounds. The redevelopment as a whole which includes the approved new schools development and demolition would require the removal of 45 trees and the removal of a hedgerow to allow creation of the new access onto The Links. The loss of trees and hedgerows would be compensated for through the proposed landscaping scheme details of which are to be submitted through condition on the new schools development planning permission. Landscape and trees are considered below.
112. Design and Conservation officers raised no objection to the previous application with details of materials and finishes of the buildings being approved through condition pursuant to that planning permission. Design and Conservation officers raise no objections in relation to the current demolition application.
113. In response to CDP Policy 29 it is considered that the development as a whole would positively contribute to the character and townscape of the area and would create modern buildings capable of providing and accommodating up to date educational needs. Although the current application is for demolition, it would enable the delivery of the approved new schools development. It is therefore considered that the development would accord with CDP Policy 29 and Part 12 of the NPPF in respect of good design.

Contamination and Coal Mining Risk

114. Part 15 of the NPPF (Paragraphs 124, 180, 189 and 190) 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.
115. The site lies within a Coalfield Development Low Risk Area. A Coal Mining Risk Assessment is therefore not required. Notwithstanding this, the applicant has considered coal mining legacy matters as stated above. The Coal Authority has considered the current demolition application in respect of coal mining risk and raises no objections. The Coal Authority has advised that should planning permission be granted then it would be necessary to include its Standing Advice within the decision notice as an informative note to the applicant in the interests of public health and safety.

116. A Preliminary Investigation (Desk Study) was submitted with the previous new schools application. This identified that the site had been previously occupied by a farm and that there may be possible sources of contamination on the site.
117. Environmental Health and Consumer Protection (Contaminated Land) officers have considered the current demolition application proposals and raise no objections in respect of land contamination. Officers advise that there is no requirement for a contaminated land condition but an informative to cover any circumstance if unforeseen contamination is encountered is recommended.
118. It is considered that the proposed demolition 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 with appropriate mitigation would provide an acceptable standard of residential amenity in accordance with CDP Policies 32 and Part 15 of the NPPF.

Flooding and Drainage

119. 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 180 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.
120. Paragraph 173 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.
121. CDP 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
122. The site is entirely located with Flood Zone 1 and within an area of Groundwater Vulnerability as defined by the Environment Agency. There are no watercourses within or adjacent to the site. The site is in Flood Zone 1. The closest watercourses are Pittington Beck 740m to the east and the River Wear some 1.1km to the north west.

123. A Flood Risk Assessment (FRA), Drainage Philosophy and overall proposed drainage general arrangement details have been submitted in support of the application. These are updates to the drainage information submitted with the original application. The FRA identifies that the majority of the site is in an area classified as being at 'Very Low' risk of flooding from surface water, though there are some areas around the existing building that are shown to be at a medium - high risk of surface water flooding, however, these are located outside the area where the new buildings are proposed. The existing risk of flooding from overland sources is categorised as 'medium'. However, the risk would be reduced to 'low' once the proposed works have been completed which includes the demolition of the existing buildings as part of the proposed works and include re-grading the levels of the existing land and providing new relatively level playing fields that are positively drained with regards to sports pitch drainage. In terms of flooding from sewers the FRA established a potential flood risk caused by insufficient flows into the Northumbrian Water Limited sewer on site. However, the new proposals would mitigate this risk by restricting surface water discharges to Greenfield rates, being significantly less than the current scenario. The FRA considers that is at low risk from ground water flooding as well as flooding from artificial sources. The FRA concludes that the overall assessment of flood probability to the site is low from all forms of flooding as categorised in the NPPF and Technical Guidance. This confirms the flood designation for the site, and it is stated that the proposed uses of land are appropriate in this Flood Zone.
124. A proposed drainage strategy for the wider new schools development has been submitted with the application. However, Drainage and Coastal Protection officers note that the submitted details relate to the approved new schools development. As such officers have no objection to the proposal demolition application subject to a condition requiring precise details of the surface water management plan for the demolition and control of water during the demolition process.
125. NWL has raised no objections but advises that a public combined sewer and a sewerage rising main is within the red line site boundary be affected by the proposed demolition. It advises that it would work with the developer to establish the exact location of its assets and ensure any necessary diversion, relocation or protection measures required prior to the commencement of the demolition.
126. It is therefore 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 as a whole. It is therefore considered that the proposals would not conflict with CDP Policies 35 and 36 and Part 14 of the NPPF.

Landscape and Trees

127. Paragraph 180 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.
128. 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.

129. 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.
130. The site is not within any landscape designation. The Durham City Green Belt and an AHLV encircle Gilesgate, Moor End, Carrville and Belmont. At its closest point the Green Belt and AHLV are 355m to the east of the site.
131. There are no TPOs within the site but there are two along the north east boundary at Beechcroft Belmont and Belmont Vicarage and Belmont Grange, Broomside Lane, Belmont, Durham. Some 70m to the north west to the east of Buckinghamshire Road are eight TPOs at Belmont House and in the vicinity of Belmont Court. Nor are there areas of ancient woodland in the vicinity of the site.
132. Existing vegetation would be retained where possible although the proposed development would require the removal of 45 trees and the removal of hedgerow to allow creation of the new access onto The Links. 35 of the trees are considered to be of moderate quality, 8 are of low quality and 2 require removal regardless of the new schools development. Indicative landscaping plans have been provided with the current application to show hard and soft landscaping within the site, including playing fields, pathways and planting. Final details would be provided through condition on the previously approved application.
133. Landscaping details, Tree Survey and Constraints Report and Arboricultural Impact Assessment (AIA), Arboricultural Method Statement and Tree Protection Plan have been submitted in support of the application. The loss of trees and hedgerows would be compensated for through the proposed landscaping scheme and appropriate protection measures put in place for the protection of retained vegetation. The loss of these trees were considered as part of the previous application and found to be acceptable.
134. With regard to the current demolition application Landscape officers raise no objections and advise that there are no landscape and visual issues.
135. The Council's Arboricultural (Trees) officer advise that tree removals would have a negative effect within the site noting that the trees provide mature cover within the carparking area. Trees which are to be retained within the site and those concentrated within the boundaries must be protected with fencing shown within submitted tree report. Inspection must be undertaken before demolition of buildings to ensure that fencing is in place and at the recommended distances shown within the AIA. Officers provide advice on the specifics tree planting recommending that all tree work and planting must be undertaken to a high professional standard in accord with arboricultural best practice and in line with the appropriate British Standard. Planting details are required through the planning permission previously granted for the new schools.
136. The wider development would result in the loss of some tree planting, but this would be mitigated through replacement planting across the site along with the opportunity

to enhancements to the site as part of the development of the site. In addition, there would be appropriate protection of retained trees throughout the demolition phase. It is therefore considered that the proposal would not conflict with CDP Policies 39 and 40 and Part 15 of the NPPF.

Ecology

137. Paragraph 186 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.
138. 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.
139. There are no ecological designations within or immediately adjacent to the proposed site. Some 350m to the south east is The Scrambles Local Wildlife Site (LWS). 1km to the north west is Frankland and Kepier Woods LWS and Ancient Woodland and Frankland Wood Ancient Woodland along the River Wear. 1.4km to the south west is Coalford Beck Marsh LWS. The closest Sites of Special Scientific Interest are located 1.8km to the north west (Brasside Pond SSSI), 2.6km to the north east are Pitlington Hill and High Moorsley SSSIs and 2.5km to the south east is Sherburn Hill SSSI and 4km to the south east Crime Rigg Quarry SSSI. The site lies within an identified SSSI Impact Risk Zone relating to the Brasside Pond SSSI present in the wider area, however, development of the nature proposed does not meet the identified impact risk triggers. Given the distance from the other designated sites it is not considered that the proposed development would have any adverse impact upon them.
140. An Ecological Impact Assessment incorporating a Preliminary Ecological Appraisal, a Bat Survey and Biodiversity Net Gain Assessment have been submitted in support of the application.
141. The Assessment provides an analysis of baseline conditions for the site and an assessment of habitats and species on the site. It is noted that buildings, hardstanding, grasslands and scrub habitats are considered to be of low value, whilst hedgerows and scattered trees present within the site and around the site boundaries are considered to be of up to local value. The Infant School, Junior school and High

School structures are considered to be of moderate suitability to roosting bats. It was found that the site provides opportunities to a range of bird species through hedgerows, scrub and scattered trees. Flat roof structures have the potential to provide nesting opportunities for gull species and the assessment recommends that a bird risk assessment during the nesting season is undertaken to confirm the value of the site to nesting birds. Although the priority species hedgehog was recorded within the site during two of the transect surveys, the site is considered to be of low value to this species. Due to the nature of the habitats present, other notable or protected species are considered likely to be absent from the site.

142. The Assessment recommends avoidance, mitigation and compensation measures based on the survey work undertaken to date. These include: avoiding external lighting that may affect the site's suitability for bats or ensure it is limited to low level; alternatives to timber treatments that are injurious to mammals will be sought and used on site; any excavations left open overnight to have a means of escape for mammals that may become trapped; retained trees to be protected; no demolition works to the High School or the Infant School to be undertaken prior to a Natural England licence being granted; removal of key features around bat roosts by hand and supervision by a suitably qualified ecologist; works to other structures to be undertaken in accordance with a precautionary method statement in order to reduce the risk to bats; no works undertaken during the nesting bird season (March to August inclusive) unless the site is checked by an appropriately experienced ecologist and nests are confirmed to be absent. It is also recommended: that landscape planting should include berry and fruit bearing species to provide increased foraging opportunities in the local area; areas of species rich coarse grassland and native scrub planting be incorporated into landscape plans; consultation with the LPA in order to confirm Net Gain requirements; installation of 20 bird boxes; incorporation of 10 bat roosting features into the proposed structures (specifications to be agreed with Natural England as part of Protected Species Licence), and works on site should be undertaken in accordance with a Construction Environmental Management Plan.
143. The report states that in order to confirm the value of the site to bird species a breeding bird risk assessment should be completed during the nesting season (March - August inclusive) and should additional trees be needed to be removed then ground based assessments would be required. With regard to a bird breeding assessment the Council's Ecologist has advised this is not required.
144. Results of bat surveys undertaken in August and September 2022 have been submitted. The drama building was found not to be suitable for bats, but the other buildings had potential to support them during the winter hibernation period and during the summer maternity period. Further surveys were subsequently carried out to determine the extent of bats present and any required mitigation measures. Dusk emergence surveys completed during September 2022 identified the presence of at least one, likely two common pipistrelle day roosts within the existing high school and a common pipistrelle day roost within the existing infant school, these were identified as roosts of local value. As the roosts had the potential to support bats during the winter hibernation period and during the summer maternity period, additional survey work was required to be carried out over the spring/summer to provide clarity on the extent of use of the buildings by bats.
145. Further bat surveys have been completed in 2023 and identified the presence of two common pipistrelle day roosts within the High School. No roosts were recorded within the Infant School during the 2023 surveys. The identified roosts are considered to be of local value. No roosts have been proven within the remaining buildings on site. The initial daytime risk assessment identified that the High School, Infant and Junior School all have the potential to support bats during the winter hibernation period and during

the summer maternity period, however survey during May and June 2023 did not record any evidence of maternity use. Transect survey and remote monitoring during August and September indicates that the wider site is likely to be of low value to foraging and commuting bats with small numbers of pipistrelle bats recorded using the site and noctule also recorded in the area on occasion.

146. Bats are a protected species and the presence of protected species such as bats is a material planning consideration. The loss of a roost of any size requires a European Protected Species Licence, which must be obtained from Natural England prior to the work being carried out on the building. With appropriate compensation and mitigation implemented through the licence, loss of the roost is unlikely to have a significant effect on the conservation status of the species.
147. In respect of the three derogation tests contained in the Regulations, the demolition would be critical for the delivery of the approved new schools development as the land is required for the provision of the sports fields and landscaping and completion of the approved development as a whole. In addition, the existing buildings housing the identified roosts would need to be removed to prevent them becoming hazards once vacated. The development is therefore of overriding public interest and would protect public health and safety. Leaving the existing school buildings would sterilise potential space for education provision within the wider site that could not be provided elsewhere and there is therefore no satisfactory and suitable alternative to the demolition of the existing buildings. Finally, the loss of three bat day roosts is unlikely to adversely affect the favourable conservation status of the species. Ecology officers have raised no issues in relation to bats and consider that there would be no impediment to a licence being granted. Accordingly, it is concluded that the derogation tests would likely be satisfied. Replacement roost provision is likely to be required as part of the Licence. A total of 10 bat roosting features would be incorporated into the proposed structures, the exact specification would be agreed with Natural England as part of the Licence. Ecology officers consider that the bat survey work is sound, but that demolition should not proceed until a Licence is in place.
148. The Biodiversity Net Gain Assessment is supported by a DEFRA's Biodiversity Metric 3.1. The metric advises that the baseline site provides 77.83 habit units and 7.22 hedgerow units. Post development and taking into account the habitat creation set out in the paragraphs above, the site would provide 78.42 habitat units and 15.5 hedgerow units equating to a net gain of 0.58 units or 0.75% for habitat and 8.27 units or 114.55% for hedgerow. In addition, the Assessment advises that the trading rules of the metric have been satisfied.
149. Ecology officers had no objection to the previous application noting that the BNG report confirmed a net gain of 0.75% in habitat and a gain of 114.55% in hedgerows and agree that trading rules have been met. Officers advised a Biodiversity Management and Monitoring Plan (BMMP) that covers a 30 year period from the date the habitats were created was needed with monitoring being undertaken in years 2, 5, 10, 15, 20 and 30 and the results supplied to the Council after each monitoring visit. A condition was regarded as a suitable mechanism in this case as the Council was the applicant. A BMMP has now been approved through condition.
150. The previously approved new schools development would provide biodiversity enhancement to the site and, whilst there may be temporary displacement of wildlife during the construction and demolition process, the net increase in biodiversity value would adequately mitigate any residual harm. It is considered that the proposed development in its amended form would not impact upon any nationally or locally protected sites or protected species. It is therefore considered that the proposals

would not conflict with CDP Policies 41 and 43 and Part 15 of the NPPF in respect of avoiding and mitigating harm to biodiversity.

Recreational Amenity/Sporting Provision

151. 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. Paragraph 103 of the NPPF states that existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless an assessment has been undertaken showing the facility to be surplus to requirements; the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or the development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use.
152. CDP Policy 26 states that development proposals will not be permitted that would result in the loss of open space or harm to green infrastructure assets unless the benefits of the development clearly outweigh that loss or harm and an assessment has been undertaken which has clearly shown the open space or land to be surplus to requirements. Where valued open spaces or assets are affected, proposals must incorporate suitable mitigation and make appropriate provision of equivalent or greater value in a suitable location. Where appropriate there will be engagement with the local community.
153. The approved new school buildings would be built on the existing playing fields to minimise disruption to the schools during this period. This would result in a temporary loss to some of the sporting provision on site however, an existing playing field area will be retained on site which would provide two natural grass pitches and existing courts to the south west corner would also be retained during the construction period. Furthermore, the schools would also have access to an off-site playing field to the north of Broomside Lane and west of the A1. School rebuild proposals are considered against Sport England's playing field policy, exception 4 on the basis that the playing pitch provision would be replaced once the new buildings are completed and the redundant buildings demolished, and this can be secured by planning condition.
154. Once operational, the proposals would result in an overall betterment to the sporting provision on site; the existing playing field area on site (across both schools) is a combined total of 39,942sqm and the proposed playing field provision would increase to 42,425sqm (an increase of 2,483sqm), which would include a playing field area of 30,986sqm, sports courts and an artificial grass pitch amounting to 11,439sqm.
155. Sport England raised no objection to the previous application subject to conditions and considered the proposal to meet exception 4 of Sport England's Playing Fields Policy and Guidance document, this being that the area of playing field to be lost as a result of the proposed development would be replaced, prior to the commencement of development, by a new area of playing field.
156. In terms of the current application, Sport England advises that demolition proposals are not a form of development which it is usually consulted upon. In this instance however, the demolition of these buildings would deliver the replacement playing field (in the form of an Artificial Grass Pitch) that means that the overall redevelopment of the school site meets playing field policy. In light of this Sport England wishes to support this application.

157. The demolition of the existing buildings would enable the delivery of the approved scheme which includes the provision of replacement playing fields and overall improvement in sports provision on the site in addition to the new schools. It is therefore considered that the proposal would accord with CDP Policy 26 and Part 8 of the NPPF.

Cultural Heritage

158. 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.
159. 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.
160. The site is not within a Conservation Area and there are no designated heritage assets within the proposed site. The closest listed buildings are located to the north and north east. These being the Grade II Old School Community Centre and House Attached approximately 15m to the north and the Grade II Vicarage of St Mary Magdalene with Yard Wall and Gateway 25m to the north in the north eastern part of the site. The Grade II Church of St Mary Magdalene is located approximately 68m to the north of the site to the north of Broomside Lane. 158m to the north is the Grade II Belmont War Memorial. Other listed buildings are some 1.8km distant from the site. The site lies close to the site of Ravensflatt medieval farmhouse. The Durham City Conservation Area lies over 1.6km to the south west with Sherburn House Conservation Area to the south and Sherburn Conservation Area 1.3km to the south east. The Durham Castle and Cathedral World Heritage Site is 3km to the south west with the World Heritage Site Inner Setting being closer at 1.4km to the south west. Keping Hospital Scheduled Monument lies 2km to the west and Maiden Castle promontory fort.
161. In considering the previous new schools application the impact upon the setting of nearby listed buildings was assessed. Design and Conservation officers reviewed the impact of that proposal on the adjacent listed buildings to the north of the application site and concluded that there would be no harm to their setting. In response to the current demolition application Design and Conservation officers raise no objection from a design and conservation perspective.
162. Archaeology officers raise no objection to the current demolition application stating that there are no archaeological concerns regarding the demolition of the existing school buildings. Archaeological investigations in advance of the construction of the replacement buildings and landscaping would take place as part of Planning Permission No. DM/22/03248/FPA.

163. It is considered that, subject to conditions, the proposal would cause no harm to heritage assets or archaeological remains in accordance with CDP Policy 44 and Part 16 of the NPPF and the Listed Building Act.

Other matters

164. The site lies within the mineral safeguarding area for coal as defined in the County Durham Plan and the south eastern corner of the site lies within an area identified for glacial sand and gravel. CDP Policy 56 advises that planning permission will not be granted for non-mineral development that would lead to the sterilisation of mineral resources within a Mineral Safeguarding Area or which will sterilise an identified 'relic' natural building and roofing stone quarry as shown on Map C of the policies map document unless one of the following apply: a) it can be demonstrated that the mineral in the location concerned is no longer of any current or potential value as it does not represent an economically viable and therefore exploitable resource; b) provision can be made for the mineral to be extracted satisfactorily prior to the non-minerals development taking place without unacceptable adverse impact on the environment, human health or the amenity of local communities and within a reasonable timescale; c) the non-minerals development is of a temporary nature that does not inhibit extraction within the timescale the mineral is likely to be needed; d) there is an overriding need for the non-minerals development which outweighs the need to safeguard the mineral; or e) it constitutes exempt development as set out in appendix C of the Plan. Given the location of the site, the existing and proposed use of the land as well as the likely quality of mineral within the site, it is high unlikely that mineral extraction would be appropriate or viable in this is location. Furthermore, in line with criteria d) it can be argued that there is an overriding need for the provision of new schools on an existing site which outweighs the need to safeguard the mineral. In order to deliver the new schools development is necessary to demolish the existing buildings. It is therefore considered that the proposed demolition development would not conflict with CDP Policy 56 and Part 17 of the NPPF.
165. The site lies within the consultation area of the High Moorsley Metrological Office for any building/works exceeding 45.7m above ground level. The Metrological Office has advised that it has no objections to the proposal noting that it is approximately 3.9km from the meteorological radar and there would not be any impact on the data, or the forecasts and warnings derived from it. There would therefore be no conflict with CDP Policy 28 or the NPPF.
166. There are no recorded public rights of way within or in the immediate vicinity of the school grounds. There is no information as to whether any part of the school grounds is subject to unrestricted public access. Public rights may be accrued by 20 plus years uninterrupted use however the Council currently has no user evidence on file in support of one or more public rights of way over this land. Access & Rights of Way officers raise no objection to the proposals advising they have no comments to make. The development would not conflict with CDP Policy 26 and Part 8 of the NPPF.
167. One representation has been received related to staff parking during the construction phase and queries if a park and ride could be provided as there is currently local congestion with parked cars. In response an area for designated contractor parking has been highlighted in the Construction Method statement. All contractors will be asked to use this parking area rather than the street along with promoting the use of shared vehicles where possible.

168. 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.
169. In this instance, officers have assessed all relevant factors and do not consider that there are any equality impacts identified.

CONCLUSION

170. 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.
171. The proposed demolition would assist in the delivery of a modern, efficient primary and secondary school within Belmont on a site currently in use for education purposes. The proposed development would provide a significant benefit to the community, would be sustainable and well designed, and in keeping with and complementary to its surroundings.
172. Consideration has been given to the principle of the development and the impact of the proposals in terms of layout and design, locational sustainability of the site, renewable energy, access and traffic, residential amenity, contamination and coal mining risk, flooding and drainage, landscape, ecology, recreational amenity/sports provision, cultural heritage and other matters. The development has been assessed against relevant development plan policies and material considerations and, subject to conditions where appropriate, the impacts are considered to be acceptable.
173. The proposed development has generated limited public interest, with one representation having been received related to staff parking during the construction phase. This concern has been taken into account and the Construction Method Statement takes this into account.
174. The proposed development is considered to broadly accord with the relevant policies of the County Durham Plan and relevant sections of the NPPF.

RECOMMENDATION

175. That the application is **APPROVED** subject to the following conditions:
1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- Reason: Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.*
2. The Local Planning Authority shall be given at least seven days prior written notification of the date of commencement of the development.

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

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

- Site Location Plan ZZ-D-A-90000 (REV AA)
- Hard Landscape GA Sheet 1 (ref: LA0001-ONE-ZZ-ZZ-D-L-015110-C04)
- Hard Landscape GA Sheet 2 (ref: LA0001-ONE-ZZ-ZZ-D-L-015111-C06)
- Hard Landscape GA Sheet 3 (ref: LA0001-ONE-ZZ-ZZ-D-L-015112-C06)
- Hard Landscaping GA Sheet 4 (ref: LA0001-ONE-ZZ-ZZ-D-L-015113-C04)
- Hard Landscaping GA Sheet 5 (ref: LA0001-ONE-ZZ-ZZ-D-L-015114-C04)
- Hard Landscape GA Sheet 6 (ref: LA0001-ONE-ZZ-ZZ-D-L-015115-C05)
- LA0001-ONE-ZZ-ZZ-D-L-020001-C01_SiteLandscapingPlanExisting-DemoWorks
- Site Landscape Plan (ref: LA0001-ONE-ZZ-ZZ-D-L-015000-C09)
- Outline External Levels Sheet 1 (ref: LA0001-ONE-ZZ-ZZ-D-L-233001_C05)
- Outline External Levels Sheet 2 (ref: LA0001-ONE-ZZ-ZZ-D-L-233002_C05)
- Outline External Levels Sheet 3 (ref: LA0001-ONE-ZZ-ZZ-D-L-233003_C05)
- Outline External Levels Sheet 4 (ref: LA0001-ONE-ZZ-ZZ-D-L-233004_C06)
- Outline External Levels Sheet 5 (ref: LA0001-ONE-ZZ-ZZ-D-L-233005_C06)
- Outline External Levels Sheet 6 (ref: LA0001-ONE-ZZ-ZZ-D-L-233006_C05)
- Drainage Design – Natural Turf Plan (ref: TGMS0461.12-1 Rev 1)
- LA0001-BGP-00-ZZ-D-C-165010_C03 Doctors Surgery Drainage Diversion
- LA0001-BGP-00-ZZ-D-C-165000_C09 Proposed Drainage GA

Documents

- Air Quality Assessment LA0001-APX-ZZ-ZZ-T-X-353003-C02 December 2022 by Apex
- Arboricultural Impact Assessment, Arboricultural Method Statement, Tree Protection Plan ARB/AE/2820 October 2022 by Elliot Consultancy
- Construction Environmental Management Plan dated 16/12/22 by Kier
- Construction Method Statement by Kier
- Design and Access Statement Rev B 8 November 2022 by Norr
- Dust Management Plan Revision A dated 26/01/2023 by Kier
- Ecological Impact Assessment September 2023 V4 by OS Ecology
- Planning Statement R001 V2 by DPP
- Pre-development Tree Survey ARB/AE/2820 March 2022 by Elliot Consultancy
- Bat Survey June 2023 by OS Ecology

Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with Policies 6, 21, 26, 27, 28, 29, 31, 32, 33, 35, 36, 39, 40, 42, 43, 44 and 56 of the County Durham Plan and Parts 2, 6, 8, 9, 14, 15, 16 and 17 of the National Planning Policy Framework.

4. The approved Construction Method Statement, Construction Environmental Management Plan, and Dust Management Plan shall be adhered to throughout the demolition period and the approved measures shall be retained for the duration of the demolition works.

Reason: In the interests of protecting the amenity of neighbouring site occupiers and users from the impacts of the construction phases of the development having regards to Policies 6, 21, 29 and 31 of the County Durham Plan and Part 15 of the National Planning Policy Framework.

5. Demolition operations shall only take place within the following hours:
08:00 to 18:00 Monday to Friday
08:00 to 13:00 Saturday

Noisy operations as defined in the Construction Method Statement by Kier V2 shall only take place within the following hours:
09:00 to 17:00 Monday to Friday

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

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

6. No development permitted under this permission shall commence until a site specific surface water management plan for the demolition and control of water during the demolition process hereby approved has been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall take place in accordance with the approved details.

Reason: To prevent the increased risk of flooding from any sources and to ensure surface water are appropriately managed on site in accordance with County Durham Plan Policy 35 and Part 14 of the National Planning Policy Framework. Required to be a pre-commencement condition to ensure a suitable scheme is agreed to prior to commencement of the development.

7. The development hereby approved shall take place in accordance with the approved Arboricultural Impact Assessment, Arboricultural Method Statement, Tree Protection Plan ARB/AE/2820 October 2022 by Elliot Consultancy and protective fencing shall be erected prior to demolition works and maintained during those works in accordance with the approved document.

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.

8. Any external lighting associated with the demolition works should be submitted to and approved in writing by the Local Planning Authority. The external lighting shall be erected and maintained in accordance with the approved details thereafter.

Reason: To confirm the final precise lighting proposals having regards to residential amenity and biodiversity having regards to Policies 6, 29, 31 and 41 of the County Durham Plan and Parts 12 and 15 of the NPPF.

9. The development hereby approved shall be carried out in full accordance with the recommendations set out in the submitted Ecological Impact Assessment September 2023 V4 by OS Ecology.

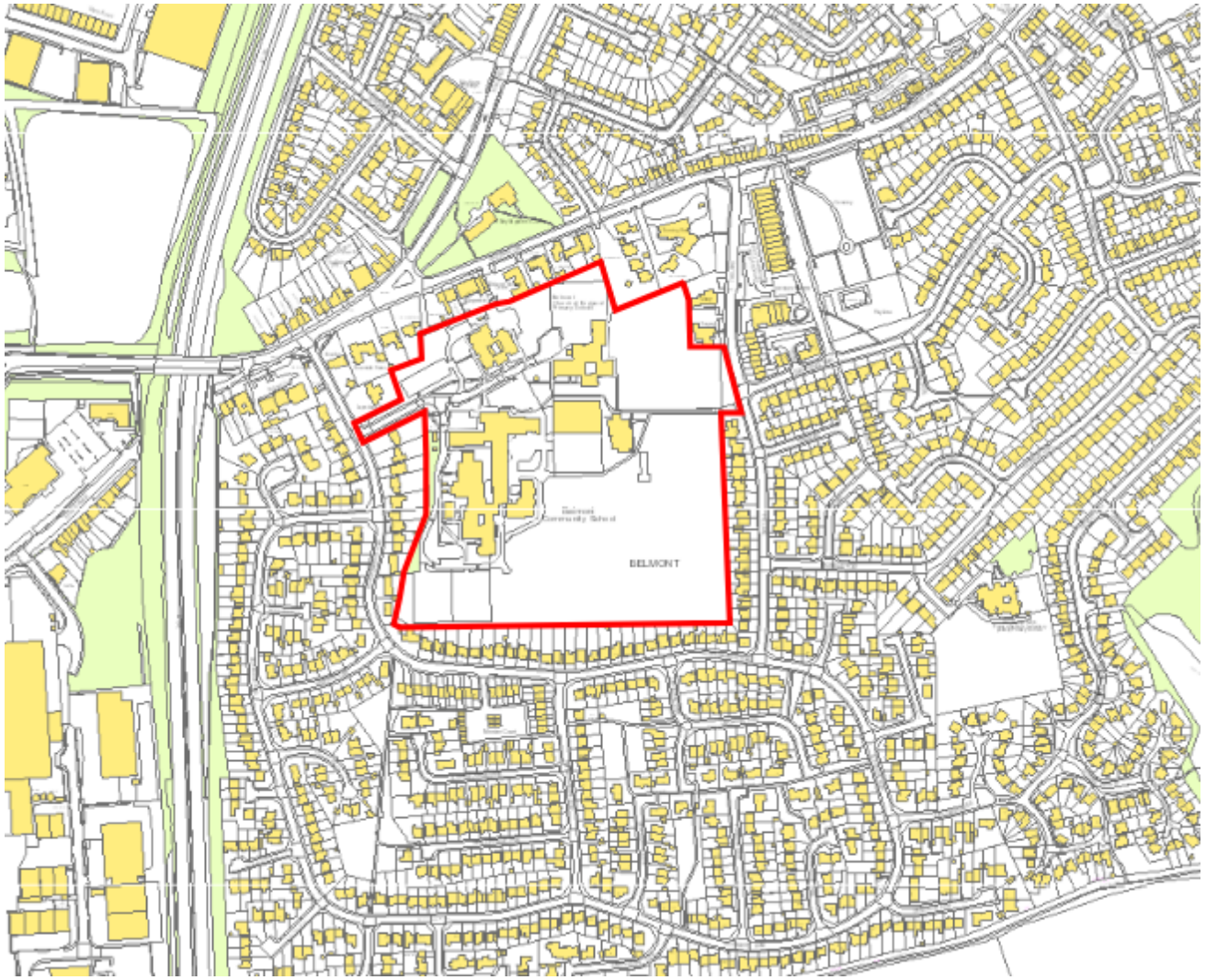
Reason: In order to retain protected species without causing harm in accordance County Durham Plan Policy 41 and Part 15 of the National Planning Policy Framework.

STATEMENT OF PROACTIVE ENGAGEMENT

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

BACKGROUND PAPERS

- Submitted application form, plans supporting documents and subsequent information provided by the applicant.
- The National Planning Policy Framework (December 2023)
- National Planning Practice Guidance notes
- County Durham Plan
- Statutory, internal and public consultation response



Planning Services

DM/23/00294/FPA

Demolition of existing school buildings with the exception of the drama block – Belmont Church Of England Junior School, at Buckinghamshire Road, Belmont, Durham, DH1 2QP

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Comments

Date December 2023

Scale Not to Scale

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	DM/23/02201/FPA
FULL APPLICATION DESCRIPTION:	Full planning application for the construction of a new all-weather playing pitch with associated lighting and the repositioning of the car park
NAME OF APPLICANT:	New College Durham
ADDRESS:	New College Durham, Framwellgate Moor, Durham, DH1 5ES
ELECTORAL DIVISION:	Framwellgate and Newton Hall
CASE OFFICER:	Jack Burnett, Senior Planning Officer 03000 263 960 jack.burnett@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

Site

1. The 4.55 hectare (ha) application site is located within, and adjacent to, the grounds of New College Durham approximately 2.7km to the north west of Durham City centre and comprises existing car parking within the college grounds and an existing play pitch which adjoins the grounds to the east. Access to the site is taken from the B6532 to the south with a separate entrance for the college located to the south east of the site off Durham Moor.
2. The site is bounded by residential properties on opposite the B6532 to the south and residential properties to the east, including Camsell Court care home. The site is also located north of existing offices at Blackmoor Court and in close proximity to the Sniperley Durham Park and Ride approximately 230m to the southwest. The A167 also runs immediately adjacent to the site, with the nearest junction being located approximately 400m to the south.
3. The site is not within or adjacent to any landscape designation. An Area of Higher Landscape Value (AHLV) as defined in the County Durham Plan is located approximately 250m to the west.
4. There are no designated heritage assets on the site or in its immediate surroundings. The nearest listed structure is the Grade II listed Marquis of Granbury Public House, a former pub, located approximately 290m from the eastern boundary of the site. 200m to the east is the Grade II Listed Marquis of Granby Public House.
5. There are no ecological designations within or immediately adjacent to the proposed site.
6. A public right of way runs through the centre of the site (ref: 1), connecting Dryburn View to a footpath network and surrounding rural bridleways to the north.

7. The site contains small areas of low and medium risk for surface water flooding as identified by the Strategic Flood Risk Assessment. There are no watercourses within or adjacent to the site. The site is in Flood Zone 1. The site lies within a Coalfield Development Low Risk Area as defined in the County Durham Plan.

The Proposal

8. The application has been submitted for the removal of existing car parking area associated with New College Durham to be replaced by a proposed All-Weather Grass Pitch (or 'AGP'). The car parking provision would be re-provided to the east of the application site on an existing area of playing field. New lighting would also be included to service both the new car parking and the proposed AGP.
9. The proposed all-weather pitch has been designed to FA and Sport England standards and will be 106m x 70m with additional required runoffs for spectator areas. The main fence around the perimeter of the all-weather pitch will be 3 metres in height.
10. It is noted that the proposed access into the site and the existing belt of mature trees to the south of the site which screen development from the B6532 would be unaffected by proposals. The proposals would also include new landscape planting both intermittently throughout the site and alongside the southeast edge of the site. The proposals also include an attenuation pond to the southeast of the site for drainage purposes.
11. The proposed AGP would be available for use by both members of the College between the hours of 09:00 and 17:00 Monday to Fridays and would be available for wider community use between the hours of 17:00 and 22:00 on weekdays and between 09:00 to 17:00 on weekends. The floodlighting would be turned off by 22:30 on weekdays. It is also proposed that the new car park area would be closed off and the lighting turned off by 20:30 with prospective users of the pitch being able to use the wider College site for parking after 20.30, as per existing arrangements.
12. The Proposed relocated car park to the east will provide 313 parking spaces, including 20 EV charging bays. This will replace the 300 spaces lost due to the location of the new pitch. 8 accessible parking bays will also be available adjacent to the proposed all-weather pitch to the west.
13. The site is accessed by the main access road to the south that connects from a side road leading from the A167. The proposed development will retain this access point, connecting it to the new car park on the east of the site and retaining the existing connection to the bus bay area on the west of the site.
14. This application is being reported to Committee because it involves major development of more than 2 ha.

PLANNING HISTORY

15. The wider college was founded 1977 and its grounds have been subject to numerous planning applications since, including for modern additions. There has also been a number of applications granted for expansion of additional facilities, creation of new blocks, advertisements and other minor amendments.

PLANNING POLICY

NATIONAL POLICY

16. A revised National Planning Policy Framework (NPPF) was published in September 2023. 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.
17. *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.
18. *NPPF Part 8 – Promoting Healthy and Safe Communities* – The planning system can play an important role in facilitating social interaction and creating healthy, inclusive and safe communities. Local Planning Authorities should plan positively for the provision and use of shared space and community facilities. An integrated approach to considering the location of housing, economic uses and community facilities and services should be adopted.
19. *NPPF Part 9 – Promoting Sustainable Transport* – Encouragement should be given to solutions which support reductions in greenhouse gas emissions and reduce congestion.
20. *NPPF Part 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.
21. *NPPF Part 15 – Conserving and Enhancing the Natural Environment* – The Planning System should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, site of biodiversity or geological conservation interests, recognising the wider benefits of ecosystems, minimising the impacts on biodiversity, preventing both new and existing development from contributing to or being put at unacceptable risk from pollution and land stability and remediating contaminated or other degraded land where appropriate.
22. *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.

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

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

24. The Government has consolidated a number of planning practice guidance notes, circulars and other guidance documents into a single Planning Practice Guidance suite. This document provides planning guidance on a wide range of matters. Of particular relevance to this application is the practice guidance with regards to: air quality; climate change; determining a planning application; flood risk and coastal change; healthy and safe communities; historic environment; light pollution; natural environment; noise; 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)

25. *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.
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 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.
28. *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).

29. *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.
30. *Policy 33 – Renewable and Low Carbon Energy* – States that renewable and low carbon energy development in appropriate locations will be supported. In determining planning applications for such projects significant weight will be given to the achievement of wider social, environmental and economic benefits. Proposals should include details of associated developments including access roads, transmission lines, pylons and other ancillary buildings. Where relevant, planning applications will also need to include a satisfactory scheme to restore the site to a quality of at least its original condition once operations have ceased. Where necessary, this will be secured by bond, legal agreement or condition.
31. *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.
32. *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.
33. *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.
34. *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.

35. *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.
36. *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.
37. *Policy 44 – Historic Environment* – Requires development proposals to contribute positively to the built and historic environment. Development should seek opportunities to enhance and where appropriate better reveal the significance and understanding of heritage assets.

NEIGHBOURHOOD PLAN:

38. There is no Neighbourhood Plan for this area.

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

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

39. *Framwellgate Moor Parish Council* – Comments were received stating that the parish note the concerns of local residents in relation to the parking, lighting and noise issues.
40. *Highway Authority* – Offer no objections from a highways perspective.
41. *Drainage & Coastal Protection (Lead Local Flood Authority)* – *raise no objection* subject to the imposition of an appropriate condition requiring a detailed surface water drainage design to be submitted to and approved by the Council.

INTERNAL CONSULTEE RESPONSES:

42. *Spatial Policy* – has raised no objections to the proposals. This proposal which seeks to develop new facilities at the existing New College Durham site will need to be considered in the context of the PPS and wider Football Foundation investment proposals in the locality. Officers advise that it will be a matter for the case officer in conjunction with advice from specialist services to determine the impact of the proposal on the locality and existing residents in terms of residential amenity, parking provision and impact on the highway.

43. *Environmental Health and Consumer Protection (Nuisance)* – raise no objections regarding statutory nuisance subject to the inclusion of conditions requiring the submission and approval of a Construction Management Plan to be approved by the local planning authority, restriction of the proposed usage times and restriction of hours of working during construction.
44. *Environmental Health and Consumer Protection (Air Quality)* – it is considered that the development will not have a significant impact upon air quality. However, it was noted that ensuring a suitable dust management plan, which includes the measures detailed within the submitted air quality impact assessment, are incorporated within a CEMP and secured by condition, a suggested condition is provided within the NAT consultation response.
45. *Environmental Health and Consumer Protection (Contaminated Land)* – has raised no objections. Officers have confirmed that they are satisfied with the findings and conclusions drawn in submitted reports. Given that a ground gas risk assessment is still required, a phase 2/3 remediation strategy should be provided including site investigation and remediation strategy. Therefore, conditions are recommended for phase 2/3 & 4 remediation works and an informative relating to if unforeseen contamination is encountered.
46. *Ecology* – raise no objection. Officers consider the ecological reporting and BNG calculations supporting the application are sound. Officers advise that the metric submitted with the application is sound and would demonstrate the delivery of a clear Biodiversity Net Gain. A BNG has been met in line with the NPPF and Local Plan. Officers also advise that a planning condition requiring a Biodiversity Management and Monitoring Plan to be submitted and agreed prior to development.
47. *Landscape* – raise no objection. Officers state that, while there would be some harm to landscape character and to visual amenity, this would reduce in extent during the longer term as the proposed landscape planting scheme develops to maturity. Officers also consider that the proposed landscape mitigation would respond to the requirements of Policy 39 where harm is envisaged, provided that the benefits of the development clearly outweigh the anticipated harm.
48. *Landscape (Trees)* raise no objection subject to imposition of appropriate conditions relating to Tree Protection measures. Officers state the proposed development will have a minor impact on existing tree cover as it will require removing a large number of immature trees on the site. It was considered that the re-provision of landscaping on the eastern side of the boundary would form a suitable replacement for this loss. Following amendments made to the proposed landscaping scheme and the submission of additional details, the final landscaping scheme including planting on the east of the site and within the car parking was considered broadly acceptable.
49. *Design and Conservation* – raise no objection. Officers advise that the proposed development site lies within the existing campus style site of New College. Any development will be read in the context of the site. Officers also state that there is limited intervisibility between the site and the nearest designated heritage asset, the Grade II listed Marquis of Granby Public House. Finally, it is noted that, with regard to the playing pitch, the proposed fence will be visually permeable and is considered an appropriate colour.
50. *Archaeology* – raise no objection subject to imposition of appropriate conditions relating to the approval of, and subsequent works according with, a Written Scheme of Investigation.

51. *Public Right of Way Officer* – raise no objection. Officers note that the application plans suggest that the footpath will be satisfactorily accommodated on the existing legally recorded line, including a safe crossing point where intersected by the vehicle access road into the proposed car park.

EXTERNAL CONSULTEE RESPONSES:

52. *Sport England* – raise no objection subject to imposition of suggested conditions on the basis of development broadly meeting exception 4 of Sports England Playing Fields Policy and Guidance document. Suggested conditions include obtaining approval for a community use agreement, materials specifications, FIFA quality certification, and a phasing plan for the artificial grass pitch, all in consultation with relevant authorities, to ensure compliance with development plans and policies.
53. *National Highways* – raise no objection.
54. *Police Architectural Liaison Officer* – has provided comments based on the principles of Crime Prevention through Environmental Design intended to help create a safe and crime free development. Following the receipt of additional information from the applicant to address these comments the Police Architectural Liaison Officer advises that they are content with the response and recommends that Secured by Design is achieved on the proposed development.

PUBLIC RESPONSES:

55. 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. Notification letters were sent to 764 individual properties in the vicinity of the site. A Statement of Community Involvement was submitted in support of the development proposals. The Applicant consulted with the local residents and other key stakeholders, with material being made available both at public exhibitions and online.

Objection

56. 33 letters of objection have been received from local residents. It is also noted that separate objections were received from both the City of Durham Trust and the County Durham Green Party. The matters raised within these representations are set out below.

County Durham Green Party

57. County Durham Green Party have expressed continued objections to the proposed artificial grass pitch and car park expansion, highlighting concerns regarding excessive parking without evidence of necessity, inadequate sustainable travel plans, potential environmental impacts including microplastic pollution, and queries about transparency and consultations with relevant departments, urging reconsideration based on these concerns.

The City of Durham Trust

58. The City of Durham Trust has objected to the application based on several grounds:
- Car parking not limited to encourage sustainable transport despite previous evidence of surplus provision.

- Lack of clarity on the impact of the development on local traffic, promotion of sustainable transport, and potential increase in staff or student numbers.
- Unclear design prioritising pedestrian and cycle movements as required by NPPF.
- Insufficient evidence justifying the need for the proposed car park size.
- Inconsistencies between the Planning Statement and Transport Statement, raising questions about projected impacts and lack of robust methodology in the Transport Statement.
- Shortcomings in the Travel Plan submitted as part of application ref: DM/22/02518/DRC, including limited data representation, absence of a clear strategy for modal shift, and insufficient support for cycling.
- Lighting concerns regarding potential light pollution, its impact on the World Heritage Site views, and the need for stricter controls on lighting usage.

59. The Trust requests conditions or revisions, including reducing the car park size, enhancing pedestrian/cycle access, revising the Travel Plan, and imposing controls on lighting design and usage. They highlight specific instances where data provided by the applicant conflicts with past statements about parking capacity surplus and emphasise the need for further evidence and justification for the proposed car park size and traffic impact. Additionally, they stress the need for a more robust Travel Plan with detailed data representation and targeted measures to promote sustainable transport. Finally, they emphasise the importance of minimising light pollution and regulating lighting usage for functional purposes only.

Public Comments

Visual Impact

- Residential objections raised regarding the loss of rural views from properties, instead being replaced by car parking.

Noise

- Criticism regarding the methodology of the Noise Report not considering other noise sources.
- Issues raised regarding increased noise as a result of the development, particularly in the evening which is stated would be above and beyond the existing level of noise currently associated with the college.

Light

- Concerns regarding prevalence of lighting from both floodlighting for the pitch and surrounding lighting for the car park and how this additional lighting would impact on the residential amenity of properties at Camsell Court and Westcott Drive among others.
- Criticism of the efficacy of the covering provided by screening trees in reducing the impact of new light sources.

Traffic and Road Safety

- Concerns regarding access traffic congestion.
- Danger of existing B6532 road, citing existing resident concerns with crossing.
- Observation that the access road would run across a public footpath with concern being raised regarding the possibility of accidents occurring.

Flood Risk

- Point raised that the development could result in increased flooding from the field.

Air Quality and Odour

- Concerns regarding location of provided car parking in proximity to residential apartments at Camsell Court in terms of odour.
- Point made that the impacts would be exacerbated by the number of residents at Camsell Court who suffer from chronic chest conditions.

Encroachment

- Concern raised regarding potential encroachment of trees closer to the residential curtilage of respondents. Subsequent queries raised regarding the future maintenance of these trees.

Other

- Criticism that 21 days was insufficient time to allow for residents to respond.
- Multiple residents were of the view that the College have sufficient playing pitch provision and that the proposals would be in excess of need.
- A general preference was observed from residents at Camsell Court for the pitch and car park locations to be switched.
- A small number of residents suggested that an alternative site suggested would be better suited for being the location for development.
- Concerns regarding the loss of amenity green space which contains the current pitch.
- It is stated that the proposals would increase antisocial behaviour.
- Concerns was raised that the proposals would result in additional littering surrounding the college.
- Query raised regarding whether an alternative landing site has been appointed for the air ambulance which is claimed to have used the site in emergencies.

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:

60. The Proposed Development seeks to remove the existing car parking provision to the south of the College site to allow for the construction of a new all-weather artificial grass pitch (AGP). The car park will be relocated to the east of the Site on the existing grass playing field and will consist of 313 parking bays in total, replacing the car parking lost where the pitch will be located along with an additional 13 spaces, 20 of these are Electric Vehicle charging bays. Both the AGP and the car park will benefit from new state of the art lighting which will be directed on the pitch and car park, ensuring minimal light spill. The proposed all-weather pitch will be used for curriculum activities from 09:00 to 17:00 Monday to Friday and will be available for community use in the evenings and on weekends, the timings for which will be conditioned.
61. The sports curriculum operates in a very competitive market and the College's current facilities are below average compared to others nearby. The current lack of suitable outdoor facilities limits timetabling options and is impacting on the student experience. The College's reputation for outstanding teaching, a diverse offer and positive progression routes, as well as investment in specialist resources to support learning has assisted in maintaining a strong foothold amongst the competition, but this is now starting to show signs of decline with recruitment in sport showing a decline year on year. In order to continue hosting the Football Development Centre in partnership with Newcastle United Foundation and Spennymoor Town Football Club, the College currently transports students to Consett Football Club and also pays for the hire of the facility. The Proposed Development would remove this requirement and would

enhance timetabling options all year round by providing more options for teaching during the winter period, which at present is limited to the Sports Hall which already has a high demand from other sporting and curriculum activities.

62. The proposed AGP will significantly enhance the facilities available and can attract new students whilst also enhancing the College's community engagement offer by providing additional opportunities for community use.
63. The proposals are located on a site which is in an established educational use and is not allocated land. An Open Space, Sport and Leisure Assessment was undertaken in accordance with paragraph 103 of the National Planning Policy Framework (NPPF) and Sport England Playing Fields Policy. It was concluded within the assessment that the proposed all-weather pitch will deliver a significant benefit for sporting use to both curriculum users of the College and to the community which cannot be achieved from the current playing field. It is also important to note that Sport England are in support of the proposals.
64. Prior to submission of the application, the Applicant carried out a public consultation exercise to inform local residents of the proposals. Similarly, the Applicant has responded to concerns raised from local residents during the application process. Key concerns have been related to proximity from residential properties, impacts from noise and lighting, and drainage. It has been demonstrated through the application that the proposals are located a sufficient distance from properties at Camsell Court (31m at the closes point) and Westcott Drive (86m at the closest point).
65. In addition, the landscaping proposals will provide a buffer for the AGP and car park with the planting of a wide variety of trees to screen and filter views. In order to address concerns raised regarding disruption from the car park, the Applicant has agreed that the replacement car parking area and lighting will be closed off and turned off from 20.30 to reduce the potential for disturbance. Any lighting associated with the AGP will be turned off by 22.00 on weekdays and 17.30 on weekends. Furthermore, the lighting proposed will be of a high-quality, designed to minimise light spill with the lighting focused on the pitch.
66. It has also been demonstrated as part of the application that appropriate drainage will be put in place. Attenuation for surface water is proposed in the form of a permeable sub-base beneath the proposed pitch and the use of permeable paving in the car parking areas. The proposed attenuation pond will also assist with surface water run-off. The submitted Drainage Strategy concludes that the proposed strategy is appropriate and will not cause any increase in flood risk on the site or in the surrounding area. Subsequently there has been no objections from consultees.
67. The formal consultation exercise comprised of sessions held within the College, meetings with County and Parish Councillors setting out the proposals and the College also attended a local community forum held at Camsell Court where members of the community attended to comment and ask questions. As a result of this exercise local residents asked the College to consider swapping the locations of the pitch and car park as proposed. This has not been progressed despite the cost savings this would produce for the College, it was felt that the lighting and noise issues would be more difficult to manage under the proposal put forward by residents which could lead to additional challenges and complaints from them over the longer term. The proposals put forward to the Planning Committee as set out does not give rise to these same concerns.

68. Overall, as outlined in the planning submission documents, the proposals are compliant with relevant policies in the adopted Local Plan and the NPPF and therefore we respectfully request that planning permission be granted without delay.

PLANNING CONSIDERATIONS AND ASSESSMENT

69. 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, residential amenity, access and traffic, layout and design, locational sustainability of the site, renewable energy, contamination and coal mining risk, flooding and drainage, landscape and trees, ecology, cultural heritage, other matters and public sector equality duty.

The Principle of the Development / Identified Need for Sporting Facilities

70. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF is a material planning consideration. The County Durham Plan (CDP) is the statutory development plan relevant to this proposal and are the starting point for determining applications as set out in the Planning Act and reinforced at Paragraph 12 of the NPPF. The CDP was adopted in October 2020 and provides the policy framework for the County up until 2035.
71. 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.
72. The Council has an up-to-date development plan. Paragraph 11 of the NPPF establishes a presumption in favour of sustainable development. For decision taking this means approving development proposals that accord with an up-to-date development plan without delay (Paragraph 11 c). Accordingly, Paragraph 11(d) of the NPPF is not engaged.
73. The proposal is for the construction of a new all-weather playing pitch with associated lighting and the repositioning of the car park. The proposed development would seek

to provide an improved, formalised sports provision to address a current lack of this type of provision within the local area. The pitch would also be available for use by the wider community.

74. Paragraph 102 of the NPPF states that planning policies should be based on robust and up-to-date assessments of the need for open space, sport and recreation facilities (including quantitative or qualitative deficits or surpluses) and opportunities for new provision. Information gained from the assessments should be used to determine what open space, sport and recreational provision is needed, which plans should then seek to accommodate.
75. Policy 6 of the CDP states that 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 services unless it has been demonstrated that they are no longer viable; or
 - h) minimises vulnerability and provides resilience to impacts arising from climate change, including but not limited to, flooding;
 - i) where relevant, makes as much use as possible of previously developed (brownfield) land; and
 - j) where appropriate, it reflects priorities for urban regeneration.
76. The application site is not allocated for leisure use within the CDP but benefits from an established use as part of the wider New College site for educational use. The site is located in a built-up area and therefore the acceptance criteria associated with CDP Policy 6 are engaged. Many of the criteria associated with CDP Policy 6 are considered in more detail elsewhere in this report. However, having regard to criterion a), the application site is currently occupied by the existing car park associated with the college, and it is considered that the site's educational use is an established and prevailing land use.

77. With regard to Criteria b) the site is part previously developed land, part informal community leisure use, with a clear boundary that is already surrounded by other, existing development. Development at the site would therefore not lead to ribbon development or coalescence with other settlements as the extent of development is contained within the built-up area of Framwellgate Moor.
78. With respect to criterion c) the application site includes an area of public open space with recreational value in the form of a play pitch and this space would be lost as a result of the development. While the development would therefore result in a loss of open space which has recreational value per criteria c, it is considered that the re-provision of a modern, formalised play pitch that is available for year-round community use as part of the development would constitute more than sufficient compensation for this loss which would improve the recreational value of the facility.
79. With respect to criterion d) the new pitch development would be seen within the context of the surrounding college campus. Therefore, the nature of the development would be appropriate with regards to the location and function of the area of Framwellgate Moor associated with the College. Additionally, the extra parking falls within the settlement form of Framwellgate Moor and forms an appropriate extension to the campus of New College Durham.
80. Criteria e) and f) relate to transport and access. The site is located within the campus site for New College Durham, with surrounding uses being primarily residential. Both of these uses are well served by existing bus stops in the vicinity. The site is serviced internally by the 51-bus route and has an additional bus stop outside the entrance to the College. The site would continue to have immediate vehicular and pedestrian access from the B6532 to the south. In addition, given the proposals would re-provide all of the existing car parking provision alongside a small 4% uplift, there would be adequate parking provision for users of the campus which would not have an adverse impact on the highway network.
81. The development, through the provision of new, high quality community recreational space, would maintain and improve the community value of the existing play pitch for a longer period of time, with proposed lighting allowing it to be used during non-daylight hours. Therefore, with respect to criteria g) the development would be a direct improvement over the existing outdoor play pitch currently present on the site which would extend the vitality and value of the community facility and would therefore gain positive weight in accordance with criteria g).
82. The development would provide modern high-quality play facilities for the local community, as well as carefully considered drainage and green energy systems on partially previously developed land currently occupied by parking associated with the College. The proposals would therefore be in accordance with criteria h), i) and j).
83. CDP Policy 6 also requires developments to accord with all other relevant development plan policies. CDP Policy 26 states that development proposals will not be permitted that would result in the loss of open space or harm to green infrastructure assets, unless the benefits of the development clearly outweigh that loss or harm and an assessment has been undertaken which has clearly shown the open space or land to be surplus to requirements.
84. The above policy is in accordance with Paragraph 102 of the NPPF which states that Planning policies should be based on robust and up-to-date assessments of the need for open space, sport and recreation facilities (including quantitative or qualitative deficits or surpluses) and opportunities for new provision. Information gained from the

assessments should be used to determine what open space, sport and recreational provision is needed, which plans should then seek to accommodate. The County Durham Playing Pitch Strategy (PPS) represents this assessment for the purposes of this application.

85. As the proposals would result in the loss of open space, and subsequent harm to green infrastructure, Policy 26 requires the development to demonstrate other benefits which would clearly outweigh this loss in order to be acceptable. Sport England have been consulted as part of the consideration of the development and consider that the application would be acceptable under Exception 4 of the Sport England Playing Fields Policy and Guidance Document. Additionally, within their response, Sport England also consulted the Football Association (or 'FA') to understand the sporting value of the proposed AGP.
86. The PPS, which was undertaken in 2019, indicated that there was a shortfall of ten full size AGP pitches for football across the county. Within their response, the FA reiterate this position, going further to state that, when reviewed alongside 2022/23 season affiliation data, the shortfall has instead increased to twelve full size AGP pitches for football. More specifically, the application site is contained within the Central sub-area when the FA considers there to be a shortfall of six full size AGP pitches. It is therefore clear that there is a pressing need for additional provision of formalised sporting facilities, both Countywide and in a more local context.
87. The provision of an AGP as part of this development would therefore provide a meaningful contribution toward addressing this shortfall and should subsequently be afforded significant positive weight on this basis. It is therefore considered that the loss of existing open space to facilitate development would be clearly outweighed by the provision of a new AGP and would be acceptable per the requirements of Policy 26.
88. In summary it is considered that the development of the application site would accord with CDP Policies 6 and 26 as it is considered 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. Additionally, it is considered that the benefits of the provision of a new, AGP pitch would both re-provide the existing play provision and demonstrably outweigh the loss of the existing open space in accordance with Policy 26.

Residential Amenity

89. Paragraph 180 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 191 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 192 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 193 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).

90. 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.
91. The site is surrounded by residential properties to the east and south. The nearest residential properties are located to the south and east of the site at St Cuthbert's Avenue and Camsell Court respectively and opposite the B6532 at Westcott Drive (with built development being separated by approximately 15m from Camsell Court, 35m from St Cuthbert's Avenue and 90m from Westcott Drive). The proposed new carpark would be located on the eastern part of the site opposite properties associated with Camsell Court. The carpark would be partially screened by proposed landscaping.

Visual Impact

92. The proposed development would be located immediately adjacent to existing properties at Camsell Court and St Cuthbert's Avenue. The proposals would result in a significant change of character to the existing play pitch which currently adjoins these dwellings. It is accepted that this would result in an impact on the visual amenity of these existing properties and would result in a small amount of harm on this basis.
93. While this harm is noted, the degree of this visual impact would not be considered to be "unacceptable" per the specifications of Policy 31 in this instance and would therefore not result in a conflict with the CDP.

Noise

94. A Noise Survey Report has been submitted in support of the application. Regarding the construction phase of development, the report presents the results of a noise survey undertaken at the site and sets noise limits for during the construction phase of development.
95. As such the development is in alignment with the NPPF and Noise Policy Statement for England aims and includes all the sensitive areas surrounding the site within the investigation, including the properties on Camsell Court and Westcott Drive (p 6.1.2). With regard to construction noise, given that at this stage in the development, building services plant specifications are unavailable, rated noise limits are proposed for the cumulative impact of future plant noise at the nearest noise-sensitive receptors.
96. Environmental Health and Consumer Protection (Nuisance Action) officers advise that a condition should be applied restricting the time of works to the following times:

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

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

97. A pre-commencement condition was also separately recommended for the submission and approval of an appropriate Construction Management Plan, which should consider the potential environmental impacts (noise, vibration, dust, & light) that the development may have upon any nearby sensitive receptors and shall detail mitigation proposed.
98. Conditions relating to each of the above matters have been included within this officer's recommendation.
99. In terms of noise associated with the operation of the proposals, the noise modelling assessment found that, based on the proposed sports pitches and car parks being fully occupied, any increase in noise levels at the noise sensitive receptors will range from negligible to minor adverse.
100. Environmental Health Nuisance officers broadly agreed with the methodology and conclusions of the noise report, but suggested a number of conditions to ensure that the use of the pitch would be sufficiently managed to prevent unacceptable impacts on the amenity of neighbouring residents. A condition has subsequently been included within this recommendation which restricts the hours of use to Monday-Friday 0900 to 2130hrs and Saturday and Sunday to 0900 to 1700hrs.

Lighting

101. Details in relation to external lighting have been submitted with the application including a proposed lighting layout and a review of lux levels across the extent of the site area.
102. The information submitted has been reviewed by Officers in the Environmental Health and Consumer Protection (Nuisance Action) who have concluded that, given the detail submitted in relation to the lighting impact and subject to the imposition of suggested conditions, the lighting of the operational phase is not considered to negatively interfere with neighbouring amenity.

Air Quality/Dust

103. An Air Quality Assessment has been submitted in support of the application. The assessment provides a baseline analysis, details of assessment methodology, legislation and policy and consideration of the potential impacts. It was noted within this report that due to the lack of a meaningful increase to journeys as a result of development, an air quality assessment of vehicle emissions is not required and that the remit of report relates only to the demolition and construction phases.
104. The assessment identifies that during the construction phase, there is the potential for dust soiling effects associated with fugitive emissions from the site. Assuming good practice control measures are implemented, the residual effect associated with dust soiling during the construction phase is deemed to be not significant.
105. Environmental Health and Consumer Protection (Air Quality) officers have considered the proposals and raise no objections to the conclusions drawn in respect of potential nuisance or air pollution. However, they also state that the construction phase has the potential, without adequate mitigation measures being incorporated into that phase, could have a significant impact upon sensitive receptors. As such, the aforementioned

condition relating to the approval of a Construction Management Plan contains a requirement for a Dust Management Plan to ensure no unreasonable impacts would result.

Summary

106. There would be some disturbance to residential properties during construction, but this can be mitigated through the use of appropriate conditions and the correct implementation of a construction management plan. This disturbance would be time limited and necessary to provide new sporting facilities.
107. Residents living around the campus will currently experience some disturbance from the existing campus and associated users, but this is to be expected and residents will be accustomed to this. Additionally, it was noted that the current residents of Camsell Court were largely in favour of an amended version of the siter layout which placed the proposed AGP adjacent to the properties, with the existing car parking to remain as existing. While this position is noted, it is considered that this arrangement would have resulted in significant impacts to existing amenity, both in terms of noise from the increased usage of the pitch and through the shorter distances between the lighting columns associated with the AGP and residential properties. As such, while the layout of the site is ultimately at the discretion of the applicant in this instance, it is felt that the current layout is more suitable in terms of residential amenity.
108. Overall, it is considered that the proposed development would not create an unacceptable impact on health, living or working conditions or the natural environment in notable excess from the existing arrangements. And while there would likely be some impact in terms of visual intrusion resulting from the built development, the proposals would not result in unacceptable noise, air quality or light pollution and, subject to the imposition of the conditions recommended above. It is therefore considered that the proposals would provide an acceptable standard of residential amenity in accordance with CDP Policies 29 and 31 and Part 15 of the NPPF.

Access and Traffic

109. Paragraph 114 of the NPPF states that safe and suitable access should be achieved for all users. In addition, Paragraph 115 of the NPPF states that development should only be refused on transport grounds where the residual cumulative impacts on development are severe. CDP Policy 21 states that the transport implications of development must be addressed as part of any planning application, where relevant this could include through Transport Assessments, Transport Statements and Travel Plans.
110. The proposed development would continue to utilise the existing vehicular access from the B6532 to the south. The entry point comprises an already established vehicle access and circulation within the Site. The development also involves the demolition of 300 parking spaces with the subsequent reprovision of circa 313 spaces on the existing field to the east of the site. The reprovision of the car parking area aims to ensure that the appropriate amount of car parking space is maintained for users and visitors of the College campus. The car parking would provide 313 no. car parking spaces, including 20 no. electric car charging points.
111. A Transport Statement (TS) has been submitted in support of the application which provides a full and robust assessment of the transportation impacts of the development proposal and to identify any mitigation measures that are required, as necessary. The statement concludes that the proposed development will not significantly impact the highway network, as it aligns with guidelines and policies at both local and national

levels. It affirms that the infrastructure can accommodate anticipated traffic and ensures safety for all users without necessitating major mitigation measures. The report concluded that the development meets safety and transport policy requirements outlined in the 2021 National Planning Policy Framework (NPPF) and would be acceptable.

112. The Council as Highways Authority has considered the application having regard to the internal road arrangement for the new site, alongside vehicular and cycle parking provision and electric vehicle charging spaces. Servicing arrangements and the proposed uses have also been assessed. No objection is raised by the Highways Authority in relation to the internal layout, with the Authority stating that, during daytime hours, when the college is at its busiest, the pitch would predominately be used by those already at the college. The pitch would be available for community use outside of college hours, but this would be outside of peak hours on the local highway network, and outside of peak demand for parking at the college. Officers subsequently conclude that the development would not have a significant impact on the local road network and is acceptable in Highways terms.
113. It is noted that The City of Durham Trust queried matters relating to parking and access as part of representations submitted to the application. The trust states that car parking has not been limited to encourage the use of other sustainable transport method despite prior evidence of surplus provision. Due to the nature of the car parking use for the college being highly variable and having high peak usage alongside the proposed AGP's peak journey times being different from those of the college, the retention of a broadly similar car parking provision versus that existing (104%) is considered to be an appropriate response in this instance.
114. It is considered that the proposals have been appropriately assessed through a Transport Statement and would not result in harm to the safety of the local or strategic highway network and would not cause an unacceptable increase in congestion. Based on the above, it is considered that the development would not conflict with CDP Policy 21 and Part 9 of the NPPF.

Layout and Design

115. CDP Policy 29 outlines that development proposals should contribute positively to an area's character, identity, heritage significance, townscape and landscape features, helping to create and reinforce locally distinctive and sustainable communities. Parts 12 and 15 of the NPPF also seek to promote good design, while protecting and enhancing local environments. Paragraph 135 of the NPPF also states that planning decisions should aim to ensure developments function well and add to the overall quality of the area and establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit.
116. Given the site is currently used for education purposes, impacts on landscape character would be based on any visual effects within the site, particularly from Public Footpath's 1 and 2, and from surrounding residential properties. The proposed development would require the removal of small trees from the existing car park and would impact upon the existing hedge in the centre of the site to establish the access road to the new car park.
117. Design and Conservation officers raise no objections advising that the proposed development lies within the existing campus style site of New College. Any development will be read in the context of the site. Officers state further that the design of the car park includes tree planting which will visually improve the impact of parked

cars. With regard to the playing pitch, the proposed fence will be visually permeable and is considered an appropriate colour.

118. In response to CDP Policy 29 it is not considered that the development would detract from the character and townscape of the surrounding area and would provide modern sporting facilities which would be an appropriate addition to the existing New College Durham Campus.
119. Subject to the imposition of a condition requiring details of materials and finishes it is considered that the development would accord with CDP Policy 29 and Part 12 of the NPPF in respect of good design.

Locational Sustainability of the Site

120. 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 109 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 114 the NPPF states that appropriate opportunities to promote sustainable transport modes should be taken whilst Paragraph 116 amongst its advice seeks to facilitate access to high quality public transport.
121. The proposed development would be located on a site currently serving as the New College Durham campus and is surrounded by residential properties. The site is currently easily accessed off pedestrian accesses on the B6532 and Durham Moor. These accesses would be unaffected by development and would remain accessible during, and following the completion of, the proposals.
122. The College campus site benefits from existing strong public transport connections, having bus stops both within the site and immediately outside the primary entrance on the B6532. It is therefore clear that the proposed AGP would be commensurate with the existing use of the site and would benefit from these existing sustainability transport connections.
123. In conclusion the development would benefit from, and continue to promote, accessibility by a range of sustainable transport methods in accordance with CDP Policies 6 criterion f, 21 and 29 and Part 8 Paragraphs 102 and 107 and Part 9 Paragraphs 112 and 114 of the NPPF.

Renewable Energy

124. CDP Policy 33 states that renewable and low carbon energy development in appropriate locations will be supported. In determining planning applications for such projects significant weight will be given to the achievement of wider social, environmental and economic benefits. Proposals should include details of associated developments including access roads, transmission lines, pylons and other ancillary

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

125. The site includes the provision of 20 no electric vehicle charging spaces as part of the re-provided carparking area. The proposals would therefore result in a net increase in the provision of electric vehicle charging spaces and would gain subsequent support from Policy 33 in this regard.

Contamination and coal mining risk

126. Part 15 of the NPPF 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 Preliminary Phase 1 Investigation (Desk Study) was carried out alongside a brief Coal Mining Risk Assessment. The phase 1 report undertook initial analysis and concludes that there is a low risk of significant contamination on the site based on historical site development and recorded activities. The site was concluded to be categorised as a low-risk zone for coal mining-related issues. No further risk assessment for hazardous ground gases was deemed necessary due to the absence of proposed buildings.
128. The phase 1 report emphasises the need for specific investigative works before the proposed development to confirm ground conditions, contamination levels, and the location of underground utilities, ensuring safety and suitability for the intended project.
129. Environmental Health and Consumer Protection (Contaminated Land) Officers have considered the information submitted and raise no objections in respect of land contamination. Officers advised that, given the Phase 1 report has identified the need for further site investigation a contaminated land condition should apply to any final positive recommendation. Officers therefore recommend 2no. conditions to require investigation of potential areas of ground contamination.
130. It is considered that, subject to the imposition of appropriate conditions, 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 with appropriate mitigation would provide an acceptable standard of residential amenity in accordance with CDP Policies 32 and Part 15 of the NPPF.

Flooding and Drainage

131. 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 180 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.

132. Paragraph 173 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.
133. CDP Policies 35 and 36 relate to flood water management and infrastructure. CDP 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. CDP 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 tests are passed, informed by a site-specific Flood Risk Assessment (FRA).
134. The site is entirely located within Flood Zone 1 and within an area of Groundwater Vulnerability as defined by the Environment Agency. There are no watercourses within or adjacent to the site.
135. A FRA and Drainage Strategy have been submitted in support of the application. The FRA identifies that the site wholly located in Flood Zone 1, that EA surface water flood risk mapping indicates that the site predominantly has low risk of surface water flooding and that EA mapping also indicates that the site is not at risk of reservoir flooding. The report concludes that flood risk will not increase as a result of development.
136. The drainage strategy provided looks to align with Building Regulations H3 (The SuDS Hierarchy) by prioritizing surface water management strategies. The plan aims to divert surface water through infiltration, direct discharge to watercourses, or, due to infeasibility and lack of nearby watercourses, to the public sewer. While maintaining the site's topography, minor adjustments would facilitate the construction of a football pitch and additional drainage to mitigate isolated surface water flood risk areas.
137. Covering around 1.7 ha of drained area, the proposals target a restricted runoff rate of about 7.5 l/s, employing various SuDS measures like permeable sub-base, paving, and a pond/wetland. To maintain water quality, SuDS are incorporated, assessed as lower-risk via the Simple Index Method (CIRIA C753). Maintenance plans, the responsibility of the landowner or appointed maintenance company, ensure the surface water drainage system's regular upkeep. The system is designed to handle a 1 in 100-year event + 45% climate change allowance, with provisions for informal flood flow storage during extreme events. MicroDrainage calculations support the proposed design, though finalization requires adjustments aligned with detailed designs, specific drainage plans for the pitch, and landscaping. A planning condition may be necessary for the final drainage design before development.

138. Following further correspondence with the applicant, the Lead Local Flood Authority has no objection to the proposals, subject to a condition requiring precise details of the final surface water management scheme to be submitted and agreed with the Local Authority prior to ground clearance or remediation works. A condition pursuant to this has been included within the recommendation.
139. It is therefore considered that, subject to a suitable condition, 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 35 and 36 and Part 14 of the NPPF.

Landscape and Trees

140. Paragraph 180 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.
141. 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 (AHLV) 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.
142. The site is not within any landscape designation. At its closest point the AHLV is located approximately 267m to the west of the site. The proposed development would not impact upon the AHLV.
143. A landscaping specification has been provided to show hard and soft landscaping within the site, including pathways and planting. Landscaping would predominantly be trees and greenspace located around the site. Planting would be used to ease way finding through the public spaces on the site, highlight accesses and egresses, and screen the development from surrounding residential areas.
144. Landscape Officers have considered the proposals and raised no objections in-principle. However, officers note that there would be some harm to landscape character and to visual amenity, in particular to residents who neighbour the site to the east and south. Officers do note further that the extent of this impact would reduce during the longer term as the proposed landscape planting scheme develops to maturity. The proposed landscape mitigation would respond to the requirements of Policy 39 where harm is envisaged, reducing the extent of the harm.
145. 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.

146. Existing vegetation would be retained where possible although the proposed development would require the removal of 11 notable trees and the removal of hedgerow to allow facilitate the siting of the pitch and carpark, including the new access. The loss of trees and hedgerows would be compensated for through the proposed landscaping scheme and appropriate protection measures put in place for the protection of retained vegetation.
147. Subject to correspondence between the applicant and the local authority and subsequent amendments made, Tree Officers have raised no objection in relation to the proposals and agree with the arboricultural recommendations for tree management and protection.
148. A further condition requiring the protection set out in the Tree Protection Plan to be implemented prior to construction work to avoid any potential damage has also been imposed as part of this recommendation.
149. In conclusion, the proposed development would result in a degree of landscape impact on surrounding residents and users of the Public Footpaths present on-site, though the extent of this harm would be reduced both short term and long term by the inclusion of additional planting to screen the development. The proposed development would result in the loss of some trees, but this would be mitigated through replacement planting across the site along with the opportunity to enhancements to the site as part of the development of the site. In addition, there would be appropriate protection of retained trees throughout the construction process. It is therefore considered that the proposal would not conflict with CDP Policies 39 and 40 and Part 15 of the NPPF.

Ecology

150. Paragraph 186 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.
151. 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.

152. There are no relevant ecological designations within or immediately adjacent to the proposed site.
153. An Ecological Impact Assessment and Biodiversity Net Gain Assessment have been submitted in support of the application.
154. The Assessment presents recommendations for ecological impact avoidance, mitigation, and enhancement measures concerning the proposed development. It identifies the site's proximity to nationally and locally designated wildlife sites (SSSIs and LNRs), affirming no anticipated direct or indirect impacts due to the development's nature and distance from these areas. Pollution prevention measures are suggested to safeguard specific local designated sites (LNRs) like Pity Me Carrs and Framwellgate Moor Carrs.
155. Regarding habitats and flora, the report advocates for the retention of trees and hedgerows where possible, emphasising implementing Root Protection Zones if development affects these features. It outlines forthcoming requirements for a Biodiversity Net Gain (BNG) assessment, indicating the need for a 10% biodiversity gain through new landscaping. Additionally, it highlights the importance of retaining the most valuable habitat—hedgerows—and conducting habitat assessments for a comprehensive BNG evaluation. The report also addresses protected species such as badgers, bats, birds, and hedgehogs, recommending specific strategies to prevent disturbance or harm during construction, including sensitive lighting strategies, bird nesting season precautions, and methods for safeguarding hedgehogs during site clearance.
156. The Biodiversity Net Gain Assessment is supported by a DEFRA's Biodiversity Metric 4.0. The metric advises that the baseline site provides 17.48 habitat units and 1.26 hedgerow units. Post development, taking into account the habitat creation set out in the paragraphs above, the site would provide 20.36 habitat units and 2.61 hedgerow units equating to a net gain of 2.88 units or 16.48% for habitat and 1.35 units or 106.82% for hedgerow. The Council's Ecology Officers agree with the conclusions regarding the baseline habitats on site and the delivery of a clear BNG.
157. The Council's Ecology Officers have no objection to the current application for construction of the new AGP and the relocated carparking, including the demolition of the existing hardstanding. They advise a Biodiversity Management and Monitoring Plan (BMMP) that covers a 30 year period from the date the habitats were created is needed. Monitoring should be undertaken in years 2, 5, 10, 15, 20 and 30 and the results supplied to the Council after each monitoring visit. The BMMP should include any proposed ecological enhancements.
158. The proposed development would provide biodiversity enhancement to the site. It is considered that the proposed development with suitable mitigation would not adversely impact upon any nationally or locally protected sites or protected species and accordingly, there is no need to consider the application of the derogation tests. It is therefore considered that the proposals would not conflict with CDP Policies 41 and 43 and Part 15 of the NPPF in respect of avoiding and mitigating harm to biodiversity.

Cultural Heritage

159. 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.

160. 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.
161. There are no designated heritage assets within the proposed site nor is the site located within a Conservation Area or the setting of such. The closest listed building is located to the east, this being the Grade II Marquis of Granby Public House approximately 215m to the east. Design and Conservation Officers have reviewed the impact of the proposal on the heritage designations and have raised no objections.
162. It is considered that the proposal would not conflict with CDP Policy 44, Part 16 and paragraph 208 of the NPPF and the Listed Building Act.

Public Sector Equality Duty

163. 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.
164. In this instance, Officers have assessed all relevant factors and do not consider that there are any equality impacts identified.

CONCLUSION

165. 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.
166. The proposed development would provide a modern, play pitch to be used both by the existing students at New College Durham and by the wider community. The loss of the existing play pitch on the field to the east of the campus would be replaced by a formalised provision with a resulting in a significant enhancement to the sporting offer in Framewellgate Moor and the wider County.
167. Consideration has been given to the principle of the development and the impact of the proposals in terms of recreational amenity, residential amenity, access and traffic, layout and design, locational sustainability of the site, renewable energy, contamination and coal mining risk, flooding and drainage, landscape and trees, ecology, cultural heritage and other matters.

168. The proposed development has generated a notable degree of public objection, with 33 no. letters of objection having been received, including letters from the County Durham Green Party and The City of Durham Trust. The contents of these objections have been considered as part of the decision-making process in this instance, both relating to material matters and other matters.
169. Overall, the proposed development would provide a significant benefit to the community, be sustainable and well designed, and in keeping with and complementary to its campus context surroundings and would be in accordance with Policies 6 and 26 of the CDP, alongside providing a facility to respond to an evidence need for AGP provision in the region and county. Notwithstanding the above benefits, it is acknowledged that the proposals would result in a degree of harm to both residential amenity, resulting from visual impact per Policy 31, and landscape impacts from short range views from the public footpaths per Policy 39.
170. Undertaking the required 'planning balance' of the merits of the scheme against its harms per the adopted Development Plan, the proposals are considered to be acceptable subject to the proposed mitigations and other suggested conditions within the recommendation below.

RECOMMENDATION

171. That the application is **APPROVED** subject to the following conditions:

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

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

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

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

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

DR-A-1001 (REV P1)	EXISTING SITE PLAN
Location Plan	DR-L-0102 (REV P4)
Planting Plan - Shrubs	DR-E-63-0001 (REV P02)
Planting Plan - Trees	DR-E-63-0002 (REV P01)
Site Sections	DR-L-0100 (REV P1)
Landscape GA Plans	DR-L-2100 (REV P7)
Existing Site Information	DR-L-2700 (REV P2)
External Lighting - Lux Levels	DR-L-7001 (REV P3)
Proposed Lighting Layout	DR-L-7002 (REV P4)
Proposed Lighting Layout Showing Location	DR-E-40-0001 (REV P01)
Landscape Specification	NCDMG-RYD-XX-XX-SP-L-0001-D2-P3
Typical Details - Planting Bed In Car Park	NCDMG-RYD-00-ZZ-DR-L-4801-D2-P2
Planting plan - trees	NCDMG-RYD-00-ZZ-DR-L-7001-D2-P5
Tree Pit Details	NCDMG-RYD-00-ZZ-DR-L-4802-D2-P1

Arboricultural Impact Assessment prepared by The Environmental Partnership
Biodiversity Net Gain Assessment prepared by the Environmental Partnership
Biodiversity Metric Calculation Tool prepared by The Environmental Partnership
Drainage Strategy prepared by Jasper Kerr
Ecological Impact Assessment prepared by The Environmental Partnership
Noise Assessment prepared by NJD Environmental Associates
Planning Statement prepared by DPP
Transport Statement prepared by iTransport Planning

Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with Policies 6, 9, 21, 26, 29, 31, 33, 35, 36, 39, 40, 41 of the County Durham Plan and Parts 2, 6, 7, 8, 9, 14, 15, 16 and 17 of the National Planning Policy Framework.

4. Prior to the commencement of any part of the development or any works of demolition, a Construction Management Plan shall be submitted to and approved in writing by the local planning authority. The Construction Management Plan shall be prepared by a competent person and shall consider the potential environmental impacts (noise, vibration, dust, & light) that the development may have upon any nearby sensitive receptors and shall detail mitigation proposed, as a minimum this should include, but not necessarily be restricted to, the following:

oA Dust Action Plan including measures to control the emission of dust and dirt during construction taking into account relevant guidance such as the Institute of Air Quality Management "Guidance on the assessment of dust from demolition and construction" February 2014. The mitigation measures detailed within Table 4 of the air quality assessment prepared by NJD Environmental Associates reference NJD23-0046-002R, dated July 2023 and published on the planning portal on 24 July 2023 must be incorporated into the dust action plan.

oDetails of methods and means of noise reduction; this must include the mitigation measures detailed within the Noise Assessment prepared by NJD Environmental Associates Ltd reference NJD23-0046-001R dated July 2023 and published on the planning portal on 24 July 2023.

oWhere construction involves penetrative piling, details of methods for piling of foundations including measures to suppress any associated noise and vibration.

oDetails of measures to prevent mud and other such material migrating onto the highway from construction vehicles;

o Designation, layout and design of construction access and egress points;

o Details for the provision of directional signage (on and off site);

oDetails of contractors' compounds, materials storage and other storage arrangements, including cranes and plant, equipment and related temporary infrastructure;

oDetails of provision for all site operatives for the loading and unloading of plant, machinery and materials

oDetails of provision for all site operatives, including visitors and construction vehicles for parking and turning within the site during the construction period;

o Routing agreements for construction traffic.

oDetails of the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;

oWaste audit and scheme for waste minimisation and recycling/disposing of waste resulting from demolition and construction works.

oDetail of measures for liaison with the local community and procedures to deal with any complaints received.

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

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

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

5. Use of the development shall not commence until a community use agreement prepared in consultation with Sport England has been submitted to and approved in writing by the Local Planning Authority, and a copy of the completed approved agreement has been provided to the Local Planning Authority. The agreement shall apply to the artificial grass pitch and supporting ancillary facilities (changing rooms, toilets and car parking) and include details of pricing policy, hours of use, access by non-college users, management responsibilities and a mechanism for review. The development shall not be used otherwise than in strict compliance with the approved agreement.

Reason: To secure well managed safe community access to the sports facility/facilities, to ensure sufficient benefit to the development of sport and to accord with Development Plan Policy. Informative: Guidance on preparing Community Use Agreements is available from Sport England.

<http://www.sportengland.org/planningapplications/>

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

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

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

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

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

7. No development shall take place until a phasing plan has been submitted to and approved in writing by the Local Planning Authority]. The phasing shall detail the timescale for the completion of commencement of use of the artificial grass pitch in relation to the loss of playing field to the approved car park. Development shall be undertaken in accordance with the approved phasing plan.

Reason: To ensure the development accords with playing Policies 6 and 26 of the CDP and Paragraph 103 of the NPPF.

8. Use of the artificial grass pitch shall not commence until: (a) certification that the Artificial Grass Pitch hereby permitted has met FIFA Quality Concept for Football Turf - FIFA Quality or equivalent International Artificial Turf Standard (IMS) and (b) confirmation that the facility has been registered on the Football Association's Register of Football Turf Pitches have been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the development is fit for purpose and sustainable and to accord with the County Durham Plan.

9. No development shall commence until details of the construction and materials of the artificial grass pitch, and the floodlighting product specification have been submitted to and approved in writing by the Local Planning Authority. The artificial grass pitch shall not be constructed other than in accordance with the approved details.

Reason: To ensure the development is fit for purpose and sustainable and to accord with requirements of Policies 6 and 26 of the County Durham Plan.

10. The use of the proposed development shall be restricted to between the following hours and shall not be used at any other time:

Proposed Pitch

Monday to Friday: 0900 - 2130hrs

Saturday and Sunday: 0900 – 1700hrs

Pitch Lighting

Monday to Friday 0900 - 2200hrs

Saturday and Sunday: 0900 – 1730hrs

Car Parking

All days: 0700 – 2000hrs

Car Park Lighting

All days: 0700 – 2030hrs

Reason: In the interests of the residential amenity of surrounding properties in accordance with Policy 31 of the County Durham Plan and Part 15 of the National Planning Policy Framework.

11. 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.

12. 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 2 site investigation, 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 is suitable for use, in accordance with Part 15 of the National Planning Policy Framework. Required to be pre-commencement to ensure that the development can be carried out safely.

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

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

14. No development shall commence until a Written Scheme of Investigation setting out a phased programme of archaeological work in accordance with 'Standards For All Archaeological Work In County Durham And Darlington' has been submitted to and approved in writing by the Local Planning Authority. The programme of archaeological work will then be carried out in accordance with the approved scheme of works.

Reason: To safeguard any archaeological interest in the site, and to comply with part 16 of the National Planning Policy Framework (NPPF). Required to be a pre-commencement condition as the archaeological investigation/mitigation must be devised prior to the development being implemented.

15. Prior to commencement of the development a Biodiversity Management and Monitoring Plan (BMMP) covering a 30-year period from the date the habitats were created shall be submitted to the Local Planning Authority for approval in writing. Monitoring should be undertaken in years 2, 5, 10, 15, 20 and 30 and the results supplied to the Council after each monitoring visit. The BMMP should include any proposed ecological enhancements and monitoring shall take place in complete accordance with the approved details.

Reason: In order to deliver Biodiversity Net Gain in accordance County Durham Plan Policy 41 and Part 15 of the National Planning Policy Framework. Required to be a pre-commencement condition as the Biodiversity Management and Monitoring Plan must be devised prior to the development being implemented.

16. No construction work shall take place, nor any site cabins, materials or machinery be brought on site until all trees and hedges, indicated on the approved Arboricultural Impact Assessment 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.

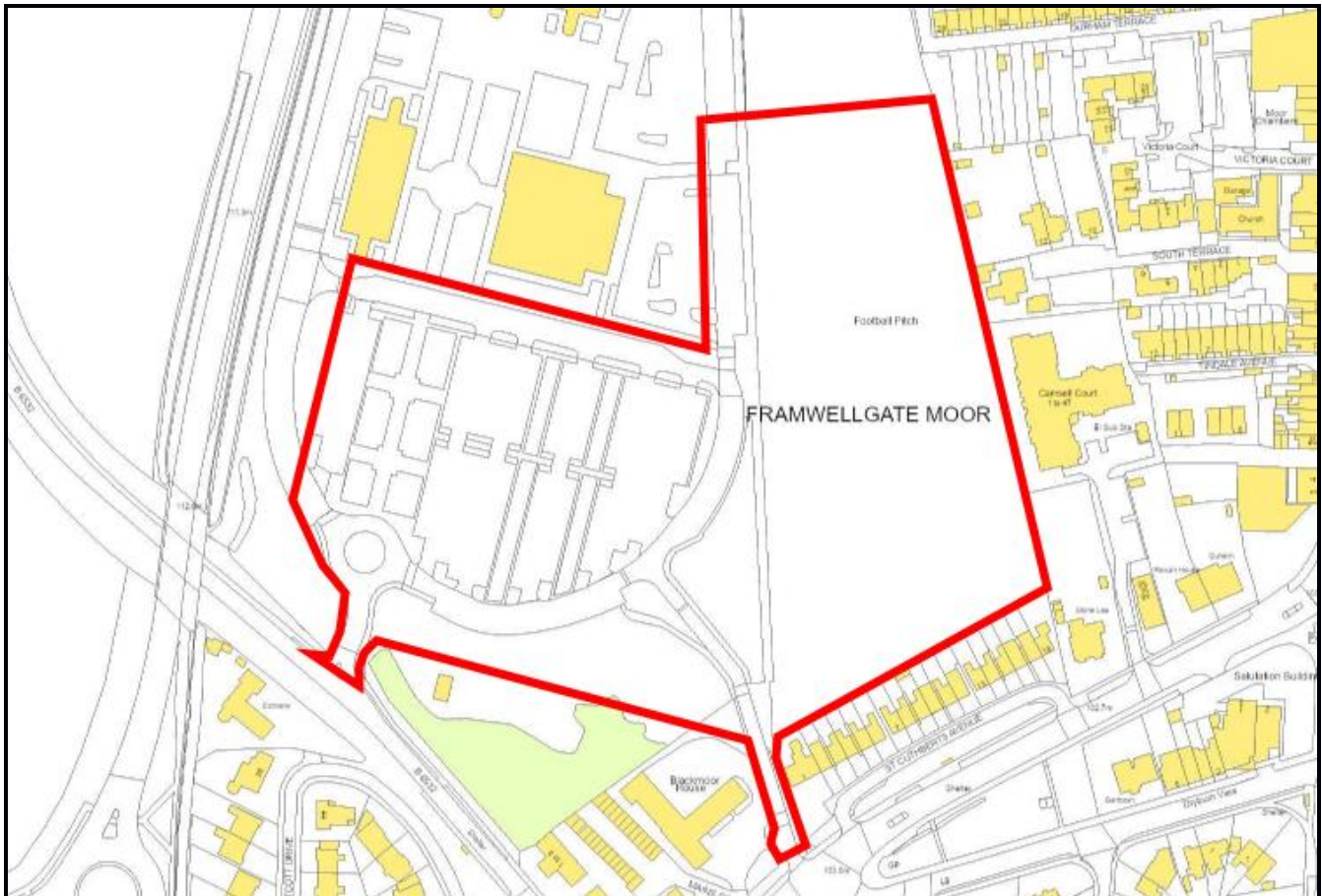
Reason: In the interests of the visual amenity of the area and to comply with Policies 29 and 40 of the County Durham Plan and Parts 12 and 15 of the National Planning Policy Framework.

STATEMENT OF PROACTIVE ENGAGEMENT

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

BACKGROUND PAPERS

- Submitted application form, plans supporting documents and subsequent information provided by the applicant.
- The National Planning Policy Framework (2023)
- National Planning Practice Guidance notes
- County Durham Plan
- Statutory, internal and public consultation response



Planning Services

DM/23/02201/FPA

Full planning application for the construction of a new all-weather playing pitch with associated lighting and the repositioning of the car park

New College Durham, Framwellgate Moor, Durham, DH1 5ES

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Comments

Date January 2024

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