

DURHAM COUNTY COUNCIL

At a Meeting of **County Planning Committee** held in Council Chamber, County Hall, Durham on **Wednesday 8 May 2024 at 9.30 am**

Present:

Councillor G Richardson (Chair)

Members of the Committee:

Councillors A Bell (Vice-Chair), D Boyes, M Currah, J Elmer, J Higgins, C Martin, E Peeke (substitute for P Jopling), A Savory, K Shaw, A Simpson, S Wilson and S Zair

Other Members:

Councillors L Maddison and P Molloy

1 Apologies

Apologies for absence were received from Councillors J Atkinson, J Higgins and P Jopling.

2 Substitute Members

Councillor E Peeke was present as substitute for Councillor P Jopling.

3 Declarations of Interest

There were no declarations of interest.

4 Minutes of the meeting held on 3 April 2024

The minutes of the meeting held on 3 April 2024 were agreed as a correct record and signed by the Chair.

a DM/23/02170/FPA - Land North and West of Almond Close, Spennymoor, DL16 7YG

The Committee considered a report of the Principal Planning Officer regarding an application for Construction of 187no. dwellings and associated open space on Land North and West of Almond Close Spennymoor (for copy see file of minutes).

S France, Planning Officer gave a detailed presentation which included a site location plan, aerial photographs, site photographs, proposed site layout, and details of house types. He confirmed that a site visit had taken place on the previous afternoon.

The Planning Officer confirmed that the Section 106 Legal Agreement would include thirty years of monitoring and maintenance. He advised that ecology had been under discussion at the time the report was published, however the development would meet 10% biodiversity net gain, despite the application being validated prior to the uplift requirements.

Councillor Maddison addressed the Committee as Local Member, objecting to the proposal. Spennymoor had been subject to house building for twenty years and the town did not need or want this development. She referred to issues with NHS capacity and advised that there were nearby brownfield sites that were undeveloped and other approved sites which had not commenced construction. This site was a greenfield site, it was not allocated in the County Durham Plan (CDP) for housing and in her opinion, it did not meet the requirements of Policy 6.

Councillor Maddison had raised issues regarding drainage and flooding during the consultation and the report referenced the area being extremely wet. The adjacent development had been subject to flooding and the area of woodland separating the site from Whitworth Road was often flooded and there were wider issues impacting areas downhill from the site, with new developments having increased flooding on existing developments. The proposal did not accord with national or local policy in order to meet the challenge of climate change and she questioned whether it could withstand surface water run off for the lifetime of the proposal.

Councillor Maddison did not consider the access through the existing development to be appropriate or safe and there were existing parking issues blocking both sides of Grayson Road. Due to the existing highway safety issues, there had been a recent extension of double yellow lines on this road. Vehicles exited onto a 40mph road and there had been a request to reduce the speed limit to 30 mph, which had not yet been considered.

There were visibility issues exiting at Bluebell Drive due to high bushes and multiple reported incidents at the four lane ends junction, due to speeding along Grayson Road. Barriers adjacent to Clyde Terrace had been replaced on a number of occasions due to vehicular incidents and with regards to the construction traffic access, she noted that the left exit would take traffic along narrow roads at Page Bank and Brancepeth which had previously reported incidents of vehicles being stuck due to the narrow width of the road.

Councillor Maddison queried whether maintenance of the offsite play would be the responsibility of the developer or Local Authority. In summary, there were highway safety and flooding issues mineworkings on site. The area was already identified as a potential food risk and due to the number of developments approved already, Spennymoor did not require any additional housing.

Councillor Molloy addressed the Committee as Local Member, in objection to the scheme. He described the location of the site and the existing development. The construction entrance to the site off Whitworth Road required vegetation to be cleared and maintained which would involve uprooting some of the hedgerow and the potential removal of a tree. The access would need to be widened which would have a detrimental impact on the natural environment. There were existing parking issues on the existing site, vehicles parked on either side of road and on Grayson road, double yellow lines were being extended. With the additional vehicles from the proposed development, existing issues could be exacerbated.

With regards to school places, Councillor Molloy had been informed by the Head Teacher of the nearest Primary School at Middlestone Moor, that the previous school year had been oversubscribed in reception and there was a waiting list for some year groups. Bringing additional young families into the area would have an impact on primary education. He referred to issues faced by residents who could not register with a local NHS dentist and advised that the local practice had stopped adding patients to the waiting list due to the high number already waiting. The infrastructure in Spennymoor would not cope with the increase in population. There had been a significant amount of development in recent years, including an application for housing on brownfield land off Merrington Lane which had not been allocated for housing, but approved by the Committee in 2022.

Councillor Molloy objected to the application as the site was on greenfield, arable land, had not been identified for housing or any other form of development in the CDP and if permission was granted, it would be contrary to the plan and have a detrimental impact on the landscape.

Local resident, Mr Summerbell addressed the Committee in objection to the application. His main objection related to the access road, which would result in the destruction of mature trees which were an amenity for residents. He considered this to be a valid reason to reject the application as removing some of the buffer would impact on biodiversity and also reduce natural protection against flooding, which the area had been prone to. Northumbrian Water had confirmed that there was insufficient detail with regards to drainage.

With regards to the layout of the site, Mr Summerbell questioned the reasons why the entrance to the development was at Mulberry Drive if construction traffic could use the entrance on Whitworth Road for two years. He did not believe there was sufficient detail about the buffer zone and traffic estimations had been underestimated and could in his opinion, be doubled.

Residents had great concerns which they felt had been disregarded. The access road would increase traffic, noise and pollution and compromise highway safety for residents of the existing development. He considered the type of streetlighting which had been installed would exacerbate these dangers in winter months. Spennymoor had increased by 2000 houses since 2016 and this was not a site which had been allocated for housing in the CDP. It was greenbelt land, in open countryside and he was disappointed that the Council would override a development plan only a few years after adoption.

Mr Summerbell did not believe that the report had captured the extent of the impact on residents but was assured that Members who had attended the site visit would acknowledge their concerns. Finally, he referred to the planning permission granted in 2000 by Sedgefield Borough Council and a condition relating to a footpath which had been ignored to the detriment of existing residents.

Mr Rennie, spoke in support of the application and on behalf of the developer. He gave some background information to the partnership work alongside housing associations, local authorities and landowners, in order to locate sites suitable for new homes. As a strategic partner of Homes England, they had gained relevant experience to unlock many new sites, including a number in County Durham. The developer had a sustained track record with the Council and he advised that construction was taking place in Bishop Auckland to provide a significant number of affordable homes. In addition, they delivered homes for private rent and open market sale and unlike other housebuilders, they were less reliant on general market conditions, allowing them to build at pace and bring various benefits to the area at a quicker rate.

Mr Rennie referred to the positive attributes and demand for settlements in County Durham and he suggested that the development would reduce some of the financial pressure that the Council was facing by providing rate payers, shoppers and citizens for communities and the wider economy.

Mr Ridgeon, addressed the Committee on behalf of the developer to answer some of the concerns raised by residents. He referred to the construction traffic to confirm that vehicles would continue to the A690, details of which had been submitted in a Construction Management Plan. With regards to play and open space on site, there would be a similar agreement to the existing development and it would be covered by a management company. Responding to the issues raised about the construction access, some of the vegetation would be cleared back to the adopted highway.

He supported the recommendation for approval and thanked Planning and Highways Officers for working positively through the determination process. The developer had held additional public consultation to ensure concerns were addressed. He referred to various benefits of the scheme, including Section 106 contributions and bungalows secured as affordable housing, and asked Members to support the application.

The Planning Officer responded to concerns raised about on-site drainage and referred to the detailed drainage scheme which had been submitted and met all requirements to satisfy drainage engineers. Northumbrian Water had made comments in relation to foul drainage, but the Council were lead Flood Authority and held responsibility for surface water drainage. Whilst a late representation had been received by the Coal Authority, no objections had been received and there was a precautionary condition included to ensure the site was suitable. He clarified that the site was not designated greenbelt, but could be described as greenfield and that they were two different designations. Whilst the CDP directed development to allocated sites, Policy 6 had been included to assess unallocated sites against specific criteria.

Councillor Bell asked for further information in relation to fees for the maintenance and upkeep of green areas which was a contentious national issue and affected sites throughout the county. He was advised that a management company would be appointed and costs would be applied to each property for the upkeep of shared spaces. The process would include an assessment on affordability as if this was not carefully managed and set at an affordable limit, there would be no interest in the properties.

Councillor Currah queried the impact on the recommendation, had the existing site not been approved on appeal. The Planning Officer confirmed that neither of the sites were deemed acceptable when assessed in the SHLAA and admitted that without the existing site, the conclusion may have been different.

In response to a further question from Councillor Currah regarding land adjacent to the site, the Planning Officer confirmed that sites allocated in the CDP tended to be within the settlement and any others would be assessed under Policy 6.

Councillor Elmer had initial concerns relating to the quantity of houses as it was essentially a windfall application and not something which had emerged from the SHLAA, a process based on the need for housing in the area. If the application was approved, Councillor Elmer questioned whether this would be considered overprovision and impact on subsequent scheduled development.

The Planning Officer confirmed that Policy 6 allowed windfall sites to be assessed on merit as and when they were submitted. He acknowledged that Spennymoor was subject to development pressure and was required to consider the effect on the settlement, however there was also a national imperative to provide housing, and affordable housing, to maintain a five year housing land supply. Although the Council was in a healthy position, if numbers dropped below target, they may have to accept development that they were uncomfortable with. Overall, housing, and particularly affordable housing, was beneficial if sites met various requirements. The access through the existing development had improved the connection to the settlement, making the site sustainable.

S Reed, Planning & Development Manager responded to an earlier question raised by Councillor Currah to confirm there had been recently granted permission at a former industrial site and a former dog track to the south of the town. The CDP provided two main allocations at the former Tudhoe Grange Lower and Upper schools and there was a combined yield of 200 dwellings. He advised that following adoption of the CDP a decision was made to rebuild a school on one of those sites, which had reduced the amount of allocated housing.

With regards to Policy 6, it had been amended by the Planning Inspector who had raised concerns about the ability to secure the number of houses required. With regards to the concern around potential future housing growth, whilst it could not be predicted, he was confident that there were no additional active proposals for the town and he reminded Members of a recent housing application for the Durham Gate site on employment land to the east of the town which the Committee had rejected. In terms of this proposal, it complied with the criteria in Policy 6 and he

did not consider that if approved, it would enable further development sprawl. He acknowledged that the existing site had changed the landscape and therefore changed the way that the site had been assessed. In response to a further question from Councillor Currah, he confirmed that there was an estimated yield of 90-100 units on the remaining allocated site in Spennymoor.

Councillor Wilson noted the absence of any landscape value and that the development would improve the edge of the settlement. He acknowledged presentations by local members and the issues with the school intake, however the School Places Officer had advised that provision in the area was able to be met. Flood standards had also been met and there were wider issues regarding access to the NHS, but the requested contribution had been agreed. There were other significant Section 106 contributions and the proposal included affordable housing and bungalows. In his opinion it was a good site, it had a strong construction management plan and he moved the recommendation to approve the application.

Councillor Boyes had concerns regarding the assessment of applications against Policy 6 as it had changed the concept of his own local area, Easington Village. This development was extending into farmland and would not have been accepted if the existing site had not been approved. He also had concerns regarding the access onto Whitworth Road and hazards travelling towards the A690 - there had been a number of serious incidents in 2023, including two fatalities. Due to the seriousness of these concerns he did not consider that the development accorded to Policy 6 requirements, in that it should not be prejudicial to highway safety. He also noted that if further development was to come forward and be supported, a significant number of houses could be added, changing the settlement.

P Harrison, Highway Development Manager advised that the original access had been proposed on Whitworth Road but it was not supported by Officers and had therefore been amended. The construction access would be controlled with temporary traffic measures and he was satisfied that it would comply with the access arrangement.

Councillor Elmer responded that whilst the access would be through the existing development there would still be increased traffic on Whitworth Road due to the additional housing. He was concerned that neither this development or the existing one had been plan led and that one had justified the other.

Councillor Elmer noted that the Ecologist had identified a high likelihood of nesting birds on the site however no survey had been carried out and he asked whether a bat survey had been carried out as the wet woodland was undoubtedly valuable for bats commuting. He was concerned about loss of woodland for the creation of the construction entrance. There was a proposal to keep the area wet by use of the SUDs however property modifications could result in grey water spilling into the natural drainage and contaminating the woodland. He also noted that the Landscape Officer had raised an issue with the northern boundary treatment, asking why it was not possible to improve the boundary to the standard that the officer had requested.

Councillor Elmer shared residents' concerns regarding additional traffic and queried whether any mechanisms had been included to calm traffic. Finally, he queried the issue raised with regards to the footpath along the existing woodland boundary.

The Planning Officer advised that sufficient surveys had been received to inform Ecologists, however negotiations had still been underway when report was written and a caveat had therefore been included. The bat survey had confirmed that it was highly likely that mature trees in the wet woodland would contain bats, but they would not be affected by physical works. The extent of the constriction access would be confirmed in more detail in the construction management plan. He referred to a section of narrow woodland and advised that visibility splays required for the construction access were far less than for a full residential estate and the effect on the wet woodland would be minimised.

The Planning Officer confirmed that if the development was constructed in accordance with the submitted plans, grey water from the development would go into the public sewerage and therefore not impact on the SUDs. He referred to the depth of the buffer and advised that to increase it, would impact on the number of dwellings. The developers of the existing site had set out to improve the existing buffer and this had been approved by a Planning Inspector. This proposal reduced harm and created an edge to the development. He suggested the proposal provided a logical stop to the development and although he was not in a position to predict what would happen in future, he considered that any further applications would be defensible.

The Planning Officer accepted that there would be an increase in traffic in the general area, however Highways Officers had considered effects on the wider transport network and this could be demonstrated by amended access. There were existing traffic calming measures and if more had been required, it would have been requested by Highways. The Planning Officer reminded Members that new development was not required to solve existing parking problems and that there were Highways mechanisms, which were already being considered.

He advised that in relation to the footpath, a legal agreement would have been implemented to ensure that it was maintained and monitored, however there was always an opportunity to renegotiate. On this occasion biodiversity would be increased.

The Planning & Development Manager responded to concerns that the approval of the scheme could lead to additional housing to the north of the site and confirmed that whilst any applications would have to be determined on their own merits, Policy 6 was not an open-door policy. It was a fundamental requirement that sites had to be adjacent to an existing site and well related and Officers considered links to public transport and facilities in town. In his judgement, anything further north of the site would be highly unlikely to receive support as this was further away from the settlement and would significantly increase walking distances. On balance, this application sat within the confines of Policy 6 and met the criteria.

Councillor Shaw had listened carefully to concerns from local members regarding flooding and highway safety and both issues had already been addressed. The

issues raised regarding the NHS was a national problem which could not be addressed within a specific housing application. As former Portfolio Holder for Housing, he advised of the issues County Durham faced in order to meet the housing need. There was a national housing crisis and needs were profound and understood, but people did not want the schemes where they lived. This was a well thought out scheme with significant funding and the number of houses had been reduced, providing a good mix of tenure and included bungalows and affordable housing. It assisted the Council to meet the outstanding housing need and he seconded the recommendation to approve the application.

Councillor Currah confirmed that there had been a similar proposal in Crook, objected to by Local Members, but allocated in the CDP. He was not comfortable with the assessment under Policy 6 and suggested that the Council should build on allocated land to meet the housing need. He referred to issues raised by residents in terms of highway safety, loss of amenity and lack of services in the town. There would also be an impact on affordable property prices in terraced housing in town. He proposed that the application be refused and this was seconded by Councillor Peeke.

Councillor Bell noted that all concerns had been responded to by the Planning Officers. With regards to the highways issues raised, the access would not have been suitable onto Whitworth Road and whilst it was not ideal to access through the existing development, it appeared to accord with policy and was difficult to find a reason to refuse.

In response to a number of questions from Councillor Bell, the Planning Officer advised that play provision was not directed to the adjacent play area and that money were available for capital use if people wanted to improve facilities in the area. The responsibility for green spaces tended to be handed over to management companies and there was no reason why green areas could not be expanded, but it was done under a separate process. Leisure consultees were content that existing play provision was within appropriate walking distance, well located and sought to connect through redesign. Money would be secured to upgrade facilities, but not to offset maintenance. He confirmed that a detailed construction management plan had been submitted which contained a specific location for wheel washing facilities and standard operating hours, and advised that the nature of the developers operation resulted in a much shorter build process of approximately 180 weeks. Regarding the requested SEND contributions, the report explained that it would be unreasonable to secure a condition in the absence of an adopted supplementary planning policy.

The Highway Development Manager advised that the developer had requested that roads and footways be adopted, subject to completion.

Councillor Zair agreed with comments made regarding Whitworth Road, which had been subject to numerous accidents and fatalities. Whilst the Committee was not responsible for stopping development and housing, they had to ensure it accorded to policy. The amended access would not stop users on Whitworth Road, therefore due to the road safety issues and volume of traffic, he did not support the application.

The Planning Officer confirmed that highway safety was always a main consideration when determining applications and this was evident as the first access to Whitworth Road was not supported by Officers. He referred to the strategic highways assessment which was accepted and informed Members that this was evidence that would be considered on appeal.

Councillor Shaw referred to the concerns raised regarding the additional demands placed on services and confirmed that Spennymoor had been successful in receiving £20m funding for regeneration.

The Planning & Development Lawyer summed up that there had been motions to approve and refuse which had both been seconded and the motion to approve be considered first.

Councillor Boyes stated that he was satisfied that there was no grounds to refuse the application on highway safety grounds and that his concerns about approving additional development in future had been sufficiently responded to. He therefore withdrew his objection.

Upon a vote being taken, the motion to approve the application was lost.

The Planning & Development Lawyer asked Councillor Currah for clarification of the reasons for refusal. He confirmed that he had heard concerns that the land was not allocated in the CDP, however the Committee had heard that the application had been assessed against criteria in Policy 6 and deemed acceptable. Other reasons had related to traffic and highway safety issues, lack of facilities in the town and a perceived knock-on effect on town centre house prices, which was not a material consideration. He had not heard any evidence to validate the concerns that had been expressed on highway safety impacts and the Committee had received technical advice to confirm why the access arrangement and number of traffic movements were acceptable in highway safety terms. For these reasons, he did not consider the reasons could be substantiated at appeal.

In response to a question from Councillor Currah regarding loss of amenity to residents of the adjacent properties, the Planning Officer detailed the existing low boundary treatments and properties which had countryside views and advised that the proposal was reasonable when measured against the Council's residential amenity guidance as the distances proposed exceeded those required.

Councillor Currah did not have a specific planning reason to object, but he was uncomfortable that there was allocated land that was not being built upon first. He was also convinced that the development would sprawl further. The Planning Lawyer was concerned that Councillor Currah had not offered any specific planning reason to refuse the application.

Councillor Elmer referred to the existing development which had been considered unacceptable by Planning Officers, then overturned on appeal. Whilst Planning Officers had adopted the position that any future development could be rejected, this may also be overturned on appeal.

In response to a question from Councillor Elmer regarding the assessment of the scale and size of the site, the Planning Officer advised that it was acceptable in terms of character and density. The addition of the green areas that went through the middle of the existing site had been replicated and the layout met standards which had not been required for the existing properties. In his opinion the design of the site created a logical and defensible line.

The Planning & Development Manager responded to Councillor Elmer's concern regarding the appeal decision, which had been prior to adoption of the CDP and confirmed that the Council were in stronger position to stop any further development, with an adopted plan.

Councillor Wilson stated that the Committee must determine the application in front of them and any future applications must only be considered if presented. There was no legal reason to refuse the application and therefore he moved a motion to approve the application.

The Chair was disappointed that having already been put to the vote, the Committee were likely to have to vote again on a motion to approve, despite the testimony of local Members.

In response to Councillor Molloy, the Planning & Development Lawyer clarified the procedure rules.

Following an exchange with the Planning & Development Lawyer, Councillor Currah confirmed that he did not have any legal, policy-based reasons to reject the application and did not wish to proceed with his motion.

Resolved

That the application be APPROVED subject to the conditions in the Officer's Report and the completion of a Section 106 Legal Agreement to secure the following:

- Contribution to Green Infrastructure requirements: £277,077.90
- Contribution to Offsite Playspace £294,356.70
- Healthcare provision - £90,321
- 28no. affordable dwellings in partnership with Believe Housing, including: First Homes (seven), Affordable Rent (nine) and Route to Home Ownership (four Shared Ownership, eight Rent to Buy).

The meeting was adjourned for five minutes at 11.30am. Councillors Maddison and Molloy left the meeting at this point. Councillors Boyes and Martin left the meeting and did not return for the next item.

b DM/23/01868/FPA - Croxdale Farms, Hett Moor Farm, Hett, Durham, DH6 5LJ

The Committee considered a report of the Senior Planning Officer

regarding an application for the installation and operation of a Solar Farm together with all associated works, equipment and necessary infrastructure (Resubmission) at Croxdale Farms, Hett Moor Farm, Hett, Durham (for copy see file of minutes).

C Sheilds, Senior Planning Officer gave a detailed presentation which included a site location plan, aerial photographs, site photographs and a proposed site plan. He confirmed that a site visit had taken place on the previous afternoon.

Ms Hodgson addressed the Committee in objection to the proposal due to flooding, use of the road and construction. The drainage system flowed into the water course excess water from the existing site had caused damage to the land, which she considered would not be sufficiently mitigated. There was a width restriction on the road to the construction site which caused frequent problems, it was poorly maintained and operated by all agencies involved.

With regards to the flooding, Ms Hodgson had received multi-agency denial for the problems relating to the quantity and quality of the water. She believed that letters in support of the application were biased, some had been prepopulated and signed. Ms Hodgson was disappointed to find that the MP for Durham City had supported the project as she had contacted her to discuss various issues and alternative schemes but received no response.

The scheme would be in use for forty years and Ms Hodgson was not aware of any facilities in the UK to dispose of the panels, doubtful of the community benefit to the Hett and Croxdale area and raised concerns about the consumer survey due to its reach.

In summary, there had been a failure to maintain road or drainage networks and a number of excuses had been provided by multiple agencies with no recognition of responsibility.

Ms Wood addressed the Committee to object to the development, noting that solar energy was weather permitting and the impacts associated with the removal of agricultural land. She lived extremely close to the development yet had not been mentioned or considered. There had been poor community engagement and she questioned the survey and some of the responses, who she alleged were from residents that would not benefit from the development. She questioned the integrity of the process.

Ms McGuinness addressed the Committee on behalf of the Applicant, who had carefully considered feedback and revised proposals to address concerns raised. Amendments had included the removal of panels from the south west of the site to reduce the overall development footprint, increased landscaping and proposed planting to provide additional screening to break up the appearance. The site was well located for solar, close to the substation for connection to the grid, not within national or local landscape designation and was on low grade agricultural land with low levels of biodiversity, which could only be improved by the planting which had been proposed.

Community engagement had been carried out and surveys carried out in the surrounding areas, demonstrated significant support in the local area, with local residents recognising the benefits the scheme would provide.

She referred to the need and benefits of energy security and government targets and confirmed that the proposal would provide a significant contribution to renewable energy generation and meet the needs of over 14000 homes. There was an ongoing climate crisis and extreme weather events in the UK would only become more extreme and frequent without responding to them. The climate crisis was the main threat to biodiversity and food security and the proposals would assist in decarbonising the energy system and provide significant levels of biodiversity net gain. In terms of community benefit, a fund of £500,000 for local projects would be available in addition to £3m generated by business rates.

Mr Hutchinson addressed the Committee in support of the proposal, as a farmer and landowner. He gave a detailed description and definition of the land, confirming that it had historically been used to support a small dairy herd. It had also been used to grow cereals, however there were various issues with the land and it had a lower yield average per acre compared other more productive farmland. If he did not have other land to rely upon, he would not be in business. It was not economically viable to grow crops and climate changes had made this land more difficult to establish cereal crops.

The approval of the scheme would support four individual farming businesses and enable them to focus food production on other land. In addition, they would be able to graze sheep alongside the equipment and the security fence would reduce the risk from dogs or trespass.

In summary, landowners fully supported the application and they had been encouraged by local and national government to diversify to support long term viability of businesses as well as food production. This application would assist to achieve in the governments agricultural goals, environmental goals, enhance biodiversity, reduce carbon emissions and help secure jobs in the rural economy.

In response to a question from the Chair, Mr Hutchinson confirmed that they had been unable to work the land in the previous Autumn and there had also been a delay to ploughing.

The Senior Planning Officer confirmed that the construction accesses were in the southern area of the site, located away from properties to north and the construction traffic would be focused off the A688 and a construction management plan would control that.

Councillor Elmer noted one the lack of confidence regarding the community benefits and Ms McGuinness confirmed that some of the money would be directed to the Parish Council and the rest would be managed by County Durham Community Foundation for investment into local projects within close proximity to the site.

The Chair added that the money would be divided over a forty year period and the Planning & Development Lawyer confirmed that this was an agreement which was outside of the planning system and therefore could not be afforded any weight.

Councillor Currah noted a change in the Councils policy towards solar farms and an increase in the number of applications. He wondered if there was any reason solar farms could be opposed and whether the Council had a policy to determine the amount of energy required in County Durham. He was concerned that with government grants, the County could be inundated with applications.

The Senior Planning Officer confirmed that the policy had not changed since the application was first determined, however the interpretation and advice from appeal decisions had established that weight ought to be afforded to renewable energy was significant. This site was not subject to any constraints and had no significant impact on amenity or landscape. Developers avoided areas with constraints and were aware of suitable land so would seek to avoid areas where they could have difficulties.

The Council were working towards adopting a supplementary planning document for solar which would designate areas but there would not be a limit. There were no grants available for solar but it had to be fully funded.

In response to a question from Councillor Wilson regarding previous decisions which had been appealed, the Senior Planning Officer described the reasons for the decisions and confirmed that significant weight had been afforded to renewable energy. He also confirmed that the Council had incurred costs.

In response to a question from the Chair, Ms McGuinness confirmed that the Applicant had chosen not to appeal the previous refusal and instead taken on board comments and returned with an improved scheme. In addition, the appeal process was lengthy and costly.

Councillor Wilson confirmed that whilst there was harm associated with the application, it had been confirmed that this was still less than the decisions that were overturned on appeal which compelled the Council into applying more weight. There were benefits to the scheme which would put Durham at the centre of the green agenda and create energy for the country. It also provided economical benefits and he therefore moved approval of the application.

Councillor Elmer had been reassured to hear that there was a mechanism to secure benefits and profits to the community affected. The landscape issue was subjective and the development would benefit ecology. The Committee had to give significant weight to renewable energy to assist in reducing carbon emissions. He referred to the impact of unrestrained climate change and changes this would make to the landscape in future and advised that the Council had to do everything they could to tackle this global emergency. He seconded the recommendation.

Councillor Shaw confirmed that he supported the motion and that it had huge benefits. He acknowledged that the Applicant had been responsible in the way

they had dealt with the application - they had taken on board concerns and amended the application.

Councillor Currah expressed the need for a policy in the county to determine the number of solar farms required as he was concerned at the precedent which had been set. The Planning & Development Manager confirmed that a draft policy was expected in the following year.

The Chair was concerned about taking agricultural land out of production, questioning the balance of renewable energy against food production.

Resolved

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