



## County Planning Committee

**Date** Wednesday 8 May 2024  
**Time** 9.30 am  
**Venue** Council Chamber, County Hall, Durham

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### Business

#### Part A

1. Apologies
2. Substitute Members
3. Declarations of Interest
4. Minutes of the meeting held on 3 April 2024 (Pages 5 - 6)
5. Applications to be determined
  - a) DM/23/02170/FPA - Land North and West of Almond Close, Spennymoor, DL16 7YG (Pages 7 - 46)  
Construction of 187no. dwellings and associated open space
  - b) DM/23/01868/FPA - Croxdale Farms, Hett Moor Farm, Hett, Durham, DH6 5LJ (Pages 47 - 86)  
Installation and operation of a Solar Farm together with all associated works, equipment and necessary infrastructure (Resubmission)
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  
29 April 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, A Savory, K Shaw, A Simpson,  
S Wilson and S Zair

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**Tel: 03000 269705**

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## DURHAM COUNTY COUNCIL

At a Meeting of **County Planning Committee** held in Council Chamber,  
County Hall, Durham on **Wednesday 3 April 2024 at 9.30 am**

### **Present:**

**Councillor G Richardson (Chair)**

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

Councillors D Boyes, J Higgins, C Martin, M McKeon, A Savory, K Shaw,  
A Simpson, S Wilson, S Zair and D Oliver (substitute for M Currah)

### **1 Apologies**

Apologies were received from Councillors J Atkinson, A Bell, M Currah, J Elmer and P Jopling.

### **2 Substitute Members**

Councillor D Oliver was present as substitute for Councillor M Currah.

### **3 Declarations of Interest**

There were no declarations of interest.

### **4 Minutes**

The minutes of the meeting held on 5 March 2024 were agreed as a correct record and signed by the Chair.

### **5 DM/23/00171/MIN - Windy Hill Quarry, Eggleston, Barnard Castle, DL12 0DW**

The Committee considered a report of the Principal Planning Officer regarding an application for the Proposed lateral extension to the east of Windy Hill Quarry (1.36 hectares) for the winning and working of sandstone and progressive restoration of the site at Windy Hill Quarry, Eggleston, Barnard Castle (for copy see file of minutes).

C Teasdale, Principal Planning Officer gave a detailed presentation which included a site location plan, aerial photographs, site photographs including the site access and proposed phasing plans.

Ms K Wood, addressed the Committee and gave some detailed background information about the business. She confirmed that the application proposed a small extension to the existing quarry which would allow the operator to continue to provide sandstone and sustain the family business. The operation would remain the same and screening would be extended. There were few residential properties in the area and no complaints had been received.

The business had been assessed by the Council and received a high grade mark for the previous two years. In summary this was a small extension to the site with negligible impact and it would allow the operator to continue supplying local products.

Councillor Martin advised that he was aware of the area through regular walks in the area and the only perceived harm was that on the landscape, however it was well screened. The County Durham Plan gave weight for the extraction of minerals and he could see no reason to object and moved the recommendation for approval.

Councillor Boyes queried whether there would be any increase in the road cleaning processes noting that he was aware from quarries in his area that roads could often get messy. The Principal Planning Officer advised that this was a seasonal quarry which tended to be operated by two men and work was carried out in dry weather. The extension would be conditioned to ensure that vehicles were thoroughly cleansed. She noted that this was a smaller scale site than those he would be aware of.

Councillor Wilson did not consider there would be significant harm to overturn the recommendation and therefore seconded the motion to approve the application.

### **Resolved**

That the application be APPROVED subject to the conditions outlined in the report and completion of an agreement under Section 39 of The Wildlife and Countryside Act 1981 to secure biodiversity management to achieve the agreed Biodiversity Net Gain.

# COMMITTEE REPORT

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## APPLICATION DETAILS

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APPLICATION NO:	DM/23/02170/FPA
FULL APPLICATION DESCRIPTION:	Construction of 187no. dwellings and associated open space
NAME OF APPLICANT:	Countryside Partnerships North
ADDRESS:	Land North and West of Almond Close Spennymoor DL16 7YG
ELECTORAL DIVISION:	Spennymoor
CASE OFFICER:	Steve France Planning Officer Telephone: 03000 264871 <a href="mailto:steve.france@durham.gov.uk">steve.france@durham.gov.uk</a>

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## DESCRIPTION OF THE SITE AND PROPOSALS

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### The Site

1. The application consists of just under 9ha of mainly agricultural land to north-west of the Middlestone Moor area of Spennymoor. Non-agricultural land included within the proposal consists of the revised access point which crosses a landscaped area associated with the modern housing development to the south through which the development is proposed accessed. This area includes a footpath and trees.
2. The site is broadly flat, falling slightly from west to east. It is open and uninterrupted arable land with features restrained to its boundaries.
3. The boundary with the modern developments to the south-east varies in nature, consisting of residential walls and fences of varying heights alongside Page Grove, a cul-de-sac which consists of one and two storey dwellings. To the rear of the two storey dwellings in Aspen Close and Almond Close is a small area of private woodland, outwith the red line defining the extent of the development site and separating the proposals from those houses. This woodland has a clearly visible but informal path through it, with fencing damaged to provide access through it and along the rear of Page Grove to the field access on Whitworth Lane. There was evidence of other paths and apparent casual trespass across the agricultural land that forms the site visible on the Officer's site visits and in Google Earth images online.
4. The western part of the southern boundary runs parallel with a landscaped earth bund formed as part of those developments. This is mostly treed, with the exception of an unplanted but fenced area used as a dog park which belies the presence of underground services. Beside the landscaped bund a footpath runs from the proposed site entrance to an open landscaped area including a small formal play area, and then

beyond to a new pedestrian gate connecting to the public footpath on the farm track connecting Bishop's Close farm to Durham Road.

5. The north-east boundary of the site runs up to an area of woodland, often flooded that separates the site from Whitworth Road. This 'wet woodland' is a natural feature that has high ecological value. Whitworth Road itself has a 40mph speed limit where it runs parallel to the site, reducing to 30mph on the entrance to the settlement adjacent Page Grove. There is then a short distance to the main vehicular and pedestrian and vehicular entrance to Whitworth Park Academy.
6. Whitworth Road is traffic calmed on the approach to the Academy, with signs, lines, and physical calming features. With the Academy campus in this area consisting of playing fields and open areas, separated from Whitworth Road by a mature woodland belt, the road has the strong characteristics of a rural rather than an urban highway. Whitworth Road has a single footway on its west side. There is no streetlighting.
7. On the east side of the road, separate from the settlement is The Meadows School, and north of that the Auckland Way, a well-used foot/cyclepath that connects Spennymoor to Bishop Auckland and a network of public Rights of Way. This route is generally set within trees but has open sections that allow views back towards the site across the intervening arable farmland. A separate footpath runs alongside the Auckland Way for a distance on the unsurfaced farm track that then heads south-west and leads to Bishop's Close Farm.
8. The north-west boundary of the site is defined by an agricultural hedge with fence, albeit with a large gap in the flora evident, with the north point of the site where this hedge meets the wet woodland bordering Whitworth Lane obviously prone to flooding. Beyond the hedge, the land falls away across the agricultural land associated with Bishop's Close Farm, first to The Auckland Way, with the land sloping beyond designated as an Area of Higher landscape Value, that includes land included on the Local List of Historic Parks, Gardens and Landscapes associated with Whitworth Hall. The sloping land extends to the River Wear, 2.25km north of the site.
9. Along the south-west boundary of the site the unsurfaced farm track access to Bishop's Close Farm, with includes the public footpath is separated from the site by a fenced and hedged boundary which does include some trees, including on principal one just inside the site. Again, there is evidence of damage to the boundaries to allow for pedestrian access. On the other side of this farm access / footpath is the SuDs and landscape areas associated with a new housing estate, with again, damage to fencing to allow access onto the footpath from the new residential development. The farm track / footpath leads to Durham Road, with the A688 beyond.
10. In terms of the relationship to surrounding services and facilities, there are bus stops on Durham Road, 350m south of the site. The main entrance of the aforementioned Academy is the same distance from the centre of the site, with Primary and other Secondary schools within a 1km radius. There is a small parade of shops at Clyde Terrace. The main town centre is around 1.3km to the east where there are medical practices, pharmacies, a leisure centre, library supermarkets and a good range of shops.

## The Proposal

11. The application proposes a residential development of 187 dwellings served through the existing residential estates to the south.

12. As first submitted, the application proposed erection of 214 dwellings, served by an access from Whitworth Road in the position of the existing agricultural access to the rear of 11 Page Grove. Planning and Highways Officers indicated that with the nature of Whitworth Road, and the relationship to the Academy, this access could not be supported on highways safety grounds and the application would be recommended for refusal. Changes to the road layout and restrictions were examined but would not overcome the concerns.
13. The applicants revised their proposals and submitted amended plans following a public consultation event directed principally at the estate affected by the amended access. The Council then carried out a full reconsultation exercise, clearly indicating the amended nature of the proposals, significantly extended to include to whole of the estate to the south-east.
14. The revised access point uses the landscaped footpath access between Almond Close and Charhill Way. The application proposes a mix of 56no. 2 bed, 100 3 bed and 31 4 bed houses. There are 20 bungalows proposed, with the rest of the development 2 storey in height. 28 units of the development are proposed formally secured as affordable housing to meet the Policy requirement.
15. The internal layout has been amended to provide a hierarchy of streets, with traffic calming including raised tables, the changes intended to encourage low vehicle speeds and benefit highway safety.
16. SuDs basins are proposed on the east part of the site, which with the proposed planting strategy is designed to compliment the adjacent wet woodland.
17. Landscaping is proposed enhanced along the north-west boundary along the existing agricultural hedge-line, with tree lined streets proposed within the layout.
18. To facilitate the scheme construction traffic is proposed to access the site via the existing Whitworth Road field access to the rear of Page Grove.
19. This application is being considered by Committee as a 'major' development.

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## **PLANNING HISTORY**

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20. The site has no formal planning history, however approvals to the south and west are significant in this response and the context of the currently agricultural land on the edge of the settlement.
21. An extended site including the roadside trees on Whitworth Road was considered under the SHLAA that informed the County Plan, the 'Amber' assessment given justified on the basis:

*Development of the site would represent an incursion into open countryside which is likely to have some locally significant landscape and visual effects by virtue of scale and location. A full ecological assessment would be required in respect of the DBAP habitat (wet woodland) in a narrow belt along the roadside.*
22. Relevant to the consideration of this application, on land immediately west of the site, application DM/14/02556/OUT: Outline application for up to 300 dwellings, including site access, public open space, landscaping and associated infrastructure works was refused by Committee in November 2014, but allowed on appeal.

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## PLANNING POLICY

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### NATIONAL POLICY

23. The following elements of the National Planning Policy Framework (NPPF) are considered relevant to this proposal:
24. *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.
25. *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.
26. *NPPF Part 5 – Delivering a wide choice of high-quality homes.* The Government advises Local Planning Authority's to deliver a wide choice of high-quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities.
27. *NPPF Part 6 – Building a strong, competitive economy:* The Government is committed to ensuring the planning system does everything it can to support sustainable economic growth. Planning should operate to encourage and not act as an impediment to sustainable growth. Therefore, significant weight should be placed on the need to support economic growth through the planning system.
28. *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.
29. *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.
30. *NPPF Part 11 Making Effective Use of Land.* Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Strategic policies should set out a clear strategy for accommodating



objectively assessed needs, in a way that makes as much use as possible of previously developed or 'brownfield' land.

31. *NPPF Part 12 Achieving Well-Designed Places.* The Government attaches great importance to the design of the built environment, with good design a key aspect of sustainable development, indivisible from good planning.
32. *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.
33. *NPPF Part 15 - Conserving and enhancing the natural environment.* Planning policies and decisions should contribute to and enhance the natural and local environment.
34. *NPPF Part 16 - Conserving and Enhancing the Historic Environment.* Heritage assets range from sites and buildings of local historic value to those of the highest significance, such as World Heritage Sites which are internationally recognised to be of Outstanding Universal Value. These assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations.

<https://www.gov.uk/guidance/national-planning-policy-framework>

#### **NATIONAL PLANNING PRACTICE GUIDANCE:**

35. 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; historic environment; design process and tools; determining a planning application; flood risk; healthy and safe communities; land affected by contamination; housing and economic development needs assessments; housing and economic land availability assessment; light pollution; natural environment; neighbourhood planning; noise; open space, sports and recreation facilities, public rights of way and local green space; planning obligations; travel plans, transport assessments and statements; use of planning conditions; and; water supply, wastewater and water quality.

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

#### **LOCAL PLAN POLICY:**

##### The County Durham Plan

36. *Policy 1 Quantity of Development* outlines the levels of employment land and housing delivery considered to be required across the plan period.
37. *Policy 6 Development on Unallocated Sites* supports 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 character of the 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; makes use of previously developed land and reflects priorities for urban regeneration.

38. *Policy 10 Development in the Countryside* states that development will not be permitted unless allowed for by specific policies in the Plan or Neighbourhood Plan or unless it relates to exceptions for development necessary to support economic development, infrastructure development or development of existing buildings. The policy further sets out 9 General Design Principles for all development in the Countryside.
39. *Policy 15 Addressing Housing Need* notes the need to increase the range and quality of housing provision within the County and with regard to meeting the needs of older people and people with disabilities.
40. *Policy 19 Type and Mix of Housing*. Advises that on new housing developments the council will seek to secure an appropriate mix of dwelling types and sizes, taking account of existing imbalances in the housing stock, site characteristics, viability, economic and market considerations.
41. *Policy 21 Delivering Sustainable Transport* states that all development shall deliver sustainable transport by (in part) ensuring that any vehicular traffic generated by new development, following the implementation of sustainable transport measures, can be safely accommodated on the local and strategic highway network and does not cause an unacceptable increase in congestions or air pollution and that severe congestion can be overcome by appropriate transport improvements.
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 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).
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 they 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 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.

46. *Policy 32 Despoiled, Degraded, Derelict, Contaminated and Unstable Land* states [in part] that development will not be permitted unless the developer can demonstrate that the site is suitable for the proposed use, and does not result in unacceptable risks which would adversely impact on the environment, human health and the amenity of local communities.
47. *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. Amongst its advice, the policy advocates the use of SuDS and aims to protect the quality of water.
48. *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.
49. *Policy 39 Landscape* 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 and that development affecting valued landscapes will only be permitted where it conserves, and where appropriate enhances, the special qualities of the landscape, unless the benefits of the development in that location clearly outweigh the harm.
50. *Policy 40 Trees, Woodlands and Hedges* states that proposals will be expected to retain existing trees where they can make a positive contribution to the locality or to the development, maintain adequate standoff distances between them and new land-uses, including root protection areas where necessary, to avoid future conflicts, and integrate them fully into the design having regard to their future management requirements and growth potential.
51. *Policy 41 Biodiversity and Geodiversity* states that proposal 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.
52. *Policy 43 Protected Species and Nationally and Locally Protected Sites*. Development proposals that would adversely impact upon nationally protected sites will only be permitted where the benefits clearly outweigh the impacts whilst adverse impacts upon locally designated sites will only be permitted where the benefits outweigh the adverse impacts. Appropriate mitigation or, as a last resort, compensation must be provided where adverse impacts are expected. In relation to protected species and their habitats, all development likely to have an adverse impact on the species' abilities to

survive and maintain their distribution will not be permitted unless appropriate mitigation is provided, or the proposal meets licensing criteria in relation to European protected species.

53. *Policy 44 Historic Environment.* Seeks to ensure that developments should contribute positively to the built and historic environment and seek opportunities to enhance and, where appropriate, better reveal the significance and understanding of heritage assets. The policy advises on when harm or total loss of the significance of heritage assets can be accepted and the circumstances/levels of public benefit which must apply in those instances.
54. *Policy 56 Safeguarding Mineral Resources.* Sets out 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 unless certain exception criteria apply.
55. The adopted Residential Amenity Standards SPD (2023), County Durham Building for Life SPD (2019), County Durham Landscape Strategy (2008), and Parking and Accessibility SPD (2023) were also given due weight in the assessment of the application by Planning officers and internal consultees.
56. There is no Neighbourhood Plan in this area.

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## **CONSULTATION AND PUBLICITY RESPONSES**

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### **STATUTORY RESPONSES:**

57. *Highways* – because of the importance of Highways Officers' comments, they are set out here in full:
58. *'Following amendments to the original scheme, this proposal is now acceptable from a Highways perspective.'*
59. *Having previously been unable to come up with a mitigation scheme to allow access from Whitworth Road, the applicant has come up with an alternative access through Mulberry Drive/Bluebell Drive. This proposed access is considered acceptable in Highways terms. While objections to the access coming through the existing residential areas, there is no breach of design standards or technical Highways reason why taking the access from this location is unacceptable.*
60. *A standard residential street is usually 5.5m in width. Mulberry Drive and Bluebell Drive are both circa 6.75m in width, meaning they are significantly wider, and so can carry a greater capacity of traffic, than a standard residential street. 6.75m wide residential roads are suitable for being a bus route, such is their width. So while objections refer to the fact the these existing residential roads "are not suitable to carry additional traffic", there are numerous established residential estates serving many more houses than the total there would be at Mulberry Drive/Bluebell Drive/ the proposed development, which are served solely by 5.5m width road and below. Roads of circa 6.75m such as there are here, have the capacity to carry the traffic for both the existing, and proposed houses.*
61. *In addition, traffic calming is already in place on Mulberry Drive/Bluebell Drive to keep driver speeds down. The proposed new access would also be compliant with design standards, providing a 2.4m x 43.0m visibility splay, 5.5m wide carriageway and 2.0m footways.*

62. *It is noted that reference is made in some of the letters of objection about the suitability of the accesses from Mulberry Drive and Bluebell Drive onto Durham Road, and the fact there have been accidents in these locations, and that parking on Durham Road affects visibility when exiting Mulberry/Bluebell. Having looked at the recorded accidents at these junctions, there has only been a single accident, in January 2021, and so there is no evidence that there is an existing road safety issue at either of these junctions.*
63. *Car parking would be in accordance with the 2023 Parking and Accessibility SPD. The SPD would require 405 in curtilage parking spaces, and 47 visitor parking spaces for the proposed number of units. Actual provision on the site would be slightly over this, with 411 in curtilage spaces and 47 visitor spaces. All properties would have an Electric Vehicle charging point.*
64. *In the peak weekday hours it is considered that the development would generate 101 vehicle movements in the AM peak (28 arrivals, 73 departures), and 99 trips in the PM peak (69 arrivals, 30 departures). In the weekend peak the development would generate 62 vehicle movements (29 arrivals, 33 departures). So in the weekday peaks, the development would generate an average of less than 2 additional trips per minute, and in the weekend peak, an average of 1 trip per minute. As previously discussed, this level of traffic can easily be accommodated on the existing road network, and this level of traffic generation would not be prejudicial to road safety, or considered severe as per the test set out in NPPF paragraph 115.*
65. *As the proposed access is now in a different location to when the application was previously assessed, a revised Transport Assessment has been submitted reflecting this change. Revised traffic distributions, and junction modelling has been provided to reflect the change in access location.*
66. *A number of junctions have been assessed on the network with the addition of the development traffic factored in. These junctions are-*
- Site Access (Priority Junction);*
  - Whitworth Road / Clyde Terrace/Durham Road (Traffic Signals);*
  - Clyde Terrace / Carr Street / Durham Road (Priority Roundabout); and*
  - A688 / Clyde Terrace (Priority Roundabout).*
  - Mulberry Drive/Clyde Terrace/Durham Road*
  - Blueberry Drive/Clyde Terrace/Durham Road*
  - Clyde Terrace/Durham Road/A688 Roundabout/Whitehouse Road Roundabout*
67. *All of these junctions are shown to continue to work within design capacity with the development traffic and background growth factored in.*
68. *So overall, it is considered that this development would not be prejudicial to road safety, and the cumulative impact would not be severe, and so the application is considered compliant with NPPF paragraph 115.*
69. *Conditions would be required relating to -*
- Car parking to be laid out for each plot prior to occupation of the plot*
  - Details of cycle parking to be provided.*
70. *The applicant would be required to enter into a S278 agreement for provision of the new access. All works to the adopted highway would be at the applicant's expense'.*

71. Highways Officers have also given due consideration to the proposed use of Whitworth Road as construction site access. This temporary arrangement is proposed controlled as a 'left in, left out arrangement' that is capable of control for site traffic, but is not an arrangement that would work for residential traffic. Complimented by a suite of temporary traffic measures, with appropriate controls over the detailed operation of the access through the Construction Management Plan, this aspect of the proposals is considered acceptable by its nature and through the control mechanisms proposed.

#### **INTERNAL CONSULTEE RESPONSES:**

72. *Spatial Policy* - The site which is the subject of this planning application is located on the western edge of Spennymoor. The main issues with this proposal are whether the form of development is appropriate, taking account of how well the site relates to the built form, settlement pattern and existing properties, and whether development would result in harm (landscape and visual impact) to the character of the local area.
73. Within the CDP this site is treated as a windfall proposal as this site is not allocated for housing within Policy 4. Policy 6 (Development on Unallocated Sites) and Policy 10 (Development in the Countryside) would both be relevant to assessing the proposal. This is in recognition of the definition of the built-up area within the CDP and that sites outside of, but well related to a settlement should be assessed against both policies. Policy 10 states that development in the countryside will not be permitted unless allowed for by specific policies in the Plan, and one of the instances new housing in the countryside is permissible is where the development accords with Policy 6. This Policy (replicated in full for ease below) 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 or services unless it has been demonstrated that they are no longer viable;
  - h. minimises vulnerability and provides resilience to impacts arising from climate change, including but not limited to, flooding;
  - i. where relevant, makes as much use as possible of previously developed (brownfield) land; and
  - j. where appropriate, it reflects priorities for urban regeneration.
74. The site is not one allocated for housing in Policy 4 of the County Plan, and therefore should be assessed against Policies 6 and 10, Development on unallocated site, and Development in the Countryside respectively.

75. With the reduction in numbers of dwellings proposed the affordable housing provision is now for 28 units that must include 7 First Homes. The site is within a 15% area for the provision of affordable units.
76. There is a requirement for 10% of the development to be of a design and type specifically for older people, equating to 19 units. The submitted Schedule of Accommodation within the Planning and Meeting Housing Needs Statement indicates this will be achieved through the 'Juneberry' house type, a semi-detached bungalow. This is considered acceptable.
77. For Green Infrastructure, the development is of a type where the ONSA states amenity/natural green space and non-equipped play space (children) should be provided on site, and a contribution sought towards all other typologies of open space (based on Table 19 of the OSNA) person per household) x £673.50 (£790.50 - £75.00 - £42.50) = £277,077.90 alongside the requisite amenity space provided on-site.
78. In terms of Design, the development will need to accord with Policy 29 (Sustainable Design) of the CDP, which requires all development proposals to achieve well designed buildings and places. Development should contribute positively to character, provide high standards of amenity and privacy, minimise the impact of development upon the occupants of existing adjacent and nearby properties, and contribute towards healthy neighbourhoods and consider the health impacts of development and the needs of existing and future users, including those with dementia and other sensory or mobility impairments.
79. Policy 29 of the CDP also states that all new residential development will be required to comply with the Building for Life SPD, as well as targeting net zero development and achieving reductions in CO2 emissions. As set out in policy 29, all new residential development will be required to comply with the Nationally Described Space Standards (NDSS). The revised Residential Amenity Standards SPD (Jan 2023) sets out the privacy/amenity requirements for new build proposals as well as minimum lengths for gardens. Further consideration of the design will be through the design review process.
80. In terms of play space, the proposed layout does not appear to include any areas for this open space typology. It is however, noted that there appears to be a play space embedded within the housing estate immediately to the south. It is noted that the proposed layout shows a footpath link from this development to this play area. It is unclear who owns that land (DCC do not own it) but it may well be more prudent to upgrade this play area (subject to owners' consent) rather than replicate a further play area within this development. In that scenario, the s106 commuted sum would be revised to  $411.40 \times £715.50 (£790.50 - £75.00) = £294,356.70$  to reflect that the play space is off-site.
81. Paragraph 95 of NPPF confirms that the government places great importance to ensure that sufficient choice of school places is available to meet the needs of existing and new communities and requires LPAs to seek this. This is a material consideration as opposed to a specific policy requirement.
82. Paragraph 93 of NPPF recognises the need for planning decisions to ensure an integrated approach when considering the location of new housing and to plan positively for the provision and use of community facilities and local services. This provides policy justification to seek mitigation under Policy 25 (Developer Contributions) of the CDP in respect to essential services including GP provision where a deficit would result or be exacerbated by the proposal.

83. *Affordable Housing* - have described a yearly requirement for around 850 affordable dwellings to be provided each year. There is no objection to the proposals, noting that the Planning Policy requirement is met and there is a national requirement, set out in the NPPF for First Homes. The development will help meet the required affordable housing target.
84. *Archaeology* – Officers confirm that the site surveys have revealed no features of interest and note the need for the surveys to be deposited.
85. *Design* – The planning application has been presented for assessment through the Design Review Panel which has offered comments and suggested opportunities for improvement in a standardised process including assessment of character, connections, layout and functionality. The scheme performed poorly at pre-application and in its first iterations with 11 out of 12 ‘red’ scores. Reduced to one red in March, this final concern was overcome at the April Design Review Panel meeting.
86. The developer has responded positively to requests for improved elevational treatments and use of character areas. Additional connections have been introduced, reflecting desire lines and the positive layout features of the adjacent existing estate, giving reasonable walking distances to bus stops, schools, play facilities, open spaces and public Rights of Way. Improvements have been made to the planting offer, integrating the SuDS basins into the landscaping scheme and softening the site access, complimenting the tree-lined streets. Swales and trees are used to break up parking and the internal highways layout has been significantly revised to slow vehicle speeds, whilst allowing logical pedestrian wayfinding and connections.
87. Policy 29.n. of the County Plan requires a scheme to achieve no ‘reds’ at Design Review. After a few attempts, this has been achieved.
88. *Drainage* - advise approval in principle of the proposed surface water management plan but required the highway draining to the swale detail be amended to show how the connection is made to the swale behind the footpath (this information has now been provided).
89. They also advised the filter drain next to Page Grove may need to be extended to prevent overland flow identified on the Councils flood data entering the plots.
90. Requesting submission and approval of the detail and hydraulic calculations to be submitted for audit together with an engineering layout drawing indicating all cover, invert and floor levels, this Team’s comments related to submission of detail, with no objection.
91. *Ecology* – with the application having been validated by the Council well before the new 10% Biodiversity Net Gain uplift requirements, this application is being dealt with as a transitional scheme, assessed against the previous requirement merely to achieve net bio-diversity gain. Whilst the applicant has provided documentation to show this can be achieved – albeit by a very narrow margin, there are on-going discussions regarding the approach to Great Crested Newts to ensure the developer can demonstrate that that this protected species will not be detrimentally affected.



92. There will be impacts to ground nesting birds (skylark and gray partridge) according to the ecological reports (see section 1 of the Ecological Impact Assessment), these have not been quantified as no bird surveys were completed. Although given the nature of the habitat on site it is unlikely that high numbers of breeding pairs would be affected it is still a potential negative impact that has been raised in order that it can be addressed.
93. Revisions have been sought to the Biodiversity Management and Monitoring Plan to ensure that the site can be properly maintained and monitored in future.
94. The County Ecologist is confident that the applicant's Ecologist can provide the required updates, and Members will be advised that this requirement has been met at the Committee meeting.
95. *Education* – A development of 187 dwellings would produce demand for 13 Nursery age pupils, 39 primary school age pupils, 25 secondary age pupils and 2 SEND (Special Educational Needs and Disabilities) pupils. The development is sited within the Spennymoor school place planning area within which Rosa Street Primary School, North Park Primary School, Ox Close primary School, King Street Primary School and Tudhoe Colliery Primary School Provide for early years education, with Whitworth Park Academy providing secondary provision.
96. Based on projected rolls, taking into account the likely implementation of the development and build-out rates and other relevant committed development it is anticipated that there is sufficient space to accommodate the pupils generated by the development in primary and secondary schools and no mitigation is requested.
97. In terms of SEND pupils, with a shortfall across the County a contribution of £167,960 (2 x £83,980) is requested.
98. *Environmental Health Air Quality* – identify that there are existing sensitive receptors close to the boundary situated to the south-east of the site.
99. For the construction phase, a detailed assessment has been carried out in accordance with the IAQM Guidance (Ref1). The assessment has determined a high risk of visible particulates (dust which is classified as particles of up to around 75 microns) impacting on the closest sensitive receptors (residential properties) during all stages of this phase of the development (site preparation & earthworks, construction and 'trackout'-the entrainment of material onto the wheels of vehicles that is then carried offsite.)
100. The agreement and implementation of dust mitigation control measures will, therefore, be required. A list of mitigation measures from the IAQM Guidance (Ref1) has been included in the completed air quality assessment. It is required that the dust mitigation control measures are incorporated within a Construction Environmental Management Plan (CEMP) that sets out the overall strategy for managing and controlling the risk of dust emissions impacting on receptors. The Plan needs to be agreed prior to the commencement of and then implemented for the complete duration of the Construction Phase.
101. The site is not situated within or close to a declared Air Quality Management Area (AQMA) and the background levels of air quality pollutants ('fine' particulates classified as below 10 microns- PM10) for the location of the proposed development are well below the air quality objectives. The assessed risk of emissions of 'fine' particulates (PM10) impacting on the nearest receptors is therefore low. The above requirement in

relation to controlling visible particulates will also apply to the control of 'fine' particulates (PM10).

102. There is potential for air quality pollutants (NO<sub>x</sub> and PM<sub>2.5</sub>), from the operation of Non-Road Mobile Machinery (NRMM), to impact on the air quality experienced by the existing receptors situated closest to the site boundary. The machinery used for this phase of the development should be selected to minimise any such emissions by, for example, ensuring the latest Euro engine emission standard is applied and/or plant and work methods are employed with low/zero emissions.
103. Since the location of the proposed development is situated adjacent to a residential area the impact of air quality pollutants from vehicle exhaust emissions during the Construction Phase should also be considered.
104. *Environmental Health Contaminated Land* – Whilst some fine detail is still being consulted on that will inform foundation design to control gas measures. Standard conditions for contaminated land are requested that follows the standard approach for investigation, mitigation and verification, with a standard informative for to accommodate any discovery of unexpected contamination.
105. *Environmental Health Nuisance* - have undertaken a technical review of information submitted in relation to the likely impact upon amenity in accordance with the relevant TANs (Technical Advice Notes). The housing development is noise sensitive. The locality maybe regarded as a semi urban, rural setting with both residential housing and agricultural fields being near the site. There are no major roads near to the site, therefore relevant noise levels should be relatively low and comply with the thresholds, stipulated in the TANs (Technical Advice Notes).
106. It is noted a Construction Environmental Management Plan has been submitted and we would suggest a condition is affixed which requires adherence to this plan and suggested operation timings. The information submitted demonstrates that the application complies with the thresholds stated within the TANS. This would indicate that the development will not lead to an adverse impact.
107. We would not envisage amended access to the site will have a significant impact in terms of statutory nuisance and associated amenity matters.
108. In addition, I can confirm that I 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 would comment as follows:  
*I am satisfied, based on the information submitted with the application, that the development is unlikely to cause a statutory nuisance.*
109. *Energy* - have not responded to the consultation exercise.
110. *Landscape* - Concerns remain regarding the extent of planting to the Northern boundary. It is understood that there is no requirement for SuDs basins to be lined. This presents an opportunity to plant to provide appropriate structural landscaping the further screen the development and/or extend adjacent habitat areas (subject to Ecological comment).

111. *Monitoring/Enforcement* - The submitted information details key issues in line with the Durham County Council Construction/Demolition Management Plan Guidance.
112. Where dust is shown to be at a high-risk level or where complaints have been received, further monitoring should be undertaken including the use of dust monitors. All monitoring results will be recorded and records made available to the LPA on request. Where monitoring demonstrates the presence of fugitive dust the cause must be investigated and relevant controls put into place, without delay, to prevent it arising.
113. The risk assessment, mitigation measures and monitoring will be formulated with due consideration of the IAQM document, Guidance on the Assessment of Dust from Demolition and Construction and Monitoring in the Vicinity of Demolition and Construction Sites. This information should be included in the Construction and Environmental Management Plan.
114. Some further detailed information for proposed site parking arrangements is sought to ensure robust methodology for controlling parking should be detailed and included in the CEMP. Mitigation measures could include regular daily monitoring by the site manager. This could be conditioned.
115. *NHS* - Local Healthcare Local intelligence informs that the affected practices, St Andrews Medical Practice, Bishops Close Medical Practice, fall within the Sedgefield North Primary Care Network which is at full capacity with regards to space requirements to deliver services to their patient list size. S106 funding would support creating extra capacity for them to provide appropriate services to patients. A request for £103,362 had been made for the scheme as first submitted for 214 units. In the absence of an updated reconsultation response, Officers have used this consultee's standard calculator to reflect the revised and reduced scheme, with a resultant figure of £90,321.
116. *Police Architectural Liaison Officer* – has outlined some general advice and general principles on how to achieve natural surveillance and security from the Designing Out Crime Initiative.
117. *PRoW* - have written in regard to the amended plans and are pleased to see a link from the site to footpath 13 have been included in the application as it will provide a good link for future residents.
118. *Public Health* - acknowledge the Health Impact Assessments submitted with the application as using the correct methodologies and covering the required topics. This extends to both the operational implications of the development, including the creation of recreational routes and access to promote active and healthy journeys, which in turn will promote physical and mental health and well-being, and from the construction process, that the development will create employment opportunities, which is an important measure of social value.
119. Particular attention is drawn to the need for the development to mitigate additional demands the development will impose upon existing healthcare provision, through s.106 developer contributions.
120. *Travel* – no response.

121. *Trees* - have viewed the application details with regards to potential impacts on trees at the site and studied the arboricultural report provided by ECO-SURV which provides a comprehensive impact assessment and recommendations for tree protection. The impact on trees is very low and can be easily mitigated by the recommended tree protection scheme - this includes recommendations for protective fencing, ground protection, minor pruning and site management control measures: It is recommended a suitable condition be included with any subsequent approval.
122. With regards the proposed layout, I would recommend additional new tree planting be incorporated into a wider landscaping scheme and that further details be submitted with a specification for proposed trees and their establishment maintenance e.g. to implement a sustainable landscape scheme that enhances overall landscape quality in the longer term.
123. The landscape site plan 7th Feb 2024 is indicative only showing only possible/proposed locations of trees and needs to be much more detailed to show species, locations, stock size, planting methods, tree pit design specifications for soft and hard landscaped areas, aftercare provisions such as watering regimes, stake management, replacements preferably including an establishment maintenance plan for first 5 years.
124. *TRT* – no response.

#### **EXTERNAL CONSULTEE RESPONSES:**

125. *Northumbrian Water* do not object to the application but consider that there is insufficient detail with regards to the management of foul and surface water, suggesting a pre-commencement condition to ensure that a detailed scheme of foul and surface water disposal is submitted and thereafter implemented in accordance with the approved details.
126. A standard 'informative' relating to the protection of existing sewers is detailed and will be appended to any approval.

#### **PUBLIC RESPONSES:**

127. A total of 70 representations have been received in response to the two consultation exercises totalling 350 individual letters, press and site notices. The first consultation exercise was directed at 128 addresses. Of these, 69 object to the proposals whilst there is one neutral representation. At the point the second consultation exercise was undertaken 44 objections had been received. Some objectors have submitted a number of comments. Local Ward Member Pete Molloy objects to the proposals.
128. In December 2023 a consultation exercise consisting of 128 direct mail letters to surrounding residents, institutions and businesses was sent out, site notices were posted on surrounding footpaths, including at the entrance to the Academy and on the railway path, along with an advertisement placed in the local press. The application was advertised as a Major Development and as affecting a Public Right of Way.
129. When the amended scheme was submitted, a larger consultation exercise to encompass the whole estate to the south, through which access is now proposed, was

undertaken, in February this year. Site notices were posted at the new site entrance and on the adjacent public footpath that follows the track to Bishop's Close Farm.

130. The Council's second consultation followed a public consultation exercise undertaken by the developer to gauge local opinion to the amended scheme as a whole and the revised access in particular.
131. Prominent in the responses to the first consultation exercise, it is claimed that there is no need for the development, and it should be directed elsewhere. The town currently offers a poor standard of living due to overcrowding and traffic issues, with additional housing doing nothing to alleviate this. The site itself is noted as not allocated for housing within the County Plan: as there are allocated sites in Spennymoor yet to be developed, this can form grounds for refusal. This part of Spennymoor has been extensively developed over the last 25 years, with some developments ongoing resulting in overdevelopment.
132. A significant objection was for traffic generation onto Whitworth Road, with a lack of lighting and footways restricted to one side of the road, along with the cumulative effect of other recent developments. The effects of traffic at the new site entrance on the dwellings at Page Grove. Additional traffic will bring increased environmental and noise pollution, compromising air quality.
133. Whilst the elements of the concerns directly relating to the superseded Whitworth Road access point have fallen away in so far as they relate to the operational life of the development, but remain for the construction period, more general concerns relating to traffic are taken as still relevant.
134. A loss of residential amenity is a concern. Two storey dwellings adjacent existing bungalows were not considered acceptable and relocating of units adjacent Page Close is requested. This has been achieved.
135. Compromise of the ecological value of the site, particularly at the entrance from Whitworth Lane was a concern. A shortage of parking is contended, with 313 parking spaces provided for 214 dwellings. A lack of parking has been a feature of recent developments in the area, with potential to compromise emergency vehicle access. Pedestrian Access to the nearest school is considered 'woefully inadequate'.
136. A footpath along the current settlement edge will be turned into a 'virtual alleyway' with the potential to become a focus for youths and anti-social behaviour - currently 'unheard of in this quiet peaceful location'.
137. That the part of the site adjacent Whitworth Lane is prone to flooding is contended to show the site is not appropriate for development. The area is considered a natural flood plain.
138. Following the reconsultation in February, there is significant concern that the proposed access will increase through traffic for the existing estate to the detriment of existing residents due to reduced safety and increased pollution. There will be additional wear and tear on the existing highways that will lead to additional maintenance requirements, with existing incidents of subsidence. Safety concerns relate in particular to children who play around the area and travel to and from school along the narrow roads of the estate. Existing roads are described as congested and too narrow with poor off-street parking leading to a lot of on-street parking. This creates pinch points for road users and may restrict access for emergency vehicles. There are particular parking problems at the estate entrance.

139. Again, the need for the development and the type of dwellings proposed and accommodation provided is questioned, in the particular context of the adjacent Gleesons development of 300 houses and an estimated 1000+ units within a very short distance, with a proportionate import of additional vehicles.
140. Accusations are made for the motivation behind the amended access proposed, with that from Whitworth Road considered acceptable by some.
141. The proposals are considered counter to the County Plan, with no justifiable housing need. Attention is drawn to areas of undeveloped brownfield land within Spennymoor and allocated within the County Plan. The proposals fail several criteria of Policy 6 and adds ribbon development to Whitworth Lane.
142. The development will result in the loss of beautiful open countryside, vegetation, wildlife habitats and open spaces that people enjoy. Within a confusion for the term Green Belt/Green Field, objectors note the Government's stated preference for development of brownfield land, and a loss of agricultural land.
143. The infrastructure of the settlement in terms of healthcare and education is considered inadequate to provide for additional residents.
144. Problems with the existing estate's drainage are presented as a concern, but on the assumption that construction traffic will transit through the existing estate. The SuDs approach is questioned with flooding on the eastern part of the site and in the roadside woodland likely to be exacerbated.
145. Noise and disturbance from the build process is a concern of many residents, a number of whom object to it coming through the existing estate.
146. One objector considers further sustainable energy features should be incorporated.
147. The loss of woodland to facilitate the access is considered significant and the approach to the bio-diversity calculations is questioned. Existing residents point out they have paid a maintenance charge for the trees proposed removed at the site entrance and do so for the green spaces, dog exercise area and play areas that will benefit proposed dwellings – this charge having recently been significantly increased. Landscaping provided within the existing estates is vandalised and does not become established. The payment of this fee is contended to give a right to decided how it should be used.
148. The implications of the construction period for noise, dust and disturbance is raised.
149. Adjacent residents complain of loss of view and the potential for devaluation of property.
150. *Cllr. Molloy* - has concerns for highways safety from the increased numbers of vehicles that would pass through the estate, a potential safety risk for children playing. He reflects a number of objector's concerns that there's a particular problem with on-street parking at the junction of Mulberry Drive and Grayson Road. Liaison with Middlestone Moor Primary Academy indicates that this is oversubscribed and has a waiting list in some years, presenting potential problems. Access to NHS dentists is difficult in Spennymoor with extensive waiting lists. He contends that the site is not allocated for housing in the County Plan and as a significant incursion into the countryside a development of this scale, with locally significant landscape and visual effects will be contrary to Planning Policy.

## APPLICANT'S STATEMENT:

151. The Applicant, Countryside Partnerships (as part of the Vistry Group), are one of the country's leading housebuilders. They work in close partnership with housing associations, local authorities and government agencies to deliver new homes across all housing tenures, providing the opportunity for all customers to live in one of our properties, whatever their budget.
152. Through the partnerships model, they focus on high quality, mixed-tenure developments that deliver positive social impact for those communities with placemaking at the heart of the development. This application proposes the construction of 187no. dwellings, including much needed bungalows, and will deliver a mix of new market and affordable homes, both affordable rent and Rent to Buy tenures.
153. Through extensive discussions with Planning Officers and Local Authority officers, the scheme has been amended since its original submission, comprehensively responding to both consultee and public comments. Working closely with officers has resulted in the sustainable provision of much needed housing within Spennymoor.
154. The layout offers a mix of 2- (56no.), 3- (100no.) and 4-bedroom (31no.) dwellings. House type design has been approved using two-character areas; a transitional zone implements materials and elevational styles which reflect the adjacent residential character; and the landscaped edge fronts out over agricultural land to the west, taking advantage of the rural setting. Several plots throughout the site have enhanced elevations.
155. The Applicant is pleased to propose 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). This will be secured via a S106 Agreement. All dwellings comply with M4(2) requirements and NDSS. 20no. Bungalows have also been provided.
156. The site is well related to Spennymoor, and the overall density of the scheme has been reduced from the original submission and responds well to the edge of settlement location, as required by Policy 6. Enhanced landscape features have been proposed along northern and western boundaries with a mix of tree, amenity grass and native woodland mix planting. Tree-lined streets have been designed across the site. The proposal additionally provides net gain in Biodiversity.
157. Significant consideration of highways matters has been undertaken. Having engaged with the Highways Authority, to secure a safe and suitable site access, this has been relocated from Whitworth Road to between Mulberry and Bluebell Drive. The Applicant undertook a second round of public engagement during the determination process so that resident comments were suitably addressed. The proposal is policy compliant in providing 458no. parking spaces across the site (inc. 47no. Visitor Parking Spaces). Several pedestrian connections have been designed into the scheme, as such the scheme benefits from being within walking distance to a wide variety of local amenities.
158. The proposal for 187no. dwellings will provide a much-needed range of quality homes, including 20no. bungalows and 28no. affordable units. The Applicant has worked extensively since pre-application engagement and over the determination period and co-operatively with the Local Planning Authority to deliver a high-quality scheme. The proposal is policy compliant with all relevant Development Plan policies.

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## PLANNING CONSIDERATIONS AND ASSESSMENT

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

### Principle of the Development

#### The Development Plan

160. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF is a material planning consideration. The County Durham Plan (CDP) is the statutory development plan and the starting point for determining applications as set out in the Planning Act and reinforced at Paragraph 12 of the NPPF. The CDP was adopted in October 2020 and provides the policy framework for the County up until 2035.

161. 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.

162. As the CDP represents an up-to-date development plan, paragraph 11(d) of the NPPF is not engaged.

163. The site sits adjacent Spennymoor in urban fringe countryside, and unallocated in the County Plan. In the first instance, as countryside the development is assessed against Policy 10. This states that development in the countryside will not be permitted unless allowed for by specific policies in the Plan. In this instance this leads to Policy 6, Development on Unallocated Sites, and assessment against the detailed criteria set out in the Spatial Policy comments, above.



164. Policy 6 recognises that in addition to the development of specifically allocated sites, there will be situations where future opportunities arise for additional new development over and above that identified in the development plan for the area. This policy sets out the circumstances where such opportunities will be acceptable. This will include new build housing on suitable previously developed or greenfield sites.
165. This policy applies to new development proposals within existing built-up areas or outside the built-up area, but which are well-related to a settlement. For the purposes of this policy the built-up area is contained within the main body of existing built development of a settlement or within a settlement boundary defined in a neighbourhood plan. When assessing whether a site is well-related, the physical and visual relationship of the site to the existing built-up area of the settlement will be a key consideration.
166. It is considered that the site, whilst outside of the existing built-up area, is well related to the settlement. The countryside the site sits within is non-designated, with the Area of High Landscape Value extending up to the Auckland Way, over 250m north of the site. Officers are satisfied that in a non-designated landscape and in the context of residential development sites to the east, south and west that surround the site on the site, it does not contribute to coalescence, is not inappropriate backland, does not result in the loss of valued open space. In plan form the proposed site is a logical extension to the existing settlement, with the recent development of the Gleeson Homes site to the west of the access to Bishop's Close Farm from Durham Road significant in leading to this conclusion. The development is therefore potentially acceptable in terms of scale, design, layout, and location to the character, function, form and setting of the settlement.
167. For the remaining criteria from Policy 6, new housing adjacent existing residential development is a compatible land use. The ecological value of the land has been formally assessed and can be formally mitigated through s.106 and s.39 legal agreements. The land has no heritage value in its own right and is physically and visually separated from the designated parkland associated with the Whitworth Hall, north of the Auckland Way. Whilst there does appear to be some informal use of the agricultural land for recreational purposes, the nature of it is such that it cannot be afforded positive weight.
168. In terms of the effects on Highways safety and the wider Highways network, these issues are discussed in detail below, and concluded compliant with Policy 21 which brings compliance with Policy 6. The revised access point has significantly improved access by sustainable modes of transport to relevant services and facilities.
169. The scheme includes permeable drives, roadside swales and SuDs features that will minimise vulnerability and provides resilience to impacts arising from climate change, including but not limited to, flooding.
170. The site does not make use of previously developed land, which is encourage but not a requirement of the Policy.
171. This summary of the assessment against the criteria of Policy 6 is further detailed in some of the sections covering specific topic areas below, but overall is considered compliant with the criteria of the Policy.

172. Policy 21 of the CDP outlines that development should not be prejudicial to highway safety or have a severe cumulative impact on network capacity. It also expects developments to deliver well designed pedestrian routes and sufficient cycle and car parking provision. Similarly, Policy 29 advocates that convenient access is made for all users of the development together with connections to existing cycle and pedestrian routes. Specifically, the NPPF sets out at Paragraph 110 that safe and suitable access should be achieved for all people. In addition, Paragraph 115 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
173. The vehicular highway aspect of the revised proposals is particularly contentious to residents, to which end the full opinion of County Highways Engineers is set out earlier in this report. Where Officers – Highways and Planning, consider that a development would have an unacceptable impact on highway safety this is made clear to developers. The access originally proposed from Whitworth Road was considered unsafe on a number of grounds, as a rural road approaching an urban settlement where road speeds are high and there is a complex highway environment of accesses to a large and a small school, residential culs-de-sacs, sweeping bends, a lack of lighting and a range of traffic calming measures. Whether this highways environment was capable of amendments to accommodate a safe access/egress to the proposed development was investigated in full and discounted.
174. The application proposes to significantly extend the existing residential road network past residential dwellings. The safety of those accesses and the passage of new traffic through the estate is of paramount concern. Principle roads in the estate leading up to the site on the proposed access route have been built to a standard and width suitable for bus use, giving an operational capacity that allows for the additional number of dwellings proposed. With the existing development to the south being a modern development, with a modern highways layout, with highways widths, traffic calming, road and footway dimensions and junction radii being in technical highways terms safe and satisfactory and have the capacity to accommodate the additional development proposed.
175. Within the development itself parking standards are met or, in terms of in curtilage parking, exceeded by six spaces.
176. The Highway Authority assessment has extended beyond the site into the strategic road network, with the effects on Durham Road, the roads through Spennymoor, and the effect on the A688 all considered, and concluded to operate within design capacity and be acceptable. This assessment will have taken into account other developments being undertaken and committed within the settlement – the vehicular implications of the quantum of development being undertaken across Spennymoor being a concern of many objectors.
177. It is concluded that the proposal in its own right, in terms of its effects on the adjacent estate, and in its effects on the wider highways network, meets the requirements of the Policies at the head of this section, reflecting the advice of the Highways Authority.
178. In addition to the essential Highway Safety assessment, the application is also required to show that the development is sustainably located in terms of highways and all forms of travel as part of the requirements of Policy 21 of the County Durham Plan and Part 9 of the NPPF.

179. To this end a Travel Plan has been submitted. Travel plans are designed to minimise the adverse operational and environmental impacts of transport associated with developments and cover a wide range of measures including walking, cycling, bus, taxi, car sharing and car parking, and encourage sustainable modes of travel.
180. The Travel Plan sets out an assessment of the footpath network and it's access to surrounding destinations, along with similar assessments for bicycle use, concluding that there are a range of destinations that are accessible from the site by walking, cycling and public transport. It recommends a Travel Plan Coordinator is appointed who will act as a point of contact for all residents on travel issues, ensuring that the Travel Plan is kept up to date, obtain and maintain commitment and support from all residents, design and implement effective marketing and awareness raising campaigns to promote the Plan, set up and coordinate car share schemes, steering groups, working groups etc; and coordinate the monitoring programme for the Plan.
181. The submitted Travel Plan appears an appropriate response to the requirements of the condition, is suggested by an experienced and competent body. There are suitable routes identified to a range of sustainable transport methods to facilities, services and sustainable travel nodes that brings compliance with the requirements of Policy 6.f. of the County Plan. Officers consider that if conditioned will meet the intent of Policy 21 and Part 9 of the NPPF to ensure that transport options offering sustainability are embedded in any approval.

## Layout and Design

182. Policy 29 of the CDP outlines that development proposals should contribute positively to an area's character, identity, heritage significance, townscape and landscape features, helping to create and reinforce locally distinctive and sustainable communities. Parts 12 and 15 of the NPPF also seek to promote good design, while protecting and enhancing local environments. Paragraph 130 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.
183. The scheme as originally presented to the Design Review panel performed poorly, being attributed 11 out of 12 'reds', and has been significantly redesigned since then, with the applicant reflecting the concerns raised. A significant issue was the scheme when first submitted was a lack of connection to the existing settlement, with the main entrance from Whitworth Road and a single connection to the footpath to the west the totality of the connection to the settlement. There are criteria in Policy 6 that lead to the requirement that any residential extension of a settlement must effectively be part of that settlement, functionally and spatially. The first iteration of the scheme did not achieve this, with the adjacent housing estate forming an impediment to the proposed development connecting appropriately to bus stops and accessing facilities and services. This would have likely resulted in greater reliance on less sustainable methods of personal transport, or the casual trespass that sometimes represents desire for greater connectivity that is already apparent in the area.
184. Whilst unpopular with local residents objecting to the scheme, the relocation of the site access has a logic in terms of the Policy 6 criteria requirements, providing it does not compromise highway safety. The revised scheme provides vehicular and pedestrian access to and from the existing estates to the south and provides footpath links to Whitworth Road and the PRoW to the west. Distances to bus stops, services and facilities are significantly reduced and the development's permeable boundaries now allow for integration with the existing settlement.

185. The developer has amended house-types and, at the suggestion of officers, divided the development into two 'character' areas to give the development its own character and to aid legibility and way finding within it. Elevational treatments have been revised and improved. These positive responses to the criticisms of the Design Review Panel are welcomed, approval from which is a specific requirement of Policy 29n of the County Plan.
186. The redesign has rearranged the internal highways layout to further reduce vehicular speeds, brought parking standards up to SPD requirements, and reduced to dominance of parking that was a feature of the original, more linear layout – the improvements acknowledged in the response of County Highways Officers.
187. The development includes for tree-lined streets, and planted swales – addressing Design Review 'reds' for surface water drainage. The SuDs ponds are sited towards the east side of the site adjacent the 'wet woodland' that separates the site from Whitworth Road, where records indicate evidence of historical flooding. This replication of natural surface water flows together with the potential to compliment the existing ecology asset and opportunity for enhanced landscaping all raise the quality of the scheme in respect of its Design Review performance and adherence to the design requirements of Policy 29 and Part 12 of the Framework.

#### Landscape and Visual Impacts

188. Policy 39 of the County Durham Plan states proposals for new development will be permitted where they would not cause unacceptable harm to the character, quality or distinctiveness of the landscape, or to important features or views. Proposals would be expected to incorporate appropriate measures to mitigate adverse landscape and visual effects. Policy 26 outlines developments are expected to provide new green infrastructure and ensure provision for its long-term management and maintenance. Similar requirements are outlined in Policy 29. Policy 40 seeks to avoid the loss of existing trees and hedgerows unless suitable replacement planting is provided. Parts 12 and 15 of the NPPF promotes good design and sets out that the planning system should contribute to and enhance the natural and local environment by (amongst other things) recognising the intrinsic character and beauty of the countryside.
189. Landscape Officers have requested more significant structural planting on the north boundary of the site which is at present part defined by an agricultural hedge. Planting in this area has been enhanced by a woodland strip of varying depth, and the hedge has been reintroduced for the length of the boundary – excepting the area within an easement. It is however still far short of the structural planting belt that would be Landscape Officers preference.
190. The proposed edge of built development is separated from this new edge of settlement boundary by roads and drives and then by the landscape strip. This separation and varied planting strip is considered to better the edge of settlement approach accepted by the Planning Inspector on the adjacent site allowed at appeal for Gleeson Homes that forms part of the context of this site. It is the Case Officer's view that the topography of the site and the adjacent agricultural land to the north is such that the landform will help reduce the impact of development on the open countryside to the North, and in views from the Auckland Way.
191. Landscape Officers have latterly asked for additional planting in and around the SuDS basins, having confirmed that this does not affect their functionality, and to a degree

that does not undermine the biodiversity approach in this area. Amended plans showing such have been submitted.

192. It must remain the basic standpoint of Landscape Officers that the proposals both in principle and in the absence of an edge of settlement structural planting belt represent harm to the countryside. However, on the basis of the indicative landscaping scheme submitted with the principal landscape features of the trees near or on the boundary of the west part of the site are retained, and hedgerows are reinstated along the north boundary except where in an easement and additional tree planting in the areas of the SuDS basins, Officers consider that the degree of harm is less than substantial for the purposes of the planning balance when considering if the scheme is compliant with Policies 29 and 40 of the County Durham Plan.

## Residential Amenity

193. Policies 29 and 31 of the CDP outline that developments should provide high standards of amenity and privacy, minimise the impact of development upon the occupants of existing adjacent and nearby properties and not lead to unacceptable levels of pollution. Policy 32 seeks to ensure that historic mining legacy and general ground conditions are suitably addressed by new development. A Residential Amenity Standards Supplementary Planning Document (SPD) has also been adopted by the Council. The aforementioned policies and SPD can be afforded significant weight. Parts 12 and 15 of the NPPF, which require that a good standard of amenity for existing and future users be ensured, whilst seeking to prevent both new and existing development from contributing to, or being put at unacceptable risk from, unacceptable levels of pollution.
194. Guidance within the SPD advocates separation distances of 21m between facing principal elevations and 18m between bungalows, 13m between principal and two storey gable elevations and 10m to a single storey. It is advised that additional separation may be required where there are changes in levels across a site. The site is broadly flat, with no implications for levels changes. Within the layout, there are two dwellings that fail the required separation distance to a gable end (by 2.5m) and one property with a garden that is more than 1m below the garden length requirements set out in the SPD. In a development of 187 units this shortfall is not sufficient to recommend refusal – noting that the relationships to surrounding properties and extent of gardens will be a considered choice for the householders. It is also noted that these issues are separate, and do not affect the same properties.
195. Residential amenity for proposed residents is also secured through ensuring the quality of accommodation to be provided. All proposed dwellings have been designed to meet both Nationally Described Space Standards, a set of national standards for the design of dwellings that minimum dimensions and design criteria to make homes comfortable, safe and adaptable, to allow people to carry on everyday activities at ease, and are M4(2) compliant, which is a Building Regulation requirement to ensure accessible and adaptable homes. These are requirements of Policies 29 and 15.
196. Spatial Policy Officers have acknowledged that the ‘Juneberry’ house-type meets the Policy 15 requirement for ensuring the development meet the need of older people and people with disabilities. The standard approach is for this provision, like that for affordable housing, to be dispersed through the layout to reflect Part 8 of the NPPFs advice to promote social interaction, including opportunities for meetings between people who might not otherwise come into contact with each other. In this instance the layout includes a grouped area of bungalows, which alternately could bring a mini community feel to this part of the development to residents with similar aspirations of

residential amenity, reflecting the nature and character of the four short culs-de-sac immediately south of the site facing which access onto Whitworth Road opposite the Academy.

197. In terms of the relationships to existing dwellings, the west end of the development is separated from the existing estate by a treed earth bund and facing separation distances exceeding 50m including oblique relationships. East of the new proposed access similar distances are met, with the existing woodland strip further separating from Aspen Close and Almond Close, and at Page Grove existing bungalows facing proposed two storey gable ends across +23m separations. The two-storey dwelling on the site boundary at the head of Page Grove has a 19m separation at an angle of around 45 degrees. All of these relationships meet the required standards designed to achieve reasonable expectations of residential amenity.
198. For the operational phase of the development the proposed scheme meets the required guideline and standards except where identified above, and considered as a whole is concluded to meet the requirements of Policies 29 and 31 and the relevant elements of Part 12 of the NPPF.
199. The construction phase of the development is also an important consideration for residential amenity and a concern of local residents. A standard suite of conditions and restraints to control site activities – including specified working hours, agreement of siting of site compounds, on-site wheel washing facilities to control site debris being transferred to the public highway. An updated plan has been submitted within the Construction Management Plan as the wheel-washing facilities were erroneously shown at the revised site entrance. The 'left in, left out' construction access arrangements will by degree reduce the impact on the residents near the construction site access, and likewise the reduced build time associated with affordable house construction as opposed to full market housing schemes, whose build times are directly related to house sales. The projected overall build time in this instance is 148 weeks which equates to just under 3 years. There are further detailed requirements identified by both Environmental Health and Monitoring Officers that will require changes to the submitted Construction Management Plan, and a condition is suggested accordingly, however there are no issues to suggest that measures to protect reasonable expectations of residential amenity cannot be met to ensure compliance for this aspect with Policy 31 of the County Durham Plan.
200. The construction process will have an effect on the residential amenity of adjacent residents, particularly at the site entrance. Construction traffic has been segregated from the proposed operational site access to reduce its impact on the wider estates to the south.
201. The proposals are concluded compliant with the requirements of Policies 29 and 31 of the County Durham Plan.

## Ecology

202. Policies 26, 35, 41 and 43 of the County Durham Plan seek to secure net gains for biodiversity and coherent ecological networks. Policy 43 relates to protected species and nationally and locally protected sites. Part 15 of the NPPF seeks to ensure that developments protect and mitigate harm to biodiversity interests, and where possible, improve them.
203. The applicant has just achieved the required Biodiversity Net Gain on site. In terms of the assessment of species on site or that may be affected by the development, the

developer's Ecologist has provided additional information, in particular with regards to newts, using a use of Reasonable Avoidance Measures / Method Statement approach as opposed to licensing that the development can be undertaken without detriment to protected species, to the satisfaction of the County Ecologist.

204. The application can meet the requirements of Policies 26, 35, 41 and 43 of the County Durham Plan.

### Flooding and Drainage

205. Policies 35 and 36 of the emerging 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.
206. Council Drainage Engineers acknowledge that the scheme that includes components of each element of the SuDs hierarchy is acceptable – permeable drives, swales and basins all seek to mimic natural drainage systems. Particular regard is given to the area behind Page Close which has historically been part of the natural overland flow route – this leading to the 'wet woodland' beyond. This attention should help address particular concerns that have been raised in regards to this issue in this area whilst helping to maintain the habitat.
207. Northumbrian Water have noted that they do not have information sufficient to agree a drainage scheme, but offer no objection to the proposals, suggesting a condition to ensure that the foul flows generated by the development will meet their standards.
208. It is concluded that, subject to imposition of appropriate conditions the scheme is compliant with the requirements of Policies 35 and 36 of the County Durham Plan.

### Infrastructure and Open Space

209. Policy 26 of the CDP outlines that new residential developments will be required to make provision for open space to meet the needs of future residents having regard to the standards of open space provision set out in the Open Space Needs Assessment (OSNA). Where it is determined that on-site provision is not appropriate, the Council will require financial contributions to be secured through planning obligations towards the provision of new open space, or the improvement of existing open space elsewhere in the locality.
210. The Council's Open Space Needs Assessment (OSNA) 2018 is considered the most up to date assessment of need. It identifies the five typologies (allotments; amenity/natural greenspace; parks, sports and recreation grounds; play space (children) and play space (youth)), sets out requirements for public open space on a population pro rata basis and whether provision should be either within the site, or

through a financial contribution towards offsite provision, in lieu taking into consideration factors such as the scale of the development, existing provision within suitable walking distances and the level of contribution sought.

211. No formal play provision is proposed on site, with the development connecting directly to that on the adjacent site to the south. The site is surrounded by informal open space that forms part of the landscape and ecology offers. A direct link is provided to the existing public footpath to the west, on the farm track to Bishop's Close Farm. There is a footpath connection to the existing footway adjacent Whitworth Road, that would allow access to Whitworth Academy and The Auckland Way to the east. A new footpath link to reflect that in the existing layout that potentially reflects a strong visual and functional desire line, extending that on the estate to the south follows the line of the services easement, is proposed. Sited partially on adjacent land, this feature strongly helps associate the proposal with the layout and function of the existing settlement, attracting positive weight in the assessment against the requirements of Policy 6. It will need a condition to secure delivery.
212. It is noted that there is no attempt to encourage access to the woodland area outside the site on the current settlement edge behind Almond Close and Aspen Close. Correspondents have variously described this area as an asset and as a problem, and the report above describes how at present access to it has been achieved through damage to fencing. This land is outwith the ownership of the site and remains the responsibility of its existing landowner.
213. The developer proposes a s.106 agreement to provide monies for offsite provision of the range of public open space typologies set out as required by the OSNA. With a lack of provision of formal spaces on-site, the provision of these funds for off-site provision is considered to meet the required tests of being necessary to make the development acceptable in planning terms, are directly related to the development, and are fairly and reasonably related in scale and kind to the development.
214. It must be noted that some residents have objected to the potential for residents in the new estate to use the open spaces and play equipment in the existing developments on the basis that all residents in the existing estates have a significant maintenance charge to pay to maintain such. There is no reason in principle why the maintenance company of the adjacent estate could not apply to upgrade their play facilities with the secured monies. Said monies could not however be used for maintenance.
215. The site layout containing open space, including ecology areas, and the proposed mitigations identified to address demands for play-space and open space typologies are considered an acceptable response to the requirements of Policy 26 of the County Durham Plan.

## Other Considerations

### The Capacity of the Settlement

216. There has been some contention on the 'need' for additional dwellings, both in terms of the number of development schemes approved around Spennymoor, and in terms of the affordable nature of a significant element of this scheme. These concerns are cross-referenced to issues with school, medical and dentist capacities that are discussed elsewhere in this report. No concern has been received from internal consultees for this issue – notably the Spatial Policy Team.



217. The Council have targets for delivery of market housing and affordable housing as part of the Government's objective to address a national housing shortage. No reasons or evidence have been given as to why in principle this issue should lead to a refusal – the effects on the capacities of local education and medical provision being capable of mitigation through approved mechanisms. Policies 6 and 10 have a long list of criteria to ensure that any development is appropriate for a range of aspects that the current scheme is considered to be compliant with. There is no cap on new housing in the County were development is found to be policy compliant.
218. It is relevant that whilst the County Plan provides a framework of allocated sites to achieve the necessary housing figures, not all of these are always built out as intended. For example, allocation H24 in the County Plan identified the site Of Former Tudhoe Grange Comprehensive School, Durham Road, Spennymoor as a housing site with a yield of around 85 dwellings. This has subsequently been approved and developed as a new 630 place Primary School.

#### Affordable Housing

219. Policy 15 of the County Plan sets out a requirement for affordable housing provision on the site which requires all qualifying new housing proposals to provide a percentage of Affordable Housing which is accessible, affordable and meets the needs of those residents unable to access the open housing market. Spennymoor is in an area that requires a provision of 15%. In addition to this the NPPF sets out a requirement for 25% of the affordable homes to be provided as 'first homes', in line with the definition in the glossary of that document. It is further important that 'affordable homes' should be dispersed across the site, and 'tenure blind', so that they integrate into the overall scheme.
220. Spatial Policy and Housing Officers have confirmed that the offer meets expectations to reflect local demand. Noting that it is the developer's intention to significantly overprovide affordable homes on the site, only those required by the Policy requirement and the NPPF, and that are to be secured by the s.106 legal agreement form part of the Policy assessment. That the requirements of the Policy are met brings Policy compliance, however this aspect is neutral in the planning balance assessment.

#### Energy Efficiency

221. Policy 29 of the emerging CDP sets out that major new build residential development should achieve CO2 reductions. Part 14 of the NPPF advises that the planning system should support the transition to a low carbon future. The submission advises that at the detailed design stage of the scheme, a 'fabric first' approach will be adopted in order to reduce capital and operational costs, improve energy efficiency and reduce carbon emissions in addition to potentially reduce the need for maintenance during the building's life. The application submits that the proposed dwellings will be designed to have high standards of energy efficiency, by limiting the heat loss across the building envelope and optimising natural ventilation, in order to minimise the overall energy demand. A condition can be imposed to secure this in the event of an approval. The requirements of the Policy have now largely been matched by the requirements of the Building Regulations process.

#### Loss of Agricultural Land

222. Policy 14 of the CDP states that the development of the best and most versatile agricultural land, will be permitted where it can be demonstrated that the benefits of the development outweigh the harm and significant weight can be attributed to this policy. NPPF Paragraph 170 states that LPAs should recognise the economic and other benefits of the best and most versatile agricultural land and where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality. Best and most versatile agricultural land is classified by the NPPF as grades 1, 2 or 3a. An Agricultural Land Classification Statement has been submitted in support of the application which identifies that the development would result in the loss of approximately 14.56ha of Grade 3b (moderate quality) agricultural land, limited by its wetness. The land is therefore not deemed to be best and most versatile.

#### Access to Medical Facilities

223. Part of the 'social' objective of the NPPF, advice in Part 8 of the NPPF, 'Promoting healthy and safe communities', advises that Planning policies and decisions should aim to achieve healthy, inclusive and safe places enable and support healthy lifestyles, especially where this would address identified local health and well-being needs.

224. For effects on Healthcare both the NHS and the Council's Public Health Team have been consulted. The latter acknowledge the Health Impact Assessment documents submitted by the applicants that are a requirement of major housing applications and the considered approach within it, noting the requirement for mitigation where a deficit is identified. The NHS had provided a figure for the application as originally submitted, and use of their calculator for the reduced number of units proposed gives a requirement for £90,321. This requirement is considered to meet the tests for such, being necessary to make the development acceptable in planning terms, being directly related to the development, and being specifically related in scale and kind to the development.

225. A feature of the consultation exercise response and the comments of Cllr. Molloy is the lack of access to dental provision. The NHS advice is very specific in the detail of the medical practices that are proposed mitigated, as required by the tests required to secure s.106 monies. It does not provide for dental surgeries. 'Primary dental services are one of the four pillars of the primary care system in England, along with general practice, primary ophthalmic services (eye health) and community pharmacy. These services use a 'contractor' model of care, which means that almost all NHS primary care services are delivered by independent providers contracted to the NHS' (\*Kingsfund.org. 11 Oct. 2023). The nature of the organisation of dental provision is such that at present there is no mechanism to secure a form of mitigation that could allow for new demands for additional capacity. It is concluded that the proposal reflects the requirements of the NPPF and is acceptable in this respect.

#### Education Provision

226. Part 8 of the NPPF, 'Promoting healthy and safe communities' highlights that, 'It is important that a sufficient choice of school places is available to meet the needs of existing and new communities' and that decision makers should, 'give great weight to the need to create, expand or alter schools through the preparation of plans and decisions on applications'.

227. The County Education Department has confirmed that in terms of standard primary and secondary information, there is sufficient space to accommodate the pupils

generated by the development in primary and secondary schools and no mitigation is requested.

228. They have however suggested a contribution of £167,960 to mitigate the potential of the development to create a likely demand from 2 SEND pupils. This requirement was not identified in the pre-application discussions with the developer, and the national governmental direction that from August 2023 contributions for SEND pupil provision is sought from new development has yet to be formalised into supplementary planning policy that would formally allow this to be secured has not yet been adopted. Regardless, the governmental direction contains transitional arrangements for development in process to not require this mitigation, within which this development falls. On this basis to pursue the request at this time is considered unreasonable, failing the tests set out to secure Planning obligations as outlined above.
229. Officers note the disconnect between the advice from the County Education Department and the representation from Cllr. Molloy in discussion with a local Headteacher, however must follow the advice on strategic education provision provided by the formal consultee. Compliance with the advice in Part 8 of the Framework is concluded.

## Broadband

230. CDP Policy 27 relates to utilities, telecommunications and other broadband infrastructure and requires any residential and commercial development to be served by a high-speed broadband connection and where this is not appropriate, practical or economically viable, developers should provide appropriate infrastructure to enable future installation.
231. Paragraph 118 of the NPPF states that advanced, high quality and reliable communications infrastructure is essential for economic growth and social well-being. Planning policies and decisions should support the expansion of electronic communications networks, including next generation mobile technology (such as 5G) and full fibre broadband connections. Policies should set out how high quality digital infrastructure, providing access to services from a range of providers, is expected to be delivered and upgraded over time; and should prioritise full fibre connections to existing and new developments (as these connections will, in almost all cases, provide the optimum solution).
232. In considering this policy requirement, due the location of the development adjacent to the settlement of Spennymoor, there would be existing high-speed broadband availability in the area to comply with CDP Policy 27. Details of broadband provision can be secured by condition in accordance with CDP Policy 27 and Paragraph 118 of the NPPF.

## Economic Activity

233. Of positive material weight in the planning balance is the economic activity that will accrue from the construction process. The applicant estimates that the construction of 187 dwellings will support the employment of 579 individuals and provide seven apprentice or graduate roles.

## Heritage

234. Policy 44 of the CDP sets out development will be expected to sustain the significance of designated and non-designated heritage assets, including any contribution made by their setting. Development proposals should contribute positively to the built and historic environment and should seek opportunities to enhance and, where appropriate, better reveal the significance and understanding of heritage assets whilst improving access where appropriate.
235. As described above, the nearest designated heritage asset is the parkland associated with Whitworth Hall. This is some distance away to the north and not physically or visually connected. There is no element of harm to this asset from the proposals.
236. There are no heritage assets that will be directly or indirectly affected by the proposals and the archaeological investigation discovered no features of note.

## Minerals

237. The site lies within a Mineral Safeguarding Area. Policy 56 of the CDP states that planning permission will not be granted for non-mineral development that would lead to the sterilisation of mineral resources within such areas unless specific criteria apply. The application site is underlain by deposits of coal, and in small part has records of historic mining activity. Whilst some sterilisation could occur, it is considered the proposed development would have minimal impact on the future working of the more extensive deposit. In addition, given the site's proximity to the built edge of Spennymoor and sensitive receptors, the prior extraction of minerals may not be feasible as it could lead to an adverse impact on the environment and/or local communities. This outweighs the need to safeguard the mineral thereby satisfying Policy 56 criteria d and Paragraph 204 c) of the NPPF.
238. The Response of the Coal Authority is outstanding as this report is written and will be reported to Members verbally at the Committee meeting: Investigative, mitigation and validation conditions being the standard expectation of this response.

## Objections

239. The proposal has generated some public interest, with 70 representations, 69 of objection having been received from local residents. The objections, queries and concerns raised have been taken account and addressed within the report, where appropriate.
240. Concerns have been raised from members of the public in respect of devaluing neighbouring properties and loss of views from those properties, however these are not material considerations when assessing and determining a planning application.
241. It is important to note that this scheme must be determined 'on its own merits', and potential discussions on alternative arrangements are not material. In this case, with objectors suggesting the scheme be directed to brownfield sites, to other settlements, or reverting to previously proposed access arrangements, this is particularly relevant.

## Planning Obligations

242. Paragraph 57 of the NPPF, and Paragraph 122 of The Community Infrastructure Levy Regulations 2010 set out three planning tests which must be met in order for weight to be given to a planning obligation. These being that matters specified are necessary to

make the development acceptable in planning terms, are directly related to the development, and are fairly and reasonably related in scale and kind to the development. The s.106 Agreement which would secure the following all of which are considered to meet the required tests, each of which are discussed in the relevant sections of this report;

- 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 Planning Balance

243. The planning balance exercise required under s.38 must take into account and 'weight' the benefits and harms of the application, because consultees have identified some Policy conflicts – most notably for landscape harm. The structured assessment undertaken through the requirements of Policy 6 in particular seeks to identify whether the development proposed in this location is appropriate, and whether there are harms that can be addressed. It concludes that the Policy 6 criteria are met.
244. In principle, the application accrues positive weight from the contribution it potentially makes to the 5-year housing land supply. This is a benefit of the proposal, but in the context of a healthy five-year housing land supply, is of limited, but positive weight.
245. The secured affordable element of the proposals is assessed as of neutral weight as it is necessary to achieve Policy compliance. Likewise, the proposed contributions for Green Infrastructure, off-site play space provision and healthcare are all directly proportionate to the impacts of the development and cannot be assessed as benefits, only as addressing potential harms.
246. In terms of the harms, the loss of countryside and Landscape and visual impacts on the edge of the settlement must be acknowledged. This is qualified by degree by the quality of the agricultural land involved, and the lack of formal designations protecting it and ultimately the development 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. Whilst the landscape approach for the new edge of settlement does not satisfy Landscape Officers, in bettering adjacent schemes, the proposals are considered acceptable in Planning terms.
247. Overall, the benefits are considered to outweigh the identified harms in terms of weight.

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## **CONCLUSION**

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248. Section 38(6) of the Planning and Compulsory Purchase Act 2004 sets out that planning applications be determined in accordance with the development plan unless material considerations indicate otherwise.
249. The principal issues for consideration on this site as reflected in the response to the public consultation exercise are the principle of development as reflected through the requirements of Policies 10 and 6, and the Highway Safety implications of the proposals as assessed through the requirements of Policy 21.

250. Policy 6 overarches a number of other topic areas that are specifically further Policy assessed, such as Landscape, Policy 39 and Ecology, Policies 41 and 43. The criteria of Policy 6 effectively set out a systemised methodology for assessing whether a proposal represents an acceptable form of development that is appropriate, justified, can integrate and can mitigate any harms – in short, whether it represents ‘sustainable development’, both in location and operation.
251. The responses of individual consultees and the Design Review Panel indicate that the revised scheme is now one that Officers consider satisfies the Policy requirements and can be supported as a logical extension to the settlement, and constitutes sustainable development, appropriately adding to the County’s housing land supply. It 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. It is not prejudicial to highway safety or have a severe residual cumulative impact on network capacity and 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 the settlement. It can provide a drainage scheme that minimises vulnerability and provides resilience to impacts arising from climate change, including but not limited to, flooding.
252. The benefits of the scheme are considered to clearly outweigh the identified harms. The proposals are considered compliant with the Policies of the Durham County Plan. No objections have been raised that would outweigh these conclusions, and on this basis the application is recommended for approval, subject to the applicant entering into a s.106 legal agreement to provide identified mitigations, and a list of appropriate conditions.

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## **RECOMMENDATION**

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That the application be **APPROVED** subject to 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).

And subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.  
Reason: Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.
2. The development hereby approved shall be carried out in strict accordance with the approved plans listed in Part 3 - Approved Plans.  
*Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with Policy(ies) 4, 15, 19, 21, 25, 26, 29, 31, 32, 35, 26, 40, 41, 43, 44 56 of the County Durham Plan and Parts 2, 4, 5, 6, 8, 9, 11, 12, 14, 15, 16 of the National Planning Policy Framework.*

3. Prior to construction above damp-proof course level, samples of the external walling and roofing materials shall be submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the approved details.  
*Reason: In the interests of the appearance of the area and to comply with Policies 6 and 29 of the County Durham Plan and Part 12 of the National Planning Policy Framework.*
4. No dwelling shall be occupied until full engineering, drainage, street lighting and constructional details of the streets proposed for adoption by the Local Highway Authority, including traffic calming measures have been submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be constructed in accordance with the approved details.  
*Reason: In the interests of highway safety in accordance with Policies 6, 21 and 29 of the County Durham Plan and Part 9 of the National Planning Policy Framework.*
5. Development shall be implemented in line with the surface water drainage scheme contained within the submitted document entitled "Flood Risk Assessment and Drainage Strategy" RWO/FRADS/22106. The filter drain next to Page Grove must be extended to prevent known overland drainage flow routes entering the plots in accordance with a timetable to be agreed. Hydraulic calculations must be submitted for audit together with an engineering layout drawing indicating all cover, invert and floor levels and approved by the Local Planning Authority in writing before any approved dwelling is occupied. The final surface water discharge rate must be agreed in writing by the Local Planning Authority in advance of the occupation of the scheme, and thereafter be implemented and operated in accordance with said written agreement.  
*Reason: To ensure requirements for sustainably managed foul water management are incorporated into the scheme in accordance with Policy 35 of the County Durham Plan, and parts 14 and 15 of the National Planning Policy Framework are addressed, to prevent the increased risk of flooding the development could generate.*
6. Development shall not commence until a detailed scheme for the disposal of foul water from the development 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 in accordance with Policy 36 of the County Durham Plan, and parts 14 and 15 of the National Planning Policy Framework.*
7. No development, including ground clearance or remediation works, shall commence until a build programme and timetable for the construction of the critical surface water infrastructure has been submitted to and approved in writing by the Local Planning Authority. The programme must include, amongst other matters, details of the outfall structure, control devices, attenuation/storage, temporary control measures during the construction phase and measures to control silt levels entering the watercourse. The order of works to be undertaken must be identified and timescale for delivery. The development thereafter shall be completed in accordance with the details and timetable agreed.  
*Reason: To ensure that critical surface water infrastructure is in place to adequately deal with and dispose of surface water prior to the construction of the development, in accordance with Policy 35 of the County Durham Plan and Parts 14 and 15 of the National Planning Policy Framework. Required to be a pre-commencement condition to ensure that water infrastructure is in place at an early stage of the development to adequately manage surface water.*

8. Prior to the first occupation of any dwelling hereby approved, a Final Travel Plan to promote and encourage alternatives to car use in accordance with Framework Travel Plan (70110062.V3.0 January 2024) must be submitted to and approved in writing by the Local Planning Authority. The submitted details shall include mechanisms for monitoring and review over a 5-year period and timescales for implementation. The Approved Travel Plan shall thereafter be implemented, monitored and reviewed in accordance with the approved details.  
*Reason: To reduce reliance on the private motor car and to promote sustainable transport methods in accordance with Policy 21 of the County Durham Plan and Part 9 of the National Planning Policy Framework.*
9. 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.*
10. Remediation works shall be carried out in accordance with the approved remediation strategy. Prior to the occupation of the first dwelling, a Phase 4 verification report related to that part of the development must be 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.*
11. Prior to the development being taken into beneficial use, a signed statement or declaration prepared by a suitably competent person confirming that the site has in relation to Coal Mining interests been made safe and stable for the approved development shall be submitted to the Local Planning Authority for approval in writing. This document shall confirm the methods and the completion of the remedial works and any mitigation necessary to address the risks posed by past coal mining activity.  
*Reason: To ensure ground stability issues are addressed in accordance with the requirements of Policy 32 of the Durham County Plan and Part 15 of the National Planning Policy Framework.*
12. Prior to the commencement of development, a Landscape and Ecological Management and Monitoring Plan (LEMMP) with a schedule for implementation to cover a period of 30 years should be submitted to and approved in writing by the Local Planning Authority and thereafter implemented.  
*Reason: In order for the development to meet biodiversity net gains as outlined in Policy 41 of the County Durham Plan and Part 15 of the National Planning Policy Framework.*
13. Prior to the first occupation, mitigation measures set out within the submitted Ecological Impact Assessment (EclA) dated Sept. 23 must be implemented in full.  
*Reason: In order for the development to meet biodiversity net gains as outlined in Policy 41 of the County Durham Plan and Part 15 of the National Planning Policy Framework.*
14. Prior to the occupation of the first dwelling, a lighting design strategy for the site shall be submitted to and approved in writing by the local planning authority. Once agreed, all new lighting shall be implemented in accordance with the approved details.



*Reason: To avoid indirect disturbance to foraging and commuting bats, birds and mammals that may be using the periphery of the site as outlined in Policy 41 of the County Durham Plan and Part 15 of the National Planning Policy Framework.*

15. Prior to the construction of any dwelling above ground level, details of bat and bird boxes and their siting shall be submitted to and approved in writing by the Local Planning Authority. Once agreed, all bat and bird boxes shall be installed on the site and remain so in perpetuity prior to the first occupation of any of the dwellings hereby approved.

*Reason: In order for the development to meet biodiversity net gains as outlined in Policy 41 of the County Durham Plan and Part 15 of the National Planning Policy Framework.*

16. No part of the development shall be occupied until the detailed landscaping scheme shown on plans DR-L-0201-P08, DR-L-0202-P08, DR-L-0203-P08, DR-L-0204-P08, DR-L-0205-P08 including a schedule for implementation has been submitted to and approved in writing by the Local Planning Authority. No tree shall be felled, or hedge removed until the landscape scheme, including any replacement tree and hedge planting, is approved as above. The scheme shall identify those trees/hedges/shrubs scheduled for retention and removal; shall provide details of new and replacement trees/hedges/shrubs; detail works to existing trees; and provide details of protective measures during construction period. The development shall be carried out in accordance with the approved details.

*Reason: To ensure an acceptable form of development and meet the requirements of Policies 39 and 40 of the County Durham Plan, Policies S1 and G1 of the Durham City Neighbourhood Plan, and parts 12 and 15 of the National Planning Policy Framework.*

17. No construction work shall take place until all trees and hedges, indicated within the approved constraints survey (Whitworth Road Arboricultural Constraints Survey R6) 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. Once installed: -

- 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.
- Approved tree protection must remain in places wherever development activities are being undertaken on the site.

*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.*

18. The construction of the proposed pedestrian footpath links off-site, other than site investigations and remediation works, shall not commence details of the pedestrian footpath links as shown on Proposed Site Layout (1638-VIS-100B - Proposed Site Layout) have been submitted to and approved in writing. The details shall include site sections and full engineering details. The pedestrian links must be undertaken within an agreed timescale to be submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

*Reason: In the interests of highway safety and to comply with Policy 21 of the County Durham Plan.*

19. Prior to the first occupation of any of the dwellings hereby approved, the access as shown on 1638-VIS-100B - Proposed Site Layout shall be constructed and capable of use in accordance with these details.

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

20. Prior to the occupation of the first dwelling, a strategy for electric vehicle charging points for 'on-street' visitor bays and communal parking courts shall be submitted to and approved in writing by the Local Planning Authority. The submitted details shall include, but not be limited to:

- A plan showing the position of all proposed charging points;
- Detail specification of each type of charging point to be installed including minimum charging rating;
- A timetable for their installation; and
- A scheme for the on-going maintenance of the charging points.

In the event of proposals to maintain the charging points by means other than through transfer to the Local Authority then the scheme shall provide for details of an agreed maintenance schedule in perpetuity.

The electric vehicle charging points shall thereafter be maintained in accordance with the approved details.

*Reason: To ensure that sustainable transport modes are encouraged in accordance with Policies 21, 22, 29 and 31 of the County Durham Plan and Parts 8, 9 and 15 of the National Planning Policy Framework.*

21. Prior to the construction of the first dwelling, details of the means of broadband connection to the site shall be submitted to and agreed in writing by the Local Planning Authority. Thereafter, the development shall be carried out in accordance with the agreed details.

*Reason: To ensure a high quality of development is achieved and to comply with the requirements of Policy 27 of the County Durham Plan and the National Planning Policy Framework.*

22. Prior to first occupation of any dwelling with a garage(s) and/or hardstanding(s) / drive(s), said garage(s), hardstanding(s) and/or drive(s) shall be constructed and made available for use. Thereafter they shall be used and maintained in such a manner as to ensure their availability at all times for the parking of private motor vehicles.

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

23. All planting, seeding or turfing and habitat creation shown on the the approved landscaping scheme shall be carried out in the first available planting season following the practical completion of the development. No tree shall be felled, or hedge removed until the removal/felling is shown to comply with legislation protecting nesting birds and roosting bats. Any approved replacement tree or hedge planting shall be carried out within 12 months of felling and removals of existing trees and hedges. Any trees or plants which die, fail to flourish, or are removed within a period of 5 years from the substantial completion of the development shall be replaced in the next planting season with others of similar size and species. Replacements will be subject to the same conditions.

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

24. Construction Works and Dust Mitigation Control shall be carried out in accordance with an updated Construction Environmental Management Plan (CEMP) must be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in full accordance with said Plan.

*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.*

25. In carrying out the development that is hereby approved no external construction works, works of demolition, deliveries, external running of plant and equipment shall take place other than between the hours of 0730 to 1800 on Monday to Friday and 0800 to 1300 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: 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.*

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## **STATEMENT OF PROACTIVE ENGAGEMENT**

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

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## **BACKGROUND PAPERS**

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Submitted application form, plans, supporting documents and subsequent information provided by the applicant:

Statutory, internal and public consultation responses

The National Planning Policy Framework

National Planning Practice Guidance Notes

County Durham Plan

County Durham Strategic Housing Land Assessment Report (2019)

County Durham Strategic Housing Market Assessment (2019)

Open Space Needs Assessment (2018)

Residential Amenity Standards SPD (2023)

County Durham Building for Life SPD (2019)

County Durham Landscape Strategy (2008)

Parking and Accessibility SPD (2023)

\*The King's Fund is an independent think tank and charity, which is involved with work relating to the health system in England

<https://www.kingsfund.org.uk/insight-and-analysis/long-reads/dentistry-england-explained>



**Planning Services**

DM/23/02170/FPA

Construction of 187no. dwellings and associated open space - Land North and West of Almond Close, Spennymoor, DL16 7YG

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**Date** May 2024

**Scale** NTS

# COMMITTEE REPORT

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## APPLICATION DETAILS

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<b>APPLICATION NO:</b>	<b>DM/23/01868/FPA</b>
<b>FULL APPLICATION DESCRIPTION:</b>	<b>Installation and operation of a Solar Farm together with all associated works, equipment and necessary infrastructure (Resubmission)</b>
<b>NAME OF APPLICANT:</b>	<b>Lightsource BP</b>
<b>ADDRESS:</b>	<b>Croxdale Farms, Hett Moor Farm, Hett, Durham, DH6 5LJ</b>
<b>ELECTORAL DIVISION:</b>	<b>Coxhoe</b>
<b>CASE OFFICER:</b>	<b>Chris Shields</b> <b>Senior Planning Officer</b> <b>03000 261394</b> <b><u><a href="mailto:chris.shields@durham.gov.uk">chris.shields@durham.gov.uk</a></u></b>

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## DESCRIPTION OF THE SITE AND PROPOSALS

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### Site

1. The site of the proposed solar farm occupies an area of 114 hectares (ha) comprised of a series of agricultural fields, with some hedges and vegetation present adjacent to the site boundaries. Thinford Lane (A688) runs in an east to west direction and divides the smaller southern parcel of land from the remaining site. Hett Mill Lane runs in a broadly north to south direction and divides the land positioned to the north of Thinford Lane. The edge of the settlement of Spennymoor is positioned approximately 550m west of the site boundary. Overhead power lines cross the site in several places. An existing substation is positioned adjacent to the site boundary to the north of Thinford Lane and an additional substation is located to the south of Thinford Lane in close proximity to the site boundary. Access to the site is from two existing field gates on Hett Mill Lane.
2. The site does not lie in an area covered by any national or local landscape designations. An Area of Higher Landscape Value (AHLV) is located to the immediate north of the site.
3. The Carrs Site of Special Scientific Interest (SSSI) is positioned approximately 1.8km south of the southern site boundary. Thrislington Plantation SSSI, Special Area of Conservation (SAC) and National Nature Reserve (NNR) cover the same area and are positioned approximately 2.5km south-east of the southern site boundary. Additional SSSIs are located beyond 3km of the site boundary. Cow Plantation Local Nature Reserve (LNR) is located within Spennymoor approximately 2.4km west of the western site boundary, Ferryhill Carrs LNR and Local Wildlife Site (LWS) is positioned approximately 1.2km south of the southern site boundary and Coxhoe Quarry LNR is located approximately 2.5km north-east of the site.

4. The majority of the site is within Flood Zone 1 with a small area in the north eastern field of the application site is identified as being at risk of flooding from fluvial or coastal events and is therefore within Flood Zone 2 and 3. The site is entirely within a minor Groundwater Vulnerability area.
5. The Wilton to Grangemouth Sabic Ethylene Pipeline passes through the site on the south western boundary. The site is entirely within the High Moorsley meteorological station consultation zone for development exceeding 15.2m in height. The site is within a mix of High Risk and Low Risk Coalfield Development Areas. The site is entirely within a mineral safeguarding area for coal and to the west there are mineral safeguarding areas for river sand and gravel.
6. The site consists entirely of agricultural land classified as Grade 3b under the Agricultural Land Classification system and is therefore not best and most versatile.
7. There are no designated heritage assets within the solar farm application boundary. The Grade II Listed Pigeon-Cote Circa 50m north-west of Brandon Farmhouse is located approximately 600m east of the eastern site boundary. Additionally, two further Grade II Listed Buildings are located within the nearby settlement of Hett. Croxdale Hall is a Grade II\* Registered Park and Garden located approximately 1.5km north-west of the northern site boundary. The settlement of Hett, located to the north of the application site, is a Conservation Area.
8. There are a number of public rights of way within the site boundary. Footpath No. 31 (Croxdale and Hett Parish) passes through the site from Hett Moor Mill in an easterly direction before turning and routing south to meet Thinford Lane (A688). Bridleway No.28 (Croxdale and Hett Parish) follows the western boundary of the site before joining Thinford Lane. Footpath No. 32 (Croxdale and Hett Parish) runs along the northern boundary, this PRoW joins Broom hill Farm to Hett Mill Lane. The public rights of way within and in close proximity to the site would be retained and protected as part of this planning application.
9. The nearest residential properties to the proposed solar farm are Hett Moor Farm, which is located to the site, Mount Huley Farm and East Farm are located approximately 700m to the west, Falls Farm is located approximately 300m to the north and Broom Hill Farm is located approximately 200m to the east. The settlement of Hett is located approximately 800m to the north west, Metal Bridge is located approximately 100m to the south, Spennymoor is located approximately 1km to the west and Ferryhill is located approximately 1.4km to the south.

## Proposal

10. This application is for the installation and operation of a solar farm together with all associated works, equipment and necessary infrastructure. It is a resubmission of application DM/21/02990/FPA, which was refused by the Council in June 2022 for the following reason:

*The Local Planning Authority considers that due to its location, size and form of development the proposal would result in unacceptable harm to the character, quality and distinctiveness of the landscape in conflict with CDP Policies 10 and 39 and Part 15 of the NPPF and is therefore in an inappropriate location with the benefits not outweighing the harm contrary to CDP Policy 33.*

11. Rather than appeal the refusal of the previous application, the applicant has sought to resubmit the application addressing the refusal reason. The application states that the amendments to the scheme include the removal of solar panels from the south western

fields, new native tree and hedgerow planting, infill hedgerow planting and species rich grass mix.

12. The proposed development comprises solar panels arranged into linear arrays facing to the south. The solar panels would be composed of photovoltaic cells designed to maximise the absorbency of the sun's rays and to minimise solar glare. Since being submitted the scheme has been amended to reduce the size of the development by approximately 13.3ha by removing the area to the south of Thinford Road which was originally proposed.
13. Since the previous application was considered there have been changes to the expected plant and equipment to be used on the site. The development would now consist of solar panels fitted on metal framework to form arrays with a maximum height of 3m, 28 switchgear substations spaced around the adjoining the internal access roads, 56 inverters and 56 transformers adjoining the switchgear substations. Within the south western part of the site, adjacent to the existing Electricity Distribution Site, there would be a pad containing the 66kV substation. To the immediate west of the access road, in the southern part of the site there would be a compound area including a customer substation, an auxiliary transformer, storage building, monitoring and communications building with associated weather station and communications equipment and a composting toilet. The site would have crushed aggregate internal access tracks.
14. The solar panels would be set back from the site boundaries to allow for perimeter security fencing, CCTV coverage and maintenance access. A corridor would be created around Footpath No.31 (Croxdale and Hett Parish) to ensure that it would remain accessible. The solar panels would be mounted on a metal framework supported by pile driven foundations, without the need for concrete foundations. Between each line of solar panels there would be a gap of approximately 2.5m to avoid overshadowing from one solar panel to another. The solar panels would be tilted at 25 degrees from the horizontal axis and orientated south. The height of the solar panels would be to a maximum height of 3 metres above ground level, with the lower edge of the solar panel elevated to 1 metre off ground level.
15. The solar PV installation would require supporting infrastructure including gravel maintenance tracks, transformers, switchgear substations and security systems. The cabling that links the solar panels and inverters to the substation would be connected via a network of shallow trenches which would be backfilled. The arrays would be set within a 2m high timber & post / deer stock fence around the application site. The stock fence would be fitted with small mammal gates fitted at appropriate points near the bottom of the fence to enable free access. CCTV cameras would be positioned to cover the site access points in order to provide security to the site and prevent unauthorised access by members of the public.
16. The construction phase of the development would last for approximately 5 – 6 months. Working hours for construction are proposed to be 0800 to 1800 hours Monday to Friday and 0800 to 1300 hours on Saturdays. There would be no work undertaken on Sundays or Bank Holidays.
17. The construction phase of the development would create 100 full time equivalent (FTE) on site jobs and a further 135 indirect and induced FTE jobs from the supply chain and related services. The development would generate approximately £4 million of additional gross value added (GVA) to the UK economy during construction and a further £0.6 million during operation. It would also generate approximately £130,000 in annual wages to those employed directly during the operational phase. The total

capital investment in Durham arising from the development would be approximately £30 million.

18. The solar PV installation would result in a reduction in carbon emissions associated with energy generation equating to approximately 14,900 tonnes of CO<sub>2</sub> per annum which is the equivalent of the removal of approximately 8,200 standard, internal combustion powered family cars from the road each year. The proposed solar PV installation of up to 49.9MW is the equivalent to providing for the energy needs of approximately 14,400 homes within the UK. The numbers shown here represent a modest increase in benefit above the previously submitted scheme. This is not a change to the proposed power output but a recalculation based on latest datasets. The development would occupy the site for a temporary period of 40 years, after which the equipment would be removed and the land reinstated.
19. The application is being reported to Planning Committee as it is a major development with a site area greater than 1 hectare.

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## **PLANNING HISTORY**

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20. Application reference DM/21/02990/FPA for the installation and operation of a Solar Farm together with all associated works, equipment and necessary infrastructure was refused in June 2022. This application is a resubmission of the previously refused proposal.

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## **PLANNING POLICY**

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### **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 – 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 – 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.

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

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

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

31. Other material considerations include EN:1 Overarching National Policy Statement for Energy and EN-3 National Policy Statement for Renewable Energy Infrastructure. Both National Policy Statements came into force on 17 January 2024. 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). Further, it is stated 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)

32. *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.
33. *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.
34. *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.
35. *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.
36. *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.
37. *Policy 28 – Safeguarded Areas* – Within safeguarded areas development will be subject to consultation with the relevant authority and will be permitted within the defined consultation zones of the Major Hazard Sites and Major Hazard Pipelines, where it can be demonstrated that it would not prejudice current or future public safety. The Policy also requires that development would not prejudice the safety of air traffic and air traffic services, that there would be no unacceptable adverse impacts upon the operation of High Moorsely Meteorological Officer radar and the operation of Fishburn Airfield, Shotton Airfield and Peterlee Parachute Drop Zone Safeguarding Areas.

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 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.
41. *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.
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.

#### **NEIGHBOURHOOD PLAN:**

47. There is no Neighbourhood Plan for this area.

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

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## **CONSULTATION AND PUBLICITY RESPONSES**

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#### **STATUTORY RESPONSES:**

48. *Croxdale and Hett Parish Council* – has objected to the proposal. The Parish Council consider that the proposal contradicts the County Durham Plan's aim of conserving and enhancing the natural and historic environment, failing to complement the area's built heritage and landscapes as required by the plan. The use of agricultural land for the solar farm goes against the National Planning Policy Framework and Planning Practice Guidance, especially considering the lack of compelling evidence justifying the use of moderate-quality land. Concerns are raised about the potential impact on residents' health and wellbeing due to the unknown health implications of solar farms. Access to green spaces is vital for mental wellbeing, and the removal of such spaces is deemed unacceptable. The project offers no tangible benefits to the local community but will be in close proximity to residents, potentially affecting property values. The intrusion onto the landscape will impact the Hett Conservation Area, affecting local visual aesthetics and conservation efforts. Wildlife in the area and public rights of way may be adversely affected by the development. The conversion of agricultural farmland into a solar farm contradicts the goal of maintaining national food security by preserving productive farmland for agricultural use.
49. *Ferryhill Town Council* – has raised no objections to the application but has commented that the development should incorporate planting to mitigate the loss of amenity to residents of Ferryhill and surrounding areas, planning permission should not be granted for any solar or associated products within the designated section south of the A688, particularly concerning views towards Ferryhill. Conditions should be imposed to align with the Durham County Plan's objective of conserving and enhancing the natural and historic environment. This includes protecting the proposed recreational route from Spennymoor to East Howle, benefiting Ferryhill and the

broader county. Any future planning applications for solar or associated products south of the A688 to Ferryhill should be rejected based on Durham County Council's policies.

50. *Highway Authority* – has raised no objections to the proposals. Officers have stated that the main impact of this site on the Highway network would be during the construction phase when there are expected to be around 1300 HGV movements over a 6 month period. This equates to around 15 deliveries per day (30 vehicle movements), on a road which carries 23,500 two way trips per day. Two existing access points are proposed to be used on Hett Mill Lane, which are currently field gates without proper surfaced access. Therefore, prior to first use they should be upgraded to full accesses with proper surfacing, radii and visibility splays. This would require the applicant to enter into a S184 agreement with the Local Highway Authority. Once the construction phase is completed, the site would generate around 20 trips per year for maintenance of the site, which is considered to be a negligible impact on the local road network.
51. *Natural England* - Has raised no objections to the proposed solar farm. Based on the plans submitted it is stated that the proposed development would not have significant adverse impacts on designated sites or landscapes and has no objection. Officers also provided general advice in respect of protected species and other natural environment issues.
52. *Lead Local Flood Authority (Drainage and Coastal Protection)* – raise no objection advising approval of the Flood Risk and Drainage Impact Assessment.
53. The Coal Authority – has raised no objections to the proposals. Officers have advised that records highlight the presence of coal mining features and hazards in and around the proposed development site, including shallow coal workings, thick coal seams, and recorded mine entries. While the applicant has provided mining and geological information, it fails to differentiate between aspects meeting the Coal Authority's Exemption Criteria and those that don't. However, as built development areas are away from recorded mine entries, with plans for intrusive site investigations to assess potential risks and inform mitigation measures, the Coal Authority supports the planning application with conditions. These investigations must be conducted by competent individuals and consider potential coal mining legacies and associated risks. Officers have also provided advice in relation to mine gas and drainage, which are considerations for other consultees.
54. *Health and Safety Executive* – as the proposed solar farm site currently lies within the consultation distance at least one major hazard site and/or major accident hazard pipeline (6904\_ Operated by SABIC), HSE needs to be consulted on any developments on this site. The HSE does not advise, on safety grounds, against the granting of planning permission in this case. As the proposed development is within the Consultation Distance of a major hazard pipeline the HSE advises that the pipeline operator is contacted before determination.
55. *SABIC (Gas Pipeline Operator)* – has raised no objections to the proposals. Officers have identified that the proposed development is located in the inner, middle and outer zone of the Wilton to Grangemouth Ethylene Pipeline. Should planning permission be granted the developer would need to work with SABIC to ensure that their conditions of working in close proximity to the ethylene pipeline are met. A planning condition would be imposed to require the developer to engage with SABIC prior to the commencement of development.

## EXTERNAL CONSULTEE RESPONSES

56. *Police Architectural Liaison* – has raised no objections to the proposals. Officers have commented that the design of the site should ensure the hedging and fence lines have no gaps and utilize weld mesh fencing as outlined in the design statement. Access gates should match this specification. Monitored CCTV must cover the solar site comprehensively and be tamper-proof, with prompt repairs for any damages. The operator should implement obstacles to deter vehicle access. Visible deterrents like CCTV and warning signs are recommended. Consider forensic marking of panels and cables for theft identification. Regular perimeter patrols, ideally daily, are advised to detect any potential breaches promptly.

## INTERNAL CONSULTEE RESPONSES:

57. *Archaeology* – has raised no objections to the proposals. An initial phase of trial trenching was carried out and showed there to be no significant archaeological remains within the assessed areas. Officers have agreed that the remaining trial trenching works could be carried out prior to commencement of the development and conditions are recommended to secure this.
58. *Design and Conservation* – has raised no objections the proposals. Officers have advised that the comments made in relation to the previous application remain valid and note that the main change to the proposal relates to landscape. Officers previously raised concerns that the development would have an urbanising effect on the area and may lead to a coalescence of the settlements of Thinford, Hett and Metal Bridge. Officers have considered the impact of the development on designated assets and the Hett Conservation Area and concluded that the impact would be minor and not at a level to cause harm to significance.
59. *Ecology* – has raised no objections to the proposals. Officers have raised two issues. Firstly, the suggestion is to replace the proposed spring cereals with skylark plots and over wintered stubbles with a wildflower/grass mix similar to the rest of the site, benefiting a wider range of species. Secondly, it is recommended to widen the buffer zone around the running water feature by setting back the panels further, creating a more significant ecological feature and enhancing connectivity through the site. These points would be addressed in the detailed landscaping scheme that would be required by condition.
60. *Environmental, Health and Consumer Protection (Contaminated Land)* – has raised no objections in relation to the proposed solar farm. Officers have stated that their position remains as per the previous application, DM/21/02990/FPA, which recognised that there are some small areas on the site identified as areas of potential land contamination. Conditions are recommended to investigate and, if necessary, remediate these areas.
61. *Environmental, Health and Consumer Protection (Air Quality)* – has raised no objections to the proposals. Officers have stated that construction activities are expected to produce dust, necessitating an assessment of their impacts and the implementation of mitigation measures according to Institute of Air Quality Management guidelines. Given the presence of nearby residential areas sensitive to dust and air quality impacts, it's recommended that the site be conditioned to ensure proper dust control measures are implemented. Whilst there are residential receptors within 50 meters of the site boundaries, and considering the expected construction activities and the generally good existing air quality, a detailed air quality assessment, such as dispersion modelling, is deemed unnecessary for the planning application.

62. *Environment, Health and Consumer Protection (Nuisance Action)* – has raised no objections to the proposals. Officers have advised that The application meets the thresholds outlined in the Technical Advice Note (TANS), suggesting it won't have a negative impact. Both the Noise and Glint and Glare Assessments, conducted by qualified consultants, show that operational noise and glint/glare effects would be mitigated. Existing vegetation and buildings will adequately screen residential properties from potential glint and glare impacts. Officers recommend the imposition of a condition to require submission of a Construction Management Plan.
63. *Landscape* – has raised no objections to the proposals. Officers have stated that the development would cause significant harm to the local landscape's character, quality, and distinctiveness, as well as to important views from Crow Trees and Coxhoe Quarry Wood Local Nature Reserves. This harm is assessed as substantial initially, diminishing to moderate over approximately 10 years at the local level, but with lasting moderate to substantial effects on the landscape's character from the escarpment views. Following revisions to the development Landscape officers commented that changes made to the landscaping plan were welcomed but reiterated that there was a requirement to provide some offsite screening adjacent to the A688 road. A condition to require a landscaping scheme would be recommended.
64. *Public Rights of Way* - has raised no objections to the proposals. Officers note that Croxdale & Hett Footpath Nos 31, 34 and Bridleway No. 28 would be maintained on their legal lines in the future. After reviewing the Glint and Glare assessment, it's clear that Croxdale and Hett Footpath No.31, which traverses the site, would be significantly affected by the proposal, though mitigating measures such as planted hedgerows and trees may lessen the impact over time. Other nearby PRow's will also be affected, albeit to a lesser extent. Concern is raised that hedges may narrow the affected PRow's and it is therefore requested that any planting be non-intrusive and that path widths remain as wide as possible to prevent future vegetation encroachment. Additionally, any proposed fencing near a PRow should not directly abut the path boundary and should include appropriate buffers on either side to ensure path users are not restricted. If temporary closures of PRow's are necessary, particularly during construction in the first year, coordination with the Temporary Road Closures team is essential for appropriate application. It is imperative that these PRow's remain unobstructed by buildings, barriers, materials, waste, or fencing during and after works, and any surface damage must be promptly repaired to ensure the safety of the public using the paths at all times
65. *Spatial Policy* – has raised no objections to the proposed solar farm. Officers identify the key planning policies and their current status relevant to the consideration of this proposal. Comments also highlight any policy related material considerations relevant to the consideration of this proposal in terms of national policy, guidance and locally derived evidence bases. Officers consider that the key determining factors will be the renewable energy and economic benefits of the proposals balanced against potential harm to the countryside, and possible surface water issues that could result from the development.

#### **PUBLIC RESPONSES:**

66. 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 1128 neighbouring properties.
67. 24 comments have been received. Of these there are 14 letters of objection, 7 letters of support and 3 representations neither supporting or objecting. A petition objecting

to the loss of visual amenity, appearance and landscaping, loss of farmland and impact to health and wellbeing has been signed by 47 people.

68. In addition to the Councils own consultation exercise, the Applicant instructed a third party company to survey local residents. This was carried out in January 2024 and therefore during the determination of the application, rather than prior to submission. For clarity, the Applicant did also host a community consultation event prior to the application being submitted.
69. The survey carried out by the third part company targeted residents in Hett, Ferryhill and Spennymoor and had a total of 134 participants. Within the survey area it was found that 43% of residents were supportive, 41% were neutral and 16% were opposed to the solar farm. Overall, there is strong community support for the proposed solar farm project, with many residents recognizing the importance of renewable energy for tackling climate change and addressing the current energy crisis. Support stems from the belief that solar energy is the future and can contribute to reducing energy bills and improving community infrastructure through the proposed community benefit fund. Concerns from opponents mainly revolve around the loss of agricultural land, perceived industrialisation of the landscape, and misinformation about potential hazards associated with the solar farm. However, the majority of respondents are in favour of renewable energy generation and biodiversity improvements proposed by the project.

#### *Objection*

70. It has been stated that the development would ruin the landscape, would be in the green belt and create a change of use from agricultural to industrial. It has been stated that the proposed planting would not be adequate to screen the site.
71. Concerns have been raised in relation to the trend of planning permissions being influenced by financial incentives offered to councils, citing offers of money to Parish and the County Council, as well as substantial rent payments to landowners.
72. The environmental impact and effectiveness of solar energy in a region with limited sunshine has been questioned, with criticism of the use of arable land for solar farms and the potential contamination of the soil with hazardous materials.
73. Objectors have stated that the development would cause harm to the Conservation Area.
74. It has been stated that development would lead to the loss of best and most versatile agricultural land with an objector suggesting that the site comprises only Grade 3a land.
75. Objectors have stated that alternative green energy sources like wind farms and government initiatives for solar panels on new buildings should be considered before using agricultural land for solar development.
76. Concerns are raised about the ecological impact of fencing and the long-term consequences of solar farm development, portraying it as driven by financial gain rather than environmental sustainability.
77. *The Council for the Protection of Rural England (CPRE)* – object to the solar farm application. Concerns have been raised about the loss of agricultural land for solar development, particularly given the extended period of use and the current conflict in Ukraine emphasizing the need to preserve agricultural land. While recognizing



government ambitions for solar power expansion, CPRE questions the significance of the "Powering up Britain" document in planning terms and advocates for rooftop and brownfield solar development instead. CPRE supports the proposal for rooftop solar but opposes the use of low/medium grade agricultural land, citing concerns about landscape, biodiversity, and winter power generation. Despite some mitigating changes, CPRE maintains that the proposal would harm the landscape, echoing previous objections and emphasizing the importance of biodiversity net gain. Landscape Section comments are broadly supported, especially considering the potential impact on views from and towards the high ground, including newly designated Area of Higher Landscape Value

78. *Bowburn and Parkhill Community Partnership* – has stated that although the site is not within the area covered by the Partnership, it is on the boundary. As a result, it could also have a significant impact on views from or towards parts of our area, including the Area of Higher Landscape Value at the Magnesian Limestone Escarpment. Were this development within the parish of Cassop cum Quarrington, Policy CCQ 4 of the Cassop cum Quarrington Neighbourhood Plan, which seeks to achieve beautiful and successful development, could well be relevant in this case, especially bearing in mind the potential impact on the Area of Higher Landscape Value. Members also noted the comments of Croxdale and Hett Parish Council and considered these to be valid and wish to support them.

#### *Support*

79. Supporters of the development have stated that the solar farm would generate enough clean electricity to meet the annual equivalent needs of 14,400 households, bring down overall energy costs and improve domestic energy security. The development would save over 14,900 tonnes of carbon annually, reducing greenhouse gas emissions and help the UK to achieve key climate and environmental goals. The development would deliver biodiversity net gain of 61% for habitats and 86% for hedgerows with suitable native species, planting of 3.6km of new hedgerows and providing a nesting area for breeding and wintering birds. A community benefit fund would be made available to communities within a 6 mile radius and business rates from the development would be in the region of £8 million over the life of the development.
80. *Mary Kelly Foy, MP for the City of Durham* – has written in support of the application, stating that Durham County Council declared a climate emergency in 2019 and committed to achieving a carbon-neutral county by 2045, aligning with the UK's net-zero carbon emissions target by 2050. To fulfil these commitments and address energy price shocks and reliance on unstable international markets, developing domestic renewable energy generation projects is imperative. This proposed development aims to generate clean, homegrown power for thousands of homes, reducing carbon emissions and enhancing energy security. While acknowledging concerns raised by residents regarding the impact on the surrounding countryside, the applicant has made amendments to mitigate visual impact, including hedgerow and native species planting. Considering the urgency of transitioning to clean energy and the site's proximity to a key substation, the location is deemed suitable for such development. Although the land in question may have agricultural value, the proposal aligns with the landowner's diversification goals and contributes to County Durham's net-zero target. While acknowledging residents' concerns, it's crucial to prioritize actions to combat climate change. Therefore, careful consideration supports the proposal, with ongoing engagement to address community concerns and ensure a sustainable future for County Durham and beyond.

## **APPLICANTS STATEMENT:**

81. Lightsource bp is a global leader in the development and management of solar energy projects. Lightsource bp work closely with local businesses and communities to supply clean, dependable and competitively priced energy, and are dedicated to securing a low-carbon future, in the UK and worldwide.
82. The planning application comprises the development of a 49.9MW. It is subsequent to an application, submitted by Lightsource bp, for solar farm development at the site, which was refused in June 2022 on grounds relating to landscape harm. Since the determination of the first planning application, Lightsource bp and their design team have undertaken a design review of the scheme in advance of this resubmission.
83. Off the back of this design review, Lightsource bp have resolved to remove PV panels from the scheme, notably in the south-western fields which make up the site, culminating in a reduced development footprint. These amendments have also been supplemented with an increase in the provision of landscape mitigation measures, in the form of hedgerow planting, in order to break up the arrangement of the remaining PV panels into more visually contained parcels, reducing the impact on views from distant viewpoints.
84. The proposed solar farm will make a significant positive contribution to increasing renewable energy generation and reducing carbon emissions in the context of a nationally and locally declared Climate Emergency.
85. Opportunities to deliver renewable energy installations, of the scale proposed at Hett Moor, are constrained by capacity limitations on the National Grid. The proposed development provides a valuable opportunity to contribute a significant amount of renewable energy into the UK's energy supply.
86. The benefits of the scheme have been recognised by the local community, where a community engagement exercise undertaken across Hett, Ferryhill, and Spennymoor, in January 2024 found that 43% of residents were supportive of the development, 41% were neutral, and 16% opposed. The general consensus from this exercise was that residents were supportive of the proposals, recognising that renewable energy was important to address climate change, and more domestic energy generation was needed given the current energy crisis.
87. In realising a solar farm of the scale proposed at Hett Moor, Lightsource bp estimate that it would result in a reduction in carbon emissions equivalent to taking approximately 8,200 cars off the road or meeting the energy needs of over 14,400 homes per year.
88. In addition, the project will provide several significant benefits to the local community and the environment, including:
  - £500,000 of community benefits, with an investment structure that ensures access to funds exists in perpetuity.
  - In excess of £3 million in business rates to the local authority over the lifetime of the project; and
  - A very high biodiversity net gain with habitat units increased by 60%, hedgerows by 84% and water courses by 58%.

89. The application is recommended for approval by officers and if you vote to approve this application, you will be voting for an application that will have a significant positive impact on the surrounding area, both environmentally and economically, and has local support.

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## **PLANNING CONSIDERATIONS AND ASSESSMENT**

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

### Principle of Development

91. This application is a resubmission of a previous application for a solar farm on the same site. There are no proposed changes to power output of the site and whilst minor changes have been made to proposed supporting plant (inverters, transformers etc.) this would not materially alter the appearance of the site. The main changes to the development relate to landscaping, which has been designed to address the reason for refusal of the previous scheme and a reduction in the area occupied by solar panels, with an area to the south west removed from the site layout.
92. 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.
93. 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.

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

#### Key policies for determination

95. The key policy for the determination of this application is CDP Policy 33 relating to renewable and low carbon energy. This Policy supports renewable and low carbon energy development in appropriate locations, including transmission lines. The Policy advises that significant weight will be given to the achievement of wider social, environmental and economic benefits. The Policy also advises that proposals should include details of associated developments including access roads, transmission lines, pylons and other ancillary buildings. Where relevant, planning applications will also need to include a satisfactory scheme to restore the site to a quality of at least its original condition once operations have ceased. Where necessary, this will be secured by bond, legal agreement or condition.
96. 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.
97. 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.
98. 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.
99. 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.
100. The potential impacts of the development will be considered in the sections below.

101. 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 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.
102. It should be noted that the CDP has identified areas suitable for wind turbine development but not for solar.
103. 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.
104. 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.
105. The Applicant has proposed changes to the development from the previous scheme in order to address the reason for refusal but in addition to this there have been appeal decisions relating to comparable solar developments in Durham that provide a clear indication of the significant weight that should be attributed to benefit of renewable energy.
106. 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 along with applicable policies within the CDP and NPPF. The acceptability of the development in relation to the issues set out below will assist in determining if the location of the development is appropriate in the context of CDP Policy 33.

## Landscape

107. 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.

108. 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.
109. 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.
110. 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.
111. The site lies in the Wear Lowlands County Character Area which forms part of the larger Tyne & Wear Lowlands National Character Area (NCA 14). It lies in the Eastern Valley Terraces Broad Character Area which belongs to the Lowland Valley Terraces Broad Landscape Type. The site is made up of open, undulating arable farmland sloping eastwards bounded by low clipped thorn hedges dating from early post-medieval enclosure of Hett Moor (Terrace farmland: open arable Local Landscape Type, Old enclosure Subtype). Hedgerow trees are absent or infrequent.
112. The site forms part of a wider tract of open farmland of a similar character. Although for the most part strongly rural, the local landscape in the west of the site and south of the A688 Thinford Lane contains a number of strategic overhead powerlines and electricity substations which, together with the busy A688, give it an urban fringe quality in those areas.
113. The site does not lie in an area covered by any national or local landscape designations. An Area of Higher Landscape Value (AHLV) does however lie adjacent to the northern site boundary. Hett Conservation Area lies to the northwest of the site.
114. The site occupies low lying gently undulating farmland falling eastwards to the shallow valley of the Coxhoe Beck from a high point at the southwest of the site. Due to the nature of the topography views of the locality are generally shallow. Receptors in that area include the A688 Thinford Lane, Hett Mill Lane, public footpaths and bridleways and scattered isolated properties. It is visible in slightly deeper views from land that it falls towards to the immediate east including the A688 and A177 around Tursdale roundabout and a section of the East Coast Main Line.
115. It is overlooked from the higher ground of the Limestone Escarpment including the Limestone Escarpment Ridge to the south and the southern spurs of the Northern Limestone Escarpment to the east. Receptors in that area include properties in parts

of Ferryhill, Cornforth, Coxhoe, Quarrington Hill, minor roads (C37, C23, C24) public rights of way and Crow Trees and Coxhoe Quarry Wood Local Nature Reserves.

116. The site and the local landscape are of broadly medium sensitivity: a combination of low-moderate value and a medium susceptibility to development of this kind. While the wider landscape has a settled character with a number of detractive elements, including busy highways and energy infrastructure, this leaves the rural dimension to its character relatively fragile and susceptible to further impacts. The landscape of the site itself is for the most part strongly rural although powerlines and the electricity substation in the west give it a more urban fringe quality in that area.
117. At the level of the site and its immediate surroundings the proposals would involve a transformative change from open arable farmland to a solar farm dominated by features of a notably man-made/industrial character. The effects would be temporary and reversible but would last for 40 years. As noted in the Landscape and Visual Assessment, the magnitude of the effect at site level would be high and would remain so even with mitigation as the planting proposed would not alter the overall effects upon the character of the site.
118. The transformative effect on landscape character within the site would be strongly evident from Footpath 31 which crosses the eastern part of the site, footpath 34 which defines the northern boundary and passes through the north-eastern part of the site and bridleway 28 which runs along the western boundary.
119. The effects would be notable in views from Hett Mill Lane which crosses the site and from where there would be intermittent shallow views of both the eastern and western parts of the site. While these would be limited in places by roadside hedges, views would still be afforded over lower clipped hedges, through sporadic sparser sections, and through gaps and gateways. This would be particularly the case for land west of the road which is on rising ground. The effects of development would be less apparent in the landscape north towards Hett where views are typically shallow and development would be largely screened by intervening topography and vegetation.
120. From the immediate south along Thinford Lane (A688) the effects of development would be visible in sequential views of varying character. In some views the site would be screened by roadside hedgerows and cuttings and in others parts the development would be open to view and prominent where hedges are 'gappy', absent or low. In some views the effect on character would be substantial. The site would be open to view more or less in its entirety from a section of the A688 north of the Turdale roundabout on land falling towards the viewer from where the effect would be substantial. Parts of the site would be visible in the view ahead for traffic approaching the A688 roundabout on the A177 from the east.
121. Within the wider landscape the site is overlooked from higher ground on the Limestone Escarpment to the south and east. The development would have some notable effects on the character of the landscape in these views due to the topography of the site, which slopes eastwards towards the escarpment, and the large scale of the proposals. In views from the Limestone Escarpment Ridge to the south-west on the edge of Ferryhill the site is largely screened by topography and vegetation and photomontages indicate that the effect on the character of the landscape would be low. In views from the spur and vale topography of the escarpment to the east the development would be conspicuous and the effect on character would be higher. In views from Quarrington Hill, the development would be visible as an extensive tract of notably artificial land cover replacing a large area of open farmland. While the view is across a settled landscape and takes in existing infrastructure and built form, including the large Amazon warehouse, the effect would be of built form visually coalescing across a wide

area and would be of a medium-high magnitude. In these views mitigation measures would not materially alter the appearance of the site or its effects on landscape character.

122. Landscape officers have stated that the visual effects would be high for users of the local footpath network within the site (Footpaths 31 and 34 (Croxdale and Hett Parish) or in proximity to the site boundary (Bridleway 28 and Footpath 34 (Croxdale and Hett Parish) in particular). The proposed development would be located either side of Footpath 31 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 this path. 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 this location and undulating nature of the topography in this 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 clearly noticeable in views from Bridleway No. 28 in the short term, however with careful management of the existing hedge between the bridleway and the site, together with the proposed mitigation planting, the visual impacts would be reduced in the medium term.
123. There would be some notable visual effects as noted above, in longer distance and elevated views from the Limestone Escarpment to the east. These include views from public vantage points such as the local nature reserves at Coxhoe Quarry Wood and Crow Trees enjoy commanding panoramic views across the Wear Lowlands. These are considered to be important views having regard to the number of people who access these areas and the fact that appreciation of the view, and of the landscapes it takes in, are clearly valued. While these views are of visually complex settled landscape, the development would be conspicuous and would detract from the appearance and quality of the landscape to a notable degree.
124. To mitigate against landscape and visual impacts additional tree, shrub and hedgerow planting has been proposed. In the long term this would make some localised contribution to the conservation and enhancement of the local landscape and these measures could be secured by an agreement under Section 39 of the Wildlife and Countryside Act 1981.
125. The visibility of the development within the immediate locality, and therefore its effects on the character of the local landscape, would be reduced over time by a combination of tailored management of existing trees and hedges and 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 and enhance character to a lesser degree. The time taken to achieve this would vary. In some cases, allowing hedges to grow taller would be effective in a few years, in other cases where new planting was proposed it would take longer – particularly from footpaths crossing the site and elevated sections of road. In some views mitigation measures would have a negligible effect.
126. Taken in the round, the effect on the character of the local landscape would be high initially, reducing to a medium magnitude within around 10 years but with some high but localised residual effects.
127. Landscape officers consider that the proposals would not cause harm to the special qualities of the adjacent AHLV. Hett Conservation Area lies to the northwest of the proposal. The rural setting of the village contributes to the character of the Conservation Area. Intervisibility at a local level would be limited due to the



orientation of the solar arrays, topography, intervening hedgerows and the nature of the shallow views, however in views from the escarpment to the east, both would be seen in conjunction. It is considered that the value of the value of the Conservation Area is not appreciated in such long-distance views and would therefore not be harmed.

128. A landscaping scheme has been submitted with the application and has seen revisions throughout the consideration of the application. Planting would be provided to improve screening by gapping up hedgerows on the site boundaries and a large area of woodland planting on the eastern boundary.
129. It is noted that Landscape officers consider the proposals would cause harm to the character and quality of the landscape, however, it is considered that this harm is primarily drawn from distant views and is less significant in closer proximity to the site. To assist in mitigating this harm, and to address the reason for refusal of the previous application, the applicant has proposed additional woodland planting and the protection and enhancement of hedgerows within the development site in accordance with the requirements of CDP Policy 40. Further planting to the east of the site has also been requested by condition. Notwithstanding this, it is considered that the proposal would be in conflict with CDP Policy 39 and Part 15 of the NPPF.

#### Access and Traffic

130. 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.
131. The east and west sides of the site would be accessed from existing field entrances on Hett Lane (Unclassified Road UNC 27.2) that would be widened and improved to accommodate the construction and site traffic.
132. A Transport Statement (TS) has been submitted in support of the solar farm application. The TS has identified that the construction period for the development would be approximately 5 to 6 months with a typical maximum number of HGV deliveries being 30 per day (15 in and 15 out). There would be a total of approximately 1305 deliveries to the site during the 5 – 6 month construction period. This is likely to be similar for the decommissioning of the site. During the operational period the site would only need to be visited 10-20 times per annum by a car or van.
133. Highways officers have considered the proposal and find the access arrangements for both the construction and operational periods to be acceptable. Officers have stated that operational solar farms generally generate minimal traffic on local roads, primarily related to maintenance activities. The main traffic impact is anticipated during the construction phase. Considering the A688's current traffic volume of approximately 23,500 vehicles per day (two-way), with 1800 vehicles during the morning peak and 1900 during the evening peak, the impact of 30 vehicle movements associated with construction is considered negligible.
134. The proposal involves using two existing access points on Hett Mill Lane, presently field gates without proper surfacing. Prior to use, these accesses must be upgraded to full accesses with proper surfacing, radii, and visibility splays, requiring a S184 agreement with the Local Highway Authority. All associated works on the adopted

highway will be at the applicant's expense. Auto tracking has confirmed that vehicles for deliveries can safely manoeuvre into and out of the proposed site accesses and between Hett Mill Lane and the A688

135. Whilst the proposed solar farm would generate a degree of construction traffic for the 5 – 6 month construction period it would be not be unacceptable in this location due to good access and existing highway capacity. Following construction, the solar farm would be automated and would only be attended for monitoring and maintenance purposes. Conditions are recommended to secure a Construction Traffic Management Plan and to ensure that vehicles accessing the site are adequately cleaned before leaving so that debris is not carried onto the public highway. No objection is raised by the Council as Highways Authority. 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 condition set out the development would not conflict with CDP Policy 21 and Part 9 of the NPPF.

### Residential Amenity

136. 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).
137. 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.
138. The nearest residential properties to the proposed solar farm are Hett Moor Farm, which is located to the site, Mount Huley Farm and East Farm are located approximately 700m to the west, Falls Farm is located approximately 300m to the north and Broom Hill Farm is located approximately 200m to the east. The settlement of Hett is located approximately 800m to the north west, Metal Bridge is located

approximately 100m to the south, Spennymoor is located approximately 1km to the west and Ferryhill is located approximately 1.4km to the south.

139. Objections have been received from local residents, Hett and Croxdale Parish Council, Bowburn and Parkhill Community Partnership and CPRE. In relation to residential amenity the objections focus on visual amenity and landscape impact.
140. A Glint and Glare Assessment has been submitted in support of the application. This provides background information for the review of legislation, assessment methodology including identification of receptors, baseline conditions and an impact assessment. The assessment identified where there was potentially an impact to receptors from the development and modifications were made (pre-submission) to either remove areas of solar panels or to provide mitigation planting. Following revisions to the scheme the risk of impact to residential receptors was reduced to none.
141. Landscape impact has been assessed in the section above, but it is acknowledged that those people living near to the site experience landscape harm as a constant rather than passing impact. Notwithstanding this, the removal of the southern section of the scheme has significantly reduced the potential visual impact from residents of Ferryhill and there are very few other properties that would have a view of the site, none of which have objected to the proposal. Whilst the development would have a transformative impact the site would still retain green space and additional planting is proposed to lessen the visual impact. Given the existing screening and limited impact to residential properties it is considered that the visual impact of the site in terms of amenity would not be unacceptable.
142. The proposed solar farm has very limited potential to create any noise, dust or light pollution impacts. The panels themselves would be of the static variety that are silent in operation. Infrared security lighting negates the need for visible spectrum lighting during site operation and flood lighting would not be used during construction. Environmental Health and Consumer Protection officers have considered the proposals and raise no objections in respect of potential nuisance, air pollution or glint and glare. Officers note that the construction phase is the only time where noise may be an issue and have requested that hours of operation be conditioned. In accordance with standard practice, it is proposed that through condition a Construction Management Plan is submitted to ensure that dust, noise, access, routeing and community liaison amongst other matters.
143. It is considered that the proposed development would not create an unacceptable impact on health, living or working conditions or the natural environment. The proposals would not result in unacceptable noise, dust or light pollution and, subject to the imposition of the conditions recommended above, it is considered that the proposals would provide an acceptable standard of residential amenity in accordance with CDP Policies 10 and 31 and Part 15 of the NPPF.

#### Contamination and Ground Stability

144. 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.

145. A Preliminary Risk Assessment has been submitted in support of the application. This assessment concludes that there may be possible sources of contamination associated with backfilled sandstone quarry in the north of the site. The proposed solar farm development is considered to be of low sensitivity with respect to Human Health, therefore the risk from any ground contamination is considered to be low. Risks to groundwater are also considered to be low given the relatively low environmental sensitivity of the site. The backfilled quarry and shallow mine workings/ entries are potential sources of ground gas which will need to be assessed as part of a ground investigation.
146. Environmental Health and Consumer Protection officers have considered the proposals and raise no objections in respect of land contamination. Conditions have been recommended to require investigation of potential areas of ground contamination.
147. The application site is situated within a designated Development High Risk Area with coal mining features and hazards including actual and probable shallow coal workings, as well as thick coal seams that may have been surface-worked, potentially leading to ground instability and mine gas emissions. Two recorded mine entries (shaft and adit) near the planning boundary pose significant risks to surface stability and public safety if left untreated. While the proposed development has been informed by a Preliminary Risk Assessment and Coal Mining Risk Assessment, there's a need to differentiate between aspects meeting the Coal Authority's Exemption Criteria and those that do not. As the proposed built development appears to be away from the recorded mine entries, intrusive site investigations are recommended to assess potential unrecorded shallow mine workings and inform necessary remedial measures. Conditions are recommended to secure investigation and any necessary remediation.
148. It is considered that the proposed development would be suitable for the proposed use and would not result in unacceptable risks which would adversely impact on the environment, human health and the amenity of local communities and it is considered that the proposals would provide an acceptable standard of residential amenity in accordance with CDP Policy 32 and Part 15 of the NPPF.

## Flooding and Drainage

149. 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.
150. 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.

151. 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.
152. The application is accompanied by a flood risk assessment (FRA) which identifies that the application site is located almost entirely within Flood Zone 1. A small section of the north eastern corner of the site is located within Flood Zones 2 and 3 but this area would not contain any of the site infrastructure. The Tursdale Beck runs to the east of the site but there are no watercourses within the site. A sustainable drainage strategy, involving the implementation of SuDS in the form of infiltration trenches, is proposed for managing the disposal of surface water runoff from the proposed development on the site. The proposed infiltration trenches would have an overall combined length of approximately 1679m, with a base width of 0.5m, a 0.5m design depth and a 0.15m freeboard. They would be filled with crushed rock with a void ratio of 20%. It would provide a total storage volume of approximately 83.95m<sup>3</sup>. This is greater than the volume of additional runoff generated as a result of the impermeable buildings (61.0m<sup>3</sup>).
153. Drainage and Coastal Protection officers have provided general guidance in relation to flood risk and have advised that they approve of the Flood Risk and Drainage Impact Assessment. Notwithstanding this, it is considered that submitted FRA and flood mitigation measures would meet with policy requirements. It is therefore considered that the proposed solar farm development would not lead to increased flood risk, both on and off site, and through the use of SUDs would ensure there is no net increase in surface water runoff for the lifetime of the development. It is therefore considered that the proposals would not conflict with CDP Policies 10 and 35 and Part 14 of the NPPF.

## Ecology

154. 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.
155. 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.

156. An Ecological Impact Assessment has been provided with the application. The assessment provides a baseline study of the site including the proximity of designated sites, habitats and constraints within the site and includes a Phase 1 habitat survey. The potential impacts to protected species has been considered, including birds, bats, badger, otter, water vole, brown hare, common dormice, amphibians and reptiles.
157. The assessment indicates that the proposed solar development is unlikely to adversely impact roosting bats or their habitats. It states that there are no suitable roosting habitats within the development footprint, and the management practices of the operational solar farm, such as grazing at low stocking levels and maintaining plant diversity beneath the panels, could benefit local bat populations by increasing insect numbers. Additionally, hedgerows and the watercourse adjacent to the site are expected to provide moderate foraging and commuting habitat for bats, which will remain intact beyond the solar array. As a result, no mitigation measures are recommended for bats.
158. The site is considered to have negligible suitability for otter and water vole and no evidence of either species was noted during the assessment. The biological records search included Great Crested Newt records. However, there are no ponds within the development site and field ditches were unsuitable being either overgrown or with running water. A very small pond is thought to be present on the edge of a farmyard 230 metres to the north east of the development site. This pond is isolated by farm buildings and arable habitat, with no functional linkage along hedgerows or similar out into the landscape. No other ponds are present within 1km and it is near-certain that this small pond does not support great crested newt which live in meta-populations across several ponds. Although Great Crested Newt are unlikely to be present, there is limited potential for occasional common and widespread amphibians to be associated with field boundaries. These areas will be protected during the construction and operational phases and no adverse effect is predicted for this group.
159. The Ecological Assessment concludes that proposed development would have no direct effects on neighbouring waterbodies including ponds with historic confirmed GCN presence. Similarly, with standard good practice pollution prevention and runoff control measures in place during construction and operation, off-site ponds and the species they support would be suitably protected from the risk of adverse effects during the construction phase. As a result of habitat enhancements, including the creation of structurally diverse grasslands under and around the panels and new hedgerow planting, the completed solar farm would provide higher value and better connected terrestrial habitat for amphibians (and reptiles if present) than is currently present. As a result, the proposed development and associated new habitat creation is considered likely to have a positive effect on the favourable conservation status of the local amphibian population and reptiles if present. The likely risk of presence of a European Protected Species has been adequately ruled out, the requirement for a license, and hence application of the derogation tests in this instance is therefore not required.
160. A Biodiversity Mitigation and Enhancement Plan has been submitted setting out the ecological baseline for the site, provides mitigation measures and ecological enhancement and also includes a monitoring and management schedule.

161. Biodiversity enhancement for the site would include approximately 3950m of new, mixed native species hedgerows and a further 260m enhanced. There would also be the creation of species rich grassland on land occupied by the solar arrays and installation of at least 20 bird boxes and 20 bat boxes of different varieties to suit different species. This would amount to a biodiversity net gain of 61% for habitats and 86% for hedgerows. These enhancements are all set out in the Biodiversity Management Plan.
162. CPRE has commented that the provision of bird and bat boxes is noted but considered to be too low and there does not appear to be any mitigation for skylark and curlew on the site and no proposals to increase this particular type of biodiversity. Additional breeding bird surveys were carried out and noted the presence of skylark. Areas of the site have now been allocated as breeding bird habitat and would be managed appropriately.
163. Ecology officers have considered the proposals and raised no objections. Officers have suggested replacing the proposed spring cereals with skylark plots and over wintered stubbles with a wildflower/grass mix similar to the rest of the site, benefiting a wider range of species. Secondly, it is recommended to widen the buffer zone around the running water feature by setting back the panels further, creating a more significant ecological feature and enhancing connectivity through the site. These points would be addressed in the detailed landscaping scheme that would be required by condition.
164. It is recommended that the biodiversity enhancement would be secured through a Section 39 Agreement under the Wildlife and Countryside Act 1981. Section 39 of the Wildlife and Countryside Act 1981 enables local authorities to enter into management agreements with the owner of land for its conservation (and for other related purposes) and is regarded as a suitable mechanism for securing long term land management in relation to biodiversity net gain. A condition is not regarded as a suitable mechanism due to the 40 year timescale of the solar farm development and a Section 39 is more suited to ensuring long term management.
165. The proposed solar farm would provide biodiversity enhancement to the site and, whilst there may be temporary displacement of wildlife during the construction process, the net increase in biodiversity value would adequately mitigate any residual harm. It is considered that the proposed solar farm would not impact upon any nationally or locally protected sites. Suitable mitigation would be secured through Section 39 agreement. It is therefore considered that the proposals would not conflict with CDP Policies 25, 41 and 43 and Part 15 of the NPPF in respect of avoiding and mitigating harm to biodiversity.

## Recreational Amenity

166. 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.
167. There are a number of public rights of way within the site boundary. Footpath No. 31 (Croxdale and Hett Parish) passes through the site from Hett Moor Mill in an easterly direction before turning and routing south to meet Thinford Lane (A688). Bridleway

No.28 (Croxdale and Hett Parish) follows the western boundary of the site before joining Thinford Lane. Footpath No. 32 (Croxdale and Hett Parish) runs along the northern boundary, this PRow joins Broom hill Farm to Hett Mill Lane. The public rights of way within and in close proximity to the site would be retained and protected as part of this planning application.

168. Access and Rights of Way officers have considered the proposals and raised no objections noting that Croxdale and Hett Parish Footpaths 31 and 34 and Bridleway 28 are all to be retained and protected. Officers have commented that the Glint and Glare assessment indicates that Croxdale and Hett Footpath 31, running through the site, would be significantly affected by the proposal, though mitigation planting is expected to lessen the impact over time. Other PRowS near the site would also be affected to a lesser degree. A concern raised is that hedgerows may reduce path widths, so any planting should not be intrusive, and paths should be kept wide. Additionally, proposed fencing should not directly border the path but have appropriate buffers on either side.
169. Whilst a landscaping scheme has been provided with the application, a condition is recommended to provide final details at a later date. The revised landscaping scheme would be expected to address the comments made by the Access and Rights of Way Team and they would be consulted on the scheme once it is submitted.
170. Subject to the indicative landscape mitigation being provided, and final details being of a satisfactory standard, it is considered that the proposed development would not result in the loss of deterioration in quality of existing public rights of way in accordance with CDP Policy 26 and Part 8 of the NPPF.

#### Cultural Heritage

171. 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.
172. 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.
173. A Heritage Assessment has been submitted in support of the application. This assessment provides baseline information including a description of the site and development, methodology and consideration of potential archaeological remains and designated heritage assets. The assessment advises that the site has likely been in agricultural use since at least the early 19th Century. While some possible archaeological features were identified as part of the geophysical survey and a limited trial trenching exercise, they were not significant. The assessment concludes that the



proposed scheme's location, topography, and landscaping proposals would minimise visibility and impact on heritage assets, such as the Hett Conservation Area and Tursdale House. Advice within the assessment is that the scheme would not cause harm to heritage assets

174. Design and Conservation officers have considered the proposal and heritage assessments and agree with the conclusions that the development would have no harm to the significance of designated heritage assets or the Hett Conservation Area. Archaeology officers have raised no objections to the proposals noting that the initial phase of trial trenching showed there to be no significant archaeological remains within the assessed areas. Officers have agreed that the remaining trial trenching works could be carried out prior to commencement of the development and conditions are recommended to secure this.
175. Subject to the imposition of conditions requiring further trial trenching and evaluation it is considered that the proposed solar farm would not conflict with CDP Policy 44 and would cause no harm to heritage assets in accordance with Part 16 of the NPPF and Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

#### Agricultural Land

176. 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.
177. An objector has stated that the agricultural land within the site is Grade 3a and therefore best and most versatile. However, no evidence has been provided to support this assertion. Notwithstanding this the application has An Agricultural Land Classification (ALC) assessment has been carried out for the site. The assessment includes a desktop study and fieldwork analysis with the conclusion that all of the soils on the site are Grade 3b. The site is therefore not comprised of best and most versatile land.
178. 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.
179. The proposed solar farm development would occupy approximately 108 hectares of agricultural land. Although the development would temporarily remove a significant portion of land from arable use it 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 proposed solar farm would not conflict with CDP Policy 14 or Part 15 of the NPPF in this respect.

## Cumulative Impact

180. 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.
181. The application site is currently comprised of agricultural fields, interspersed with associated farm buildings. On the periphery of the site are electrical substations and in the wider context there are the settlements of Hett, Spennymoor, Metal Bridge and Ferryhill. Significant development has occurred in recent years at Thinford to the west and Tursdale to the east, in particular the development of the Integra 61 site has created a significant landscape and use change for the area. Development is currently under way for a battery storage development to the immediate south west of the site and an application is being considered for a further battery storage development to the south of Thinford Lane.
182. The proposed solar farm included a section to the south of Thinford Lane but this has since been removed from the scheme.
183. A small solar farm was approved as part of the Integra 61 development to the north east of the site but this has not been constructed.
184. Concerns have been raised by Design and Conservation and Landscape officers that the proposed development would result in a coalescence of the settlements of Hett, Metal Bridge and Spennymoor via the recent developments at Thinford and Durham Gate. This may be how the development is interpreted in plan view but it is considered the from the ground the solar farm would not be read as a continuation of settlements and built development, but as a separate entity. The proposed solar farm actually has the effect of temporarily sterilising the site against permanent built development and therefore prevents a physical coalescence of settlements.
185. The proposed solar development would cumulatively add to the amount of energy infrastructure in the surrounding area which could lead to potentially significant cumulative effects arising from the existing substations, recently approved Battery Storage (DM/16/02869/FPA and DM/22/00120/FPA) facilities, but also current application for battery storage units (DM/23/00745/FPA). The level of cumulative impact and overall perceptions of the change in the character of the landscape has the potential to be notable especially in the short-medium term until any landscape proposals became established, although there is likely to be residual harm. These effects are likely to be particularly felt along Thinford Lane (A688) where would be some inter-visibility and/or sequential views of this developments and in wider views such as the Limestone Escarpment Ridge to the south on the edge of Ferryhill where there is likely to be some intervisibility between existing and proposed.
186. As described above, the proposed development would be viewed in the context of other energy developments and large scale commercial developments. However, the proposed solar panels would be of a modest height themselves and the associated screening would bring benefits to the site, as well as limiting intervisibility between developments. It is therefore considered that whilst there would be a cumulative impact, this would not be unacceptable or overbearing. It is therefore considered that the solar farm proposal would not conflict with CDP Policy 31 and Part 15 of the NPPF.

## Safeguarding Areas

187. Paragraph 45 of the NPPF states that Local planning authorities should consult the appropriate bodies when considering applications for the siting of, or changes to, major hazard sites, installations or pipelines, or for development around them. CDP Policy 28 requires that within safeguarded areas development will be subject to consultation with the relevant authority and will be permitted where it can be demonstrated that it would unacceptably adversely affect public safety, air traffic safety, the operation of High Moorsley Meteorological Officer radar. Of relevance to this development is criteria a) which states that development 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 goes on to say that when considering relevant planning applications within the defined safeguarded areas the Council will ensure that developers always consider both potential individual and cumulative impacts. Where demonstrated to be necessary mitigation will always be sought to either remove or reduce the potential impact upon each safeguarded area to acceptable levels.
188. A high pressure gas pipeline (6904\_ Operated by SABIC) goes through part of the western side of the proposed solar farm. A greater part of the site is covered by the 250m high pressure gas pipeline zones. As the proposed development site currently lies within the consultation distance at least one major hazard site and/or major accident hazard pipeline HSE needs to be consulted on any developments on this site. The HSE does not advise, on safety grounds, against the granting of planning permission in this case. As the proposed development is within the Consultation Distance of a major hazard pipeline the HSE advises that the pipeline operator is contacted before determination. SABIC have been consulted and have provided guidance to the applicant in relation to working in proximity to pipelines. Subject to avoidance of the gas pipeline, in accordance with the submitted site layout plan, it is considered that there would not be a conflict with CDP Policy 28 or Part 4 of the NPPF.
189. The development is also located within the High Moorsley meteorological station consultation zone for development with a height of 15.2m or more. No part of the proposed development would exceed this height threshold and it is therefore exempt from consultation.
190. CDP Policy 56 states that planning permission will not be granted for non-mineral development that would lead to the sterilisation of mineral resources within a Mineral Safeguarding Area. This is unless it can be demonstrated that the mineral in the location concerned is no longer of any current or potential value, provision can be made for the mineral to be extracted satisfactorily prior to the non-minerals development taking place without unacceptable adverse impact, the non-minerals development is of a temporary nature that does not inhibit extraction or there is an overriding need for the non-minerals development which outweighs the need to safeguard the mineral or it constitutes exempt development as set out in the Plan.
191. The entirety of the site is located on an area that has been designated as Mineral Safeguarding Areas for coal and parts of the eastern side of the site are on areas safeguarded for river sand and gravel. However, as the solar farm is time limited for a period of 40 years the mineral reserve would not be permanently sterilised and could be extracted at a future date. It is therefore considered that the proposed solar farm would not conflict with CDP Policy 56.

## Overplanting

192. The recent High Court Judgement of Fordham J in relation to a claim by an objector against a grant of planning permission by Durham County Council for a solar farm resulted in the quashing of the Council's decision. The Judgement states that when making their decision the Planning Committee did not consider if the proposed development could be delivered on a smaller site, with less panels.
193. In order for the Council to be able to assess if the proposed scale of development proposed for the application is necessary to deliver the expected power output, the applicant has provided a statement setting out justification as to the quantum and location of solar panels.
194. The statement advises that the proposed solar farm would be 'overplanted', a practice where the maximum energy generation capacity of the solar panels exceeds the amount of energy ultimately exported to the grid. This approach is deemed acceptable and aims to maximize renewable energy generation efficiency and utilise the secured export capacity. Solar farms are typically overplanted by a factor of 1.25 – 1.8, equivalent to approximately 62MWp-90 megawatt peak (MWp) on a 49.9 megawatt alternating current (MWac) connection. The proposed solar farm covers of approximately 114 hectares and consists of approximately 135,420 panels, with a built development area of 1.7 hectares per MW. The Hett Solar Farm installed solar panel capacity would be approximately 77MWp with maximum combined capacity of the installed inverters of 49.9MWac. The applicant has stated that the site design has been optimised to minimize environmental impact while maximising energy generation capacity and complying with national policy objectives set out in National Policy Statement EN-3.
195. The statement supports the figures and layout plan provided as part of the application. Officers have assessed this information and consider it to be sufficient.

## Extended Commencement

196. Section 91 of the Town and Country Planning Act 1990 (as amended) advises that every planning permission granted or deemed to be granted shall be granted subject to the condition that the development to which it relates must be begun not later than the expiration of 3 years beginning with the date on which the permission is granted or, such other period (whether longer or shorter) beginning with that date as the authority concerned with the terms of planning permission may direct.
197. The applicant has requested a seven year implementation period for the development. The reason for this is to align with the availability of a grid connection, which at present would be until 2030. It may be the case that, with the benefit of planning permission for the development, a grid connection agreement could be reached at an earlier date. In this case the development would be able to commence earlier. There are no applicable policies or other material considerations that indicate that an extension to the standard commencement period of three years should be restricted and it is therefore considered that a seven year commencement period is acceptable.

## Other Matters

198. Objectors have suggested that the site is in the Green Belt but this is not the case and the nearest part of the Green Belt is located approximately 800m to the north of the site. It has also been suggested that solar development should be located on brownfield or previously developed land. Applicants are welcome to select previously developed land for solar development but there is no policy requirement to do so.

199. The site is located approximately 60m from the East Coast Mainline (at its nearest point). CDP Policy 10 states that new development in the countryside must not be prejudicial to railway safety. Network Rail have been consulted on the application and although they did not respond on this occasion, they raised no objections to the previous application subject to a condition for monitoring and potential implementation of remedial measures in the event that glint and glare from the site affects signal sighting or driver distraction. The submitted glint and glare assessment showed that the impact to rail receptors would be low or no impact. Subject to the proposed condition it is considered that the proposal would accord with CDP Policy 10 in this respect.

#### Public Sector Equality Duty

200. 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.

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

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## **CONCLUSION**

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202. This resubmission application has been amended in order to address the Councils reason for refusal of the previous scheme. Although there would be a degree of landscape harm, this harm must be weighed in the planning balance. As highlighted in the recent appeal decisions in the County for similarly sized solar farms near to Murton and Sheraton, both national and local 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. Planning Inspectors have indicated that very significant weight should be afforded to the benefits of solar development.

203. The proposed solar farm development would provide a significant renewable energy source using solar power sufficient to provide clean energy for up to 14,400 homes whilst also reducing dependence on fossil fuel power stations. Further benefits of the scheme include significant biodiversity and landscape improvements to the site and direct employment to the construction industry. Officers consider that the proposed solar farm would accord with CDP Policy 33 and that the proposed amendments to the scheme are sufficient to mitigate the conflict with CDP Policy 39 that was found in the previous application.

204. Efforts have been made to screen the solar arrays, and from many public viewpoints the arrays would be obscured by vegetation or topography. In more open, and distant views the solar arrays would be seen as a developed feature within a semi-rural landscape that could not be fully mitigated by screening. All other material considerations have been taken into account in the determination of the solar farm application and found to be acceptable.

205. Whilst it is accepted that the proposed solar farm would have an impact to the landscape it is considered that the benefits of the development in terms of energy

supply and security, support for renewable energy, biodiversity enhancement and job creation would outweigh that harm and planning permission should be granted.

206. The proposed development has generated some public interest, with letters of objection having been received. Concerns expressed regarding the proposal have been taken into account, and carefully balanced against the scheme's wider social, environmental and economic benefits.
207. The solar farm proposal is considered to broadly accord with the relevant policies of the County Durham Plan and relevant sections of the NPPF.

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## RECOMMENDATION

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208. That application no. DM/21/02990/FPA for the installation and operation of a Solar Farm together with all associated works, equipment and necessary infrastructure 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 seven 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 hereby approved.  
*Reason: To ensure the development is carried out in accordance with the approved documents.*
- 3 This consent is granted for a period of 40 years from the date of first export of electricity to the Grid ("the date of first export"). Within 1 month of the date of first export, written confirmation of the same shall be given to the Local Planning Authority. Before the expiry of the 40 year period hereby approved the buildings, structures and infrastructure works hereby approved shall be removed and the land restored to its former condition in accordance with details to be submitted to and approved by the Local Planning Authority. The approved details shall then be implemented in full within 6 months of approval of those details.  
*Reason: In the interests of visual amenity, pollution prevention and reinstatement of agricultural land in accordance with County Durham Plan Policies 14, 31 and 39 and Part 15 of the National Planning Policy Framework.*
- 4 The development hereby approved shall be carried out in accordance with the following approved plans unless amended by details approved under the terms of Condition 10:

Drawing Number	Drawing
LP3-BDL	Basic Design Layout
PNL_2P_25/6854_01	Panel Elevations
UK_EPD_INV	Inverter Elevations
UK_EPD_FNC	Fence Elevations

Drawing Number	Drawing
UK_EPD_AUX	Auxiliary Transformer
UK_EPD_CAM	CCTV Elevations
UK_EPD_TLT	Toilet
UK_HUL&SRT_EPD_66kV	66 kV Substation
UK_EPD_MTR	Cabinet DNO Meter
UK_EPD_S40	Spare Parts Storage Container
UK_EPD_TFM	Transformer
UK_EPD_MH/CB	Monitoring House / Communication Building
UK_EPD_SWG	Switchgear / Production Substation / LV & MV Kiosk
210331-1.1-HMSFD-TCP-NC	Tree Constraints Plan
P23-1024_02 Rev.C	Detailed Landscape Proposals
UK_EPD_GTD	Gate Elevations

*Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with Policies 21, 31, 33, 39 and 41 of the County Durham Plan and Parts 9, 14 and 15 of the National Planning Policy Framework.*

- 5 No development shall take place until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Construction Management Plan shall include as a minimum but not necessarily be restricted to the following:
- A Dust Action Plan including measures to control the emission of dust and dirt during construction taking into account relevant guidance such as the Institute of Air Quality Management "Guidance on the assessment of dust from demolition and construction" February 2014;
  - Details of methods and means of noise reduction;
  - Where construction involves penetrative piling, details of methods for piling of foundations including measures to suppress any associated noise and vibration;
  - Details of whether there will be any crushing/screening of materials on site using a mobile crusher/screen and the measures that will be taken to minimise any environmental impact;
  - Details of measures to prevent mud and other such material migrating onto the highway from construction vehicles;
  - Designation, layout and design of construction access and egress points;
  - Details for the provision of directional signage (on and off site);
  - Details of contractors' compounds, materials storage and other storage arrangements, including cranes and plant, equipment and related temporary infrastructure;
  - Details of provision for all site operations for the loading and unloading of plant, machinery and materials;
  - Details of provision for all site operations, including visitors and construction vehicles for parking and turning within the site during the construction period;
  - Routing agreements for construction traffic;

- Details of the erection and maintenance of security hoarding;
- Details of construction and decommissioning working hours; and
- Detail of measures for liaison with the local community and procedures to deal with any complaints received.

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

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

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

6 Construction operations shall only take place within the following hours:

- 07.30 to 19.00 Monday to Friday
- 07.30 to 12.00 Saturday

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

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

7 The development shall be carried out in accordance with the submitted flood risk and drainage impact assessment. The mitigation measures detailed within the flood risk assessment shall be fully implemented prior to the date of first export. These measures shall be retained and maintained thereafter throughout the lifetime of the development.

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

8 All vehicles leaving the site shall be sufficiently cleaned in order to ensure that mud 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.*

9 If, within a period of 24 months from the date of first export, the Local Planning Authority has received a complaint from Network Rail relating to signal sighting safety or driver distraction and communicated the same to the operator, the operator shall submit details of a scheme for remedial measures (including timescale for implementation) to the Local Planning Authority for approval in writing no later than 28 days after receiving the complaint. The approved details shall be implemented in full thereafter.



*Reason: To ensure the safety, operational needs and integrity of the railway.in accordance with County Durham Plan Policy 10 and Part 9 of the National Planning Policy Framework.*

10 Notwithstanding the details contained in the plans approved under condition 4, no development shall take place until full details of the:

- final positioning;
- design; and
- materials

of any above-ground structures have been submitted to the Local Planning Authority and approved in writing. The approved details shall be implemented in full thereafter.

*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.*

11 No development shall take place until a landscaping scheme has been submitted to the Local Planning Authority and approved in writing. This scheme shall include provision for tree planting on the western edge of the roundabout connecting the A688 and A177 road at Turisdale with provision for long term management for trees within the site boundary. The approved landscaping scheme (along with the landscaping scheme set out on plan P23-1024\_02 Rev.C) shall be implemented on site in the first planting season following the development being brought into use. Any tree or shrub which may die, be removed or become seriously damaged within a period of 5 years from the first implementation of the approved landscaping scheme shall be replaced in the first available planting season thereafter.

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

12 No development shall take place 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 the Local Planning Authority and approved in writing.. The programme of archaeological work will then be carried out in accordance with the approved Written Scheme of Investigation.

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

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

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

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

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

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

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

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

16 No development shall commence until:

a) a scheme of intrusive investigations has been carried out on site to establish the risks posed to the development by past coal mining activity, and;

b) any remediation works and/or mitigation measures to address land instability arising from coal mining legacy, as may be necessary, have been implemented on site in full in order to ensure that the site is safe and stable for the development proposed.

The intrusive site investigations and remedial works shall be carried out in accordance with authoritative UK guidance.

*Reason: To ensure that the site is appropriately stabilised and suitable for use, in accordance with County Durham Plan Policy 32 and Part 15 of the National Planning Policy Framework.*

17 Prior to the development being brought into use a signed statement or declaration prepared by a suitably competent person confirming that the site is, or has been made, safe and stable for the approved development shall be submitted to the Local Planning Authority for approval in writing. This document shall confirm the methods and findings of the intrusive site investigations and the completion of any remedial works and/or mitigation necessary to address the risks posed by past coal mining activity.

*Reason: To ensure that the site is appropriately stabilised and suitable for use, in accordance with County Durham Plan Policy 32 and Part 15 of the National Planning Policy Framework.*

18 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 for the restoration of the site, including the buildings, structures and infrastructure works, dismantling and removal of all elements, 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 approved scheme shall be carried out and completed within 6 months of approval of the scheme.

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

19 The approved development, once operational, shall have an export capacity of not more than 49.9MW(AC).

*Reason: To ensure that the development does not exceed the threshold for a generating station with a capacity of more than 50 megawatts, in accordance with Part 15 of the Planning Act 2008.*

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## **STATEMENT OF PROACTIVE ENGAGEMENT**

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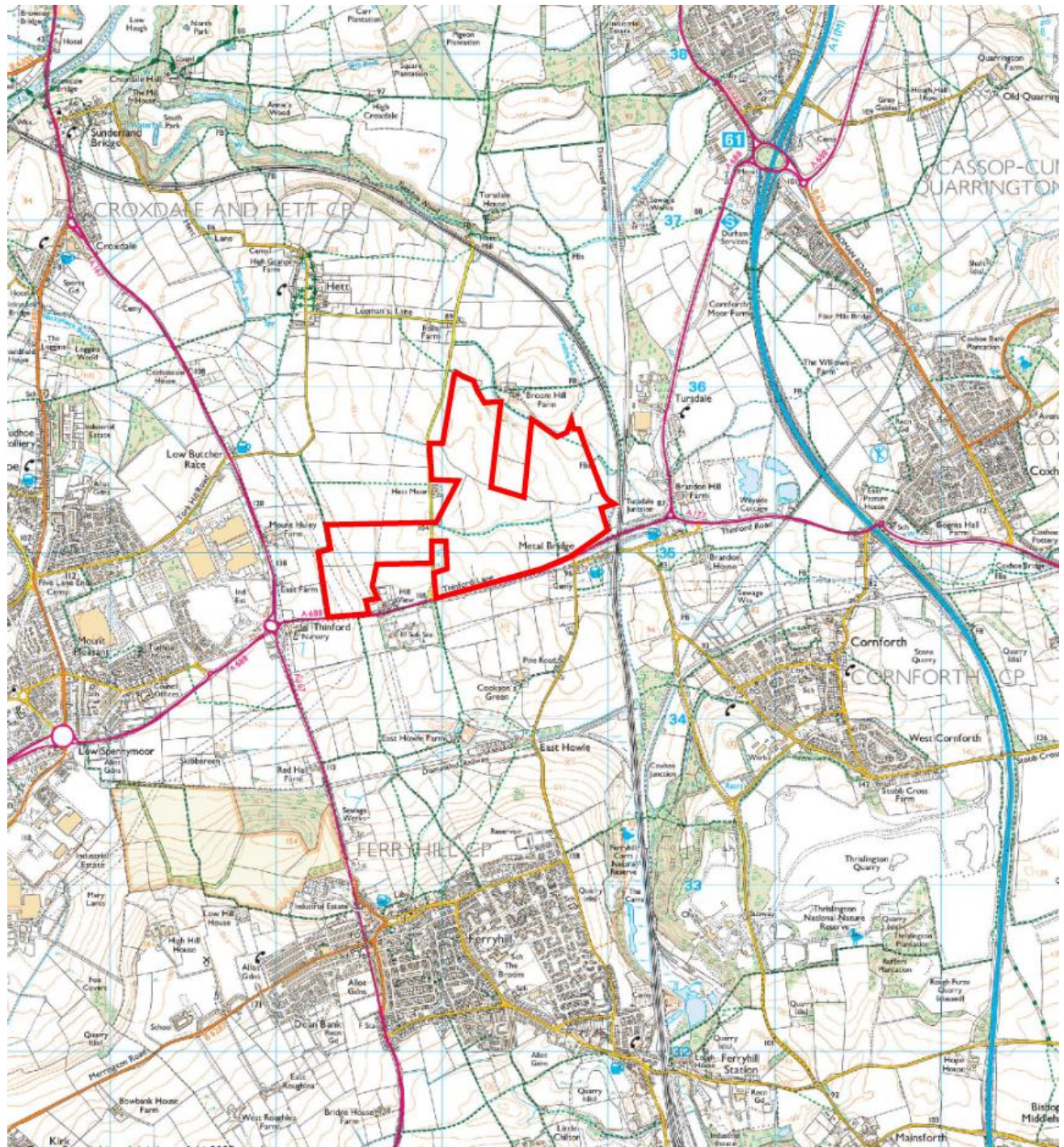
In accordance with Article 35(2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015, the Local Planning Authority has, without prejudice to a fair and objective assessment of the proposals, issues raised and representations received, sought to work with the applicant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

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## **BACKGROUND PAPERS**

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



**Planning Services**

DM/23/01868/FPA

Installation and operation of a Solar Farm together with all associated works, equipment and necessary infrastructure

Croxdale Farms, Hett Moor Farm, Hett, Durham

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**Comments**

**Date** April 2024

**Scale** Not to Scale