



**Area Planning Committee (South and West)**

**Date** Thursday 17 April 2025  
**Time** 10.00 am  
**Venue** Council Chamber, County Hall, Durham

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**Business**

**Part A**

1. Apologies for Absence
2. Substitute Members
3. Declarations of Interest (if any)
4. Minutes of the Meeting held on 20 February 2025 (Pages 3 - 16)
5. Applications to be determined
  - a) DM/23/03095/FPA - Kynren, Flatts Farm, Toronto, Bishop Auckland, DL14 7SF (Pages 17 - 42)  
Erection of 3,600 seated arena, a small lake, landscaped hillside performance area, performance bridge and associated works for 'Lost Feather' bird show.
6. Such other business as, in the opinion of the Chairman of the meeting, is of sufficient urgency to warrant consideration.

**Helen Bradley**  
Director of Legal and Democratic Services

County Hall  
Durham  
9 April 2025

To: **The Members of the Area Planning Committee (South and West)**

Councillor J Cairns (Chair)  
Councillor A Savory (Vice-Chair)

Councillors E Adam, V Andrews, J Atkinson, D Boyes, D Brown,  
L Brown, L Maddison, S Quinn, G Richardson, G Smith,  
M Stead, R Yorke and S Zair

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**Contact: Amanda Stephenson    Tel: 03000 269703**

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## DURHAM COUNTY COUNCIL

At a Meeting of **Area Planning Committee (South and West)** held in Council Chamber, County Hall, Durham on **Thursday 20 February 2025 at 10.00 am**

### **Present:**

**Councillor J Cairns (Chair)**

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

Councillors A Savory (Vice-Chair), E Adam, J Atkinson, D Brown, L Brown, L Maddison, S Quinn, G Richardson, B McAloon, J Rowlandson and C Varty

### **Also Present:**

Councillors B McAloon, J Rowlandson and C Varty

#### **1 Apologies for Absence**

Apologies for absence were received from Councillors V Andrews, M Stead and S Zair.

#### **2 Substitute Members**

There were no substitute members.

#### **3 Declarations of Interest**

There were no declarations of interest.

#### **4 Minutes**

The minutes of the meeting held on 12 December 2024 were confirmed by the Committee as a correct record and signed by the Chair.

## 5 Applications to be determined

### a **DM/24/03146/FPA - Land to the East of 1 Ladysmock Close, Spennymoor, DL16 6NZ**

The Committee considered a report of the Planning Officer for the erection of 7no. 1-bedroom dwellings and 1no 1 bedroom dwelling to be occupied by onsite manager, and provision of access, landscaping and ancillary works at land to the east of 1 Ladysmock Close, Spennymoor, DL16 6NZ (for copy see file of minutes).

D Richards, Planning Officer gave a detailed presentation which included a site location, arial photographs, site photographs which showed the access to the site, the proposed layout of the development and the proposed house types. A site visit took place prior to the meeting for Members to assess the impact of the proposed developments and their relationship with their surroundings. Each property would have a car park and private garden. Upon consultation there was letter of support and 12 letters of objections based on the fear of crime, anti-social behaviour, noise, loss of trees, loss of amenities and that there was already the same type of accommodation in Spennymoor. There were no objections from highways, the flood authority, police or Environmental Health. Further amendments were required by tree officers on the final landscaping. The proposed development was considered accepted in Spennymoor as it was in a sustainable location, near the town centre and had good public transport links. Although there would be a loss of green space and trees the benefits outweighed the harm for specialist housing. A management plan was to be secured by condition and licence for the properties which tenants would be required to abide by to alleviate the fear of crime and anti-social behaviour. It was officers' recommendation to approve the application.

Councillor J Rowlandson, Portfolio Holder for Resources, Investment and Assets addressed the committee in support of the application which was important to help those people who had found themselves either homeless or at risk of homelessness. The application coincided with the new governments initiatives on homelessness which would be run by the dedicated Durham County Council's Homeless Team. The scheme would support people with complex needs to get back into society by providing them with a home and leading them to get a job. Durham County Council had a legal responsibility to provide homes for those who needed them and he requested members to approve the application.

*Councillor J Rowlandson left the meeting at 10.16am*

Councillor B McAloon, local member addressed the committee objecting to the application. He was not opposed to rehoming people who needed help but was opposed to the location of the dwellings as it was opposite 20 bungalows which were occupied by elderly vulnerable residents. He was concerned regarding the loss of green space which was used by children who played in the area. He was troubled by the loss of trees which had just been planted which was both a waste of money and would have an environmental impact. There was not a need for this type of facility in the area as Spennymoor already had this type of accommodation. He urged members to reject the application and explore alternative locations which would be better to support the scheme and integrate clients into the local community.

Mr Anderson, acting on behalf of local residents addressed the committee in objection to the application. He pointed out that there had been 14 objections and only 1 letter of support. He advised that out of 49 residents consulted which were on the notification list only a few had replied as some residents would not have had the capacity to reply by electronic means. He thought that had there been a door knocking exercise he believed more residents would have objected. The occupiers of the new development would be 25 years plus and would not mix well with the elderly people who already resided in the area. The elderly residents were fearful and afraid of who would be living on their doorstep who would not have the social skills to settle in well to the quiet community. The clients' complex needs would further add to the issues in Spennymoor with anti-social behaviour and would not have connections to the area making integration harder. Residents wanted a safe environment and this was not the right place for the development and it should be located in one of the newer developments in town. He encouraged the committee to refuse the application.

I Conway, Programme Lead (Council House Build), applicant addressed the committee in support of the application. It was his view that the application would provide significant homes as highlighted by the governments homeless initiatives where analysis had identified a need and gaps in the service. The accommodation would be located within Spennymoor which had created £1.8 million in grant funding from Homes England which would provide jobs, economic and social benefits to the area. The scheme would house 7 vulnerable males who were either rough sleeping or at risk of rough sleeping from the age of 25 years old up to retirement age. It would be a supported scheme aimed to provide essential skills to build confidence to become employed and sustain a tenancy. There would be staff on site 24/7, 365 days per year. There would be CCTV included in the scheme which Durham County Council would control to create a safer environment for the vulnerable residents in the nearby vicinity.

He confirmed that there would be a management scheme in place which would be managed by Durham County Council's Homeless team who would work with appropriate agencies to risk assess applicants to be housed due to their complex needs based on information from social workers who would help them come to terms with their issues. There would be no high-risk clients housed in the development which would be detrimental to the vulnerable clients safe and stable environment.

Ms Wood, agent for the applicant addressed the committee in support of the application. The Ministry of Housing, Communities and Local Government (MHCLG) had established the need for this type of supported accommodation within the south of the County for the provision of key council delivery within the homeless strategy. It had been identified as a suitable location as it was close to the town and amenities. There would be a loss of green space but there were significant other areas of open space in the location. There would be new trees planted to replace those that would be lost. There would be environment improvements and economic benefits for the area.

The Chair opened up the meeting for questions from the members.

Councillor L Brown welcomed the provision of a manager on site who would provide support for vulnerable people. She asked if there would be a strict drug and alcohol policy in place for the clients. She was saddened that there had been no input from the police as she would like to have known if there had been any issues with the North Eastern scheme. She requested that the start time for construction as highlighted in condition 29 be changed from 7.30am to 8am.

J Jennings, the Principal Planning Officer clarified that the condition would be altered as requested in relation to construction times. She commented that the police had been consulted but had not commented, however, confirmed that the police worked closely with the Council's homeless team.

C Hepworth, Homeless Prevention Manager explained that clients would be identified from across County Durham but could not be specific that drug and alcohol was not the reason why they were either rough sleeping or at risk of rough sleeping. There would be management plan in place along with management conditions which would be associated with the licensing agreement for the property. However if there was any drug and alcohol misuse by clients on the street this would affect their placement and they would be issued a notice and if they did not comply they would be evicted. However if they were asked to leave, they would be back to where they started sleeping on the streets. The management plan was well established and had been replicated across communities and other existing commissioned services to provide support.

Councillor L Brown questioned if clients would be given help with any substance misuse if that was the cause of their issues and if staff had skills and were well trained to spot any signs of misuse.

The Homeless Prevention Manager confirmed that clients would be offered help and would work with the Trauma Informed Worker and contracted support staff. They would be given a specific care assessment to refer into drug and alcohol provisions available to them. All staff were fully trained and had the relevant skill set to deal with the clientele.

Councillor J Atkinson was concerned that clients living in the development would not fit into the neighbourhood based on objections raised by residents. He queried how the plans and tenancies would be policed and if these were just for residents or if there would be anything established for residents.

The Principal Planning Officer clarified that the management plan was submitted with the application and deemed robust and well detailed and also included a point of contact through the onsite manager for residents to liaise with as well as reference to open dialogue with ward members should there be a requirement for this. The management plan set out its policies to ensure that future clients were suitable to live in the accommodation.

Councillor L Maddison wanted to know the level of risk which would be applied to the development. She was aware that at the North Eastern scheme it was deemed low to medium risk. She was worried that if clients had complex needs this would increase the level to a higher risk.

The Homeless Prevention Manager clarified that the scheme was not intended to house high risk individuals. Clients would have complex needs, such as individuals who had experienced domestic or sexual abuse, mental health issues or were veterans from the armed forces who suffered from post-traumatic stress disorder (PTSD) who just needed secure accommodation and some support. Risk assessment tool kits were used by the team who worked alongside stakeholders like the police to ensure there was a balance. The Council had a statutory function to provide homelessness provision and this scheme would help bridge the gap which had been identified. There was a separate SHAP pathway which was dedicated to young people aged 18-25. He informed the committee that the council currently had opened 1500 homeless applications of which 70 were from people aged 65 plus. There was no upper age limit to homelessness, nor for the intended use of this SHAP property and it did not just apply to young people. The council would be mindful as to how the scheme was utilised.

Councillor L Maddison asked if there were similar schemes within the County or if this was a new initiative regarding specialist housing and if it been tried and tested elsewhere in the County.

E Regan, Housing Team Leader advised that there was a similar scheme, the North Eastern located in Spennymoor but this was privately managed whereas this scheme would be fully owned and managed by Durham County Council.

Councillor L Maddison enquired if this scheme would work closely with the North Eastern.

L Ackermann, Legal Officer (Planning and Highways) reminded members that they needed to consider the application before them and were looking at other facilities which were not run by the council. Members were advised they could raise any suggested concerns which were unrelated to planning matters to officers outside of the committee. She agreed that it was for planning officers to decide if the construction start time in the condition could be changed to 8am.

Councillor L Maddison queried how many clients housed would be from Spennymoor and how many would be from the County.

The Homeless Prevention Manager could not comment on how many homeless people housed would come from Spennymoor as they could not restrict providing housing to any individual as set out in the Housing Act 1996 and the Homelessness Reduction Act 2017. Individuals would have to have a local connection to County Durham and must be eligible. Eligibility checks were carried out in the first instance to open a homeless application.

The Legal Officer (Planning and Highways) advised that the application was looking at the type of accommodation which would house the needs of the County.

The Principal Planning Officer informed the committee that the location of the scheme complied with Policy 15 of the Durham County Plan with regards to specialist housing. There was no conflict with Policy 6 regarding impact on the amenities of the area and the site was in a highly sustainable location with many nearby amenities for future occupiers and the area was suitable making it a satisfactory scheme. The loss of green space was outweighed by the benefits of the scheme.



Councillor E Adams stated that the scheme itself was not up for debate but the safety of the community and the loss of recreation land. He had concerns the scheme would bring additional anti-social behaviour issues to the underpass at Daisy fields which was only a few metres away from the proposed site. He was surprised there had been no comments raised by the police on the safety based on the issues already in the area. He asked how much communication had taken with the police over the suitability of the location.

The Principal Planning Officer reiterated that consultation had taken place with the police around the management plan. There were no reasons to refuse the application based on fear of potential crime, if there was no evidential basis that crime would result from the development and particularly if there were no comments from the police on this point.

Councillor E Adams requested information on the distance between the proposed site and the nearest elderly person's bungalow at Ladysmock Close in Spennymoor and whether this was adequate.

The Principal Planning Officer advised that this information was in the report and clarified that 13 metres distance was met with nearest property. She confirmed it was a suitable distance with no loss of privacy.

The Chair opened up the meeting to debate.

Councillor J Atkinson was sceptical that the location was ideal as it would bring with it its own problems. He had concerns clients would not look after the properties and the scheme would not be policed correctly. He was in a mind to say no to the application due to the problems it would cause.

Councillor L Brown **moved** to accept officers' recommendation to approve the application.

Councillor S Quinn agreed with Councillor L Brown and **seconded** the application to be approved. She worked with elderly people and if there was someone in place to support the clients, there was access to the police and Neighbourhood Wardens she felt the location was ideal. There were presumptions being made that the scheme would bring issues but people had to be given the best possible chance especially if they had become homeless through no fault of their own.

Councillor E Adams felt this was a difficult application with concerns being raised by residents. With any planning application there was a balance against planning policy. The application had a management plan in place, was at a suitable distance from the elderly people's bungalows where they would not be overlooked and was suitable for purpose. He could see no planning reason to refuse and was minded to support officers recommendation to approve the application.

Councillor J Atkinson asked if the committee were to refuse the application if it would stand up if it went to appeal.

The Legal Officer (Planning and Highways) advised that the application was compliant with Policies 6 and 15 of the Durham County Plan, it had a robust management plan and was, in the view of officers, located in a sustainable location. If the application was refused and it went to appeal there was a likelihood the council would incur costs as location was not a sustainable planning ground to refuse the application. The Legal Officer reminded the committee that it was a Durham County Council owned project.

Councillor J Atkinson requested that his objections on the location for the development be reflected in the minutes

Councillor L Maddison also requested that her objections regarding the location were reflected in the minutes and suggested that an open space needs assessment be carried out to consider the anti-social behaviour issues.

Councillor G Richardson was conflicted. He could see the reasons for the schemes existence but was concerned by the loss of open space. He did not understand why the land was to be built on if it was referred to in the Durham County Plan as open space. He agreed with Councillor J Atkinson regarding the concerns from residents about elderly people living in the area. He did understand that there was a need for these types of facilities but could also see how young people could get up to mischief in the nearby underpass if drugs and alcohol were consumed.

Councillor E Adams was concerned with the loss of green open space as he had attended the site visit and had seen the play park and the dog walking area which would be lost. He supported the officer decision to approve the application as on balance it was a suitable location.

The Principal Planning Officer stated that the age range living in the supported accommodated would be 25 years plus so occupancy was expected to include a more mature age range, with some elderly people also. She raised a point that there was still a good range of open space in the immediate area.

Upon a vote being taken it was:

**Resolved:**

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

*Councillor L Maddison left the meeting at 11.20am.*

**b DM/23/03169/FPA - Land West of Petrol Filling Station, Bank Top Terrace, Trimdon Village, TS29 6PW**

The Committee considered a report of the Principal Planning Officer for the construction of 42 no. bungalows (as amended) at land west of petrol filling station, Bank Top Terrace, Trimdon Village, TS29 6PW (for copy see file of minutes).

G Spurgeon, Principal Planning Officer gave a detailed presentation which included a site location, aerial photographs, site photographs, the proposed layout, landscaping and house types along with visualisation of before and after the planting took place. A site visit took place prior to the meeting for Members to assess the impact of the proposed developments and their relationship with their surroundings. Upon consultation Highways stated that there was not enough parking on site and further information was required on the nutrient neutrality calculations from Natural England. Internal consultees were concerned with the density of the site and biodiversity net gain would be provided onsite. There were five letters of objections based on the increased traffic and the visual impact of the development. Upon balance the benefits outweighed the harm and it was officers' recommendation to approve the application.

Councillor C Varty, local member addressed the committee in support of the application. She noted that she had supplied information in relation to the application which had not been included in the report. She was over the moon that new housing was to be built in Trimdon Village. She was concerned regarding the traffic as the main road was not safe to cross by pedestrians and welcomed the proposed crossing which was to be installed by the applicant. She was concerned that there was not going to be a new doctors surgery located in area to cater for the additional residents. She thought the main road should have the 60 mph speed limit reduced for safety reasons.

Mr Ridgeon, agent on behalf of the applicants Karbon and Durham Aged Miners addressed the committee in support of the application. He was aware that the application did not meet the requirements for the garden design but this would be community space designed for mobility. He highlighted that the layout did not include sufficient car parking spaces to meet the SPD requirements but the SPD did not consider 100% affordable bungalow housing. He required flexible wording to be included in the condition that related to the age range for the bungalows. He thanked planning officers for all their hard work on the application and asked members for approval.

The Chair opened up the meeting for questions.

Councillor D Brown had attended the site visit and asked for clarity on why the SuDs basin would be located on a steep stretch of land away from the development.

G Spurgeon, Principal Planning Officer stated that it was unusual for the SuDs basin to be based in a different location to the development, however in this instance it would be located towards the bottom of the slope to the north of the development which had been accepted by the Local Flood Authority.

Councillor L Brown asked what the distance was to the nearest bus stop and whether the crossing point was viable as she was concerned for people who had mobility issues.

D Battensby, Principal DM Engineer confirmed that part of the application would be to provide a pedestrian refuge on the main road and that this would allow pedestrians to cross the road in two stages. He also advised that the signage on the island would be more conspicuous than the flexible bollards which would be illuminated.

The Principal Planning Officer confirmed that the nearest bus stop was 400 metres to the south of the site.

Councillor E Adams had attended the site visit and had noticed that the entrance to the site was on the brow of the hill with speeding traffic. He was concerned that this would be unsafe and asked when the last speed survey was taken and when the last accident was recorded.

The Principal DM Engineer responded that the issue with visibility had been investigated as part of the application with an up to date speed survey being requested and provided. The consideration of the visibility for the junction included a visibility survey which took into account the brow of the hill and the visibility distances were based on the actual 85<sup>th</sup> percentile speeds in accordance with design standards.

Additional road marking measures were to be introduced prior to the speed limit change to help improve its prominence. The outcome provided sufficient visibility and access to the site.

Councillor E Adam was aware that further information was required from Natural England and if this would affect the application.

The Principal Planning Officer advised that information was still being awaited from Natural England on how many credits were required to be purchased to mitigate the nitrate for the development. A certificate from Natural England would need to be submitted to prove that credits had been paid for before formal approval could be given.

Councillor E Adam noted that a contribution was to be made to the NHS for a GP surgery but there was no mention of a new GP surgery for Trimdon Village and asked where the money would go.

The Principal Planning Officer informed the committee that the S106 money would be ring fenced for the electoral division and therefore would not necessarily be allocated to Trimdon. It would be down to the NHS to decide which GP the money would be allocated to.

Councillor E Adam asked what the distance was to the local shops whether this was more than 800 metres and if the potential 10 minute walk up and down hills was reasonable.

The Principal Planning Officer notified the committee that the local shops were within 800 metres from the development which was approximately a 10 minute walk. He acknowledged that Trimdon village was rural but that the distance was sufficient for residents to access amenities. Residents had the choice to go further afield on sustainable transport.

Councillor E Adams referenced that the application had six red, three amber and three green scores in the Sustainable Design Policy set out in the County Durham Plan. This was then amended to two reds, six amber and four greens. He was puzzled as to why officers on this basis recommended the application to be approved and asked for justification.

The Principal Planning Officer replied that further information to address some of the red scores had been provided since the most recent Design Review scoring. The informal path leading to the children's play area were outside of the applicants control as the footpaths were to be retained by the Parish Council. Additional information was received with regards to the density of the site which was accepted. The character of the site based on the increased width of the structural landscaping was satisfactory and no longer warranted a red score.

Drainage had been accepted to deal with any surface water run off, the only shortfall was with two red scores remained in relation to a shortfall in car parking and rear garden lengths. On balance the benefit of the scheme was considered to outweigh the scores.

Councillor E Adam mentioned the density and the lack of garden and parking space and queried if the site could be stretched to make it less dense and provide adequate garden and parking spaces.

Mr Ridgeon explained that the gardens had been agreed by Durham Aged Miners Homes who operated this open plan layout for easier management and maintenance when cutting the grass. The car spaces were enough to meet the needs of the residents. He stated that the scheme would not be financially viable if there were more car and garden spaces.

Councillor J Atkinson sought clarity on the what the flexible condition in relation to age range that Mr Ridgeon had sought was.

The Legal Officer (Planning and Highways) explained that there was a condition included on the application that the development would be for people aged 55 and over only and that the lack of education mitigation was due to this therefore there was reluctance to remove or amend the condition as drafted. She explained that if there was a specific reason someone younger than age 55 needed to occupy on of the dwellings then they could approach the Council and the Council would look at it on a case by case basis.

Councillor G Richardson queried who would be responsible to erect a fence if live stock were to inhabit the field next to the development as this should not fall to the farmer.

The Principal Planning Officer explained that the SuDs would not create any risk of flooding and to erect a fence would fall outside the red line boundary. There was no information on what the farmers plans were for the field but he would have to manage the live stock on the field if that was his intention.

Councillor C Varty stated that in the 21 years she had lived in the area there had been no live stock kept on that field.

Councillor E Adam asked about the concrete plinth that was situated on the land which he thought was an eye sore and queried if anything would be done about it to make the place more in keeping with the aesthetics.

Mr Ridgeon explained that the plinth fell on land which had different owners.

The Chair opened up the meeting to debate.

Councillor G Richardson **moved** to accept officers' recommendation to approve the application as the local member was in support of the application.

Councillor J Atkinson agreed with Councillor G Richardson and **seconded** the application to be approved.

Councillor E Adams thought it was a fantastic application as there was a need for bungalows. He had concerns with the number of red and amber scores and struggled to accept officers had recommended approval on that basis but agreed it was all about balance.

Upon a vote being taken it was:

**Resolved:**

That the application be **MINDED** to be approved subject to the completion of the legal agreements contained in the report.

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## Planning Services

# COMMITTEE REPORT

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### APPLICATION DETAILS

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Application No:	DM/23/03095/FPA
Full Application Description:	Erection of 3,600 seated arena, a small lake, landscaped hillside performance area, performance bridge and associated works for 'Lost Feather' bird show
Name of Applicant:	Ms Anna Warnecke
Address:	Kynren, Flatts Farm, Toronto, Bishop Auckland, DL14 7SF
Electoral Division:	Bishop Auckland
Case Officer:	Richard Laughton Senior Planning Officer <a href="mailto:Richard.laughton@durham.gov.uk">Richard.laughton@durham.gov.uk</a>

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### DESCRIPTION OF THE SITE AND PROPOSAL

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#### The Site

1. The application site is located approximately 0.5km to the north of Bishop Auckland. The wider 48.7 hectare site, located on a peninsula on the River Wear, has been developed to provide a seated grandstand, and associated infrastructure to stage the 'Kynren' show. The site subject of this application relates to parcels of undeveloped and/or grazing land within the wider to the northern site boundary.
2. To the north and west of the application site, a number of trees are located which line the banks of the River Wear. To the south of the application site are the built-out elements of the 'Kynren' development, (as discussed below in the planning history) including the main grandstand and show area and other associated building and structures. To the east of the application site a number of aviary structures have been constructed to support the development proposed in this application, beyond lies the remainder of the undeveloped site and access.

3. The wider site lies to the north of the escarpment on which Auckland Castle (Grade I Listed) and Parkland (Grade II Listed), and Bishop Auckland Town Centre (Conservation Area) are located. The site is within the Area of Higher Landscape Value and the flood plain of the River Wear being identified as being within Flood Zone 2 and 3. Binchester Roman Fort (a Scheduled Ancient Monument) is located approximately 140 metres to the north of the main event site. The Newton Cap Viaduct on the western boundary is Grade II Listed while Newton Cap Bridge (also known as Skirlaw Bridge) that lies beyond is a Schedule Ancient Monument and Grade I Listed.
4. There is no public right of way located on or within proximity to the application site. A Public Right of Way (PROW) which forms part of the Weardale Valley (Footpath 85) runs along the western boundary of the main Kynren event site. The main event site is accessed from the A689 just to the north of the viaduct that also serves the railway path and bridleway.

### **The Proposal**

5. The application site is measures approximately 1.12 hectares and is intended to facilitate the start of the next phase of the Kynren development, though the erection of a second arena. The arena and the associated development would allow the staging of a show called the 'Lost Feather' utilising trained birds. The proposed arena would be oval in shape, with the seating located towards the southern part of the structure, a small lake would be located centrally in the arena while a landscaped hillside performance area and performance bridge would be located to the northern section of the structure. The external appearance of the arena would be designed to replicate the appearance of a birds nest, utilising timber planked cladding walls and sculpted castings. The arena would have a ridge height of approximately 10m with a floor space of 4662sqm. Access to the arena would utilise existing pedestrian and vehicular access on the site.
6. The scheme is situated within the Kynren visitor attraction and identified as a 'Future Development Area' under implemented planning permission DM/16/01129/VOC that was for the '*Variation of conditions no.2 (approved plans) of planning approval DM/15/00110/FPA (re-development to allow the staging of historical show) to allow changes to site layout, and design of buildings, and condition 13 (restriction of access) and removal of condition no. 9 (car park opening times)*'. In July 2023, full planning permission was approved immediately to the west of the current application site for the erection of six aviaries including three round and three longitudinal buildings to house birds to support this application. The aviaries been constructed and brought into use.
7. The application is accompanied by an Environmental Statement (ES) as it is considered an Environment Impact Assessment (EIA) development having regard to the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (the EIA Regulations). This is in line with the conclusions reached on the original planning application for development of the site. This report has taken into account the information contained in the ES, and information arising from statutory consultations and other responses.
8. The application is being reported to planning committee in accordance with the scheme of delegations, as the floor space to be created exceeds 1000m<sup>2</sup>.

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## **PLANNING HISTORY**

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9. DM/15/00110/FPA – Re-development of existing golf course to facilitate the staging of seasonal historical show, including associated car parking area, staging facilities, outdoor seating, management offices and associated infrastructure and landscaping. Approved subject to S106. 6<sup>th</sup> August 2015.
10. DM/15/02710/FPA – Change of use and refurbishment of 3no. buildings to serve as offices and visitor facilities. Approved 28<sup>th</sup> October 2015.
11. DM/15/03672/FPA – Demolition of dwelling and erection of temporary office building. Approved 3<sup>rd</sup> February 2016.
12. DM/15/03842/FPA – Erection of 8no. lighting towers (variation to previously approved). Approved 22<sup>nd</sup> January 2016.
13. DM/16/01129/VOC – Variation of Conditions no.2 (Approved Plans) of planning approval DM/15/00110/FPA. Approved subject to S106. 5<sup>th</sup> March 2018.
14. DM/19/01633/FPA – Formation of Viking Village to be used as a preshow immersive experience (amended application to include foodcourt building and maze area). Approved 3<sup>rd</sup> March 2021.
15. DM/23/01204/FPA - Erection of six aviaries (3 round and 3 longitudinal). Approved 20<sup>th</sup> July 2023.

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## **PLANNING POLICY**

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### **National Policy**

16. *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.
17. *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.
18. *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.

19. *NPPF Part 7 - Ensuring the vitality of town centres.* Planning policies should be positive, promote competitive town centre environments and set out policies for the management and growth of centres over the plan period.
20. *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.
21. *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. Safe and suitable access should be achieved for all users and development should only be refused on transport grounds where the residual cumulative impacts on development are severe.
22. *NPPF Part 12 Achieving Well-Designed Places* - The Government attaches great importance to the design of the built environment, with good design a key aspect of sustainable development, indivisible from good planning.
23. *NPPF Part 14 Meeting the Challenge of Climate Change, Flooding and Coastal Change* - The planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.
24. *NPPF Part 15 Conserving and Enhancing the Natural Environment* - Conserving and enhancing the natural environment. The Planning System should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, geological conservation interests, recognising the wider benefits of ecosystems, minimising the impacts on biodiversity, preventing both new and existing development from contributing to or being put at unacceptable risk from pollution and land stability and remediating contaminated or other degraded land where appropriate.
25. *NPPF Part 16 Conserving and Enhancing the Historic Environment* – Heritage assets range from sites and buildings of local historic value to those of the highest significance, such as World Heritage Sites which are internationally recognised to be of Outstanding Universal Value. These assets are an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of existing and future generations,

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

## National Planning Practice Guidance:

26. The Government has consolidated a number of planning practice guidance notes, circulars and other guidance documents into a single Planning Practice Guidance Suite. This document provides planning guidance on a wide range of matters. Of particular relevance to this application is the practice guidance with regards to; historic environment; design process and tools; determining a planning application; flood risk; healthy and safe communities; land affected by contamination; light pollution; natural environment; noise; public rights of way and local green space; 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 (CDP)

27. *Policy 7 (Visitor Attractions)* supports the provision of new, or the expansion of existing attractions, provided they are: in sustainable and accessible locations or can be made so; are appropriate to site's location in terms of scale, design, layout and materials; can demonstrate viability of new attraction or helps support viability of existing attraction; enhances existing attractions and supports the visitor economy. Where a countryside location is required, development should: meet identified visitor needs; support local employment and community services; ensure adequate infrastructure; and respect the character of the countryside.
28. *Policy 9 (Retail Hierarchy and Town Centre Development)* seeks to protect and enhance the hierarchy of Sub Regional, Large Town, Small Town, District and Local Retail centres in the County.
29. *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.
30. Provision for economic development includes: agricultural or rural land based enterprise; undertaking of non-commercial agricultural activity adjacent to applicant's residential curtilage. All development to be of design and scale suitable for intended use and well related to existing development.
31. *Policy 21 (Delivering Sustainable Transport)* requires all development to 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. Development should have regard to Parking and Accessibility Supplementary Planning Document.

32. *Policy 29 (Sustainable Design)* requires all development proposals to achieve well designed buildings and places having regard to SPD advice and sets out 18 elements for development to be considered acceptable, including: making positive contribution to areas character, identity etc.; adaptable buildings; minimising greenhouse gas emissions and use of non-renewable resources; providing high standards of amenity and privacy; contributing to healthy neighbourhoods; and suitable landscape proposals. Provision for all new residential development to comply with Nationally Described Space Standards, subject to transition period.
33. *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.
34. *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.
35. *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.
36. *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 wastewater 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.
37. *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 impacts occur. Development affecting Areas of Higher landscape Value will only be permitted where it conserves and enhances the special qualities, unless the benefits of the development clearly outweigh its impacts

38. *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 or provide suitable replacement planting. The loss or deterioration of ancient woodland will require wholly exceptional reasons and appropriate compensation.
39. *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.
40. *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.
41. *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.
42. *Policy 56 (Safeguarding Mineral Resources)* states that planning permission will not be granted for non-mineral development that would lead to the sterilisation of mineral resources within a Mineral Safeguarding Area. This is unless it can be demonstrated that the mineral in the location concerned is no longer of any current or potential value, provision can be made for the mineral to be extracted satisfactorily prior to the non-minerals development taking place without unacceptable adverse impact, the non-minerals development is of a temporary nature that does not inhibit extraction or there is an overriding need for the non-minerals development which outweighs the need to safeguard the mineral or it constitutes exempt development as set out in the Plan. Unless the proposal is exempt development or temporary in nature, all planning applications for non-mineral development within a Mineral Safeguarding Area must be accompanied by a Mineral Assessment of the effect of the proposed development on the mineral resource beneath or adjacent to the site of the proposed development.

<https://www.durham.gov.uk/cdp>

## Neighbourhood Plan:

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

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## CONSULTATION AND PUBLICITY RESPONSES

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### Statutory Consultee Responses:

44. *Bishop Auckland Town Council* – No comments received.
45. *Lead Local Flood Authority* – No objection subject to the development being implemented in accordance with the submitted Flood Risk and Drainage Assessment
46. *Highways Authority* – Advise that the number of visitors to Kynren is currently limited to 8000 via a condition attached to application DM/16/01129/VOC. This proposal would not alter this, and this development itself would not generate any additional visitors or cause a breach of the permitted 8000. On this basis, this application is considered acceptable from a Highways perspective and would not be prejudicial to road safety.
47. *National Highways* – Following the submission of additional information no objections are offered subject to a condition requiring the submission of an event traffic management plan.
48. *The Coal Authority* – No objections subject to conditions requiring the completion of identified remedial works to stabilise the site.
49. *Environment Agency* – Following the submission of flood modelling data, no objections are raised.
50. *Historic England* – Outline the historic environment that the site sits within. Whilst recognising the presence of the existing Kynren development which could set a precedent for the proposal, it is advised that it does have a moderately negative impact on the setting of the castle and conservation area. The proposed arena is smaller and would add to the sense of additional development but not greatly alter the current situation. In policy terms this would represent less than substantial harm which would need to be weighed against the public benefits of the proposal.
51. *The Gardens Trust* – While recognising that the development is small scale in comparison to the wider site, concerns are raised with gradual expansion of the development and urbanisation on Auckland Castle and Park. It is advised that the increased harm would need to be weighed against the public benefits of the proposal.
52. *Natural England* – No objection

### Non-Statutory Responses:

53. *Ecology* – Advise that the methodologies and conclusions of the submitted ecology surveys/reports are sound. Whilst in the round the development would



not impact on the ecological interests of the site, the proposal would contribute to the cumulative loss of foraging habitat for badgers, which could not be viably mitigated for. In line with the assumptions in the original applications for development of the site this would displace badgers from the site resulting in a localised harm for the species.

54. *Landscape Section* – Offer no objection advising that the landscape and visual effects in the LVIA demonstrate that the development can in broad terms be absorbed into the existing landscape context within acceptable limit, subject to full hard and soft landscape details be agreed.
55. *Environmental Health Nuisance* – Offer no objection.
56. *Environmental Health Land Contamination* – No objection subject to conditions.
57. *Environmental Health Air Quality* – No objection subject to agreeing a construction management plan by condition.
58. *Archaeology* – No objection.
59. *Arboricultural Officer* – No objection as no adverse impact on existing trees.
60. *Design and Conservation* – The development would have a unique appearance which is driven by the theme of the attraction, while also following the principles of the original tribune with a timber cladding. The key to success will be the use of the materials. The structures would have a presence in the setting of a number of designated assets as the entire Kynren site does, this will not however be harmful and the arena will be assimilated in to the landscape alongside other similar structures. The presence of large alien structures across the site continues to reduce as landscaping matures and the further landscaping proposed can only assist with this. Overall no objections are raised.
61. *Public Right of Way* – Advise that there is no public right of way located on or within proximity to the site. Therefore, there is no impact on the rights of way network.
62. *Visit Durham* – Offer support for the proposals, advising that the development would increase the areas capacity to facilitate large events. There is a correlation between areas which have invested most in the visitor economy offer and the proliferation of visitor accommodation investment enquiries. This is particularly true of Bishop Auckland due to the Auckland Project and Kynren. The development will increase the destination's ability to attract events and should improve the county's ability to sustain a higher proportion of overnight visitors leading to increased economic growth.

#### **Public Responses:**

63. The application has been advertised by way of a site notice, press notice and 280 individual notification letters sent to neighbouring properties. There were 5 objections received with concerns relating to:

- Impact to protected species and inadequate assessment in initial ecology report;
- Impact from external lighting;
- EIA does not assess cumulative impacts
- Poor accessibility and sustainable transport modes leads to impact to air quality and climate change;
- Flood risk and adapting to climate change;
- Does not support the vitality of Bishop Auckland Town Centre;
- Impact to Natural and Historic Environment
- Cumulative harm to residential amenity and noise pollution
- Already an arena on site;
- Increase visitors and traffic to local network.

### **Applicants Statement:**

64. The future development of Kynren is founded on solid charitable objectives and the success of the past ten years. The popular, high-profile evening show has already generated a significant profile and has an impressive track record. Impact from visitors delivered with an incredible team of more than a thousand community volunteers, Kynren has attracted a total of 432,731 visitors over the past 10 years with an estimated 39% coming from outside the local area and North East region (within 60 minute drive time from site). The additional contribution to the North East economy from Kynren's more than 400,000 visitors over the past 10 years is £10.5 million. This includes the spend by Kynren's visitors when they not at the attraction itself and the spend by the supply chain that is also generated by these visitors.
65. **ADDITIONAL REVENUE GENERATED IN THE NORTH EAST ECONOMY-** The total additional revenue already generated in the North East economy by Kynren over the past 10 years is already an impressive £65.5 million. Of this £65.5 million, £30.8 million of additional revenue was due to significant capital investment in the North East region, both directly and by Kynren's supply chain. A further £24.2 million of additional revenue was generated as a result of Kynren's expenditure on goods and services in the North East region.
66. **JOB CREATION -** Kynren has already been responsible for creating hundreds of jobs both directly at the attraction and, more significantly still, in the wider North East region. The capital development of Kynren alone over the past ten years is estimated to have created a total of 146 additional jobs in the North East region. These are new jobs that would not have been created without Kynren. The impact is calculated using metrics from the Office of National Statistics. In addition to all these jobs – in 2024 alone a further 71 jobs were created in the North East region. Of these 23 jobs were created by visitor spend and 43 jobs by Kynren's spend on goods and services in the local area.

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

<https://publicaccess.durham.gov.uk/online-applications/>

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## **PLANNING CONSIDERATION AND ASSESSMENT**

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67. Having regard to the requirements of Section 38(6) of the Planning and Compulsory Purchase Act 2004 the relevant Development Plan policies, relevant guidance and all other material planning considerations, including representations received, it is considered that the main planning issues relate to the Principle of Development, Landscape/Heritage, Flood Risk/Drainage, Highway Safety/Access, Residential Amenity, Ecology and Ground Conditions.

### **Principle of Development**

68. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The National Planning Policy Framework (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 and is therefore considered up to date.
69. CDP Policy 10 is considered the starting point for the consideration of development in the countryside. The policy sets out a restrictive approach, stating that development in such locations will not be permitted unless allowed for by specific policies in the Plan, relevant policies within an adopted neighbourhood plan relating to the application site or where the proposal relates to stated exceptions contained within CDP Policy 10. In this respect, CDP Policy 7 is a relevant policy listed within CDP Policy 10 and sets out a positive approach to the delivery of visitor attractions highlighting that this sector is an important and resilient part of the County's economy. The policy seeks to permit developments where they are in sustainable and accessible locations, are appropriate to the site's location in environmental terms and that it can help support the viability and complement existing attractions.
70. The proposal seeks to complement the existing offer on site, which comprises the Kynren open air amphitheatre and other associated developments. The approval of six aviaries immediately west of the site house the birds associated with the Lost Feather show was a pre cursor to this development. The Supporting text to CDP Policy 7 identifies Kynren as a major attraction in Bishop Auckland and recognises it as an addition to the County's tourism offer, linked to nearby attractions at Auckland Castle and Bishop Auckland Market Place. It is recognised that the areas where the development is proposed was area identified as a future development area in the masterplan granted under permission DM/16/01129/VOC. In providing an additional pre-show attraction the proposal is intended to support the viability of the Kynren attraction by extending its offer. It is also noted Visit County Durham are supportive of the proposal and have provided data on potential economic benefits from employment opportunities and visitor spend, particularly by improving the County's attractiveness as a destination and increasing overnight stays.
71. This development is considered to complement the overall established use of the site and for the purposes of CDP Policy 7 will help to support the continued viability of the show and complement the existing attraction.

72. The NPPF and CDP Policy 9 (Retail Hierarchy and Town Centre Development) states proposals for town centre uses, not located within a defined centre will be required to provide a sequential assessment. The NPPF defines culture and tourism development including theatres as a town centre use. The PPG recognises the use of the sequential test should recognise that certain main town centre uses have particular market and locational requirements which mean that they may only be accommodated in specific locations. In the case of this proposal, there is a locational requirement for the theatre to be located as part of the wider Kynren development, given it is to complement and extend the existing offer. In addition, permission has recently been granted for aviaries on the site, which are to house the birds used as part of the 'Lost Feather' theatre show. The principle of further developing Kynren has also been established through the existing planning permissions. As such, it is considered the sequential test has been satisfied.
73. The NPPF and CDP Policy 9 also requires proposals for leisure development over 2,500sqm proposed outside of a defined centre to provide an impact assessment. Supporting text to the CDP identifies a masterplan for Bishop Auckland town centre has been developed that seeks to build on the investment at Auckland Castle through the Auckland Project and Eleven Arches. It states the CDP will support proposals that will deliver the aims of the masterplan, increase footfall within the town centre and improve its vitality and viability. The proposal will further attract visitors to Bishop Auckland. Given the sites proximity to the town centre there are potential benefits from increased overnight stays, footfall and spend. It is therefore considered in terms of impacts on Bishop Auckland Town Centre the proposal is consistent with the objectives of the CDP to support its vitality and viability.
74. Overall, the proposal seeks to complement the Kynren open air amphitheatre, an established visitor attraction in the County. Given the sites proximity to Bishop Auckland Town Centre there is potential for the centre to benefit from increased overnight stays, footfall and spend from visitors. The principle of the proposal is supported by CDP Policies 7, 9 and 10 subject to a detailed analysis of the potential impacts of the development

### **Landscape, Heritage and Design**

75. CDP Policy 7 states that the visitor sector is important and resilient part of the county's economy subject to being appropriate to the site's location on terms of scale, design, layout and materials. CDP Policy 10 also seeks to protect the heritage and the beauty and tranquillity of the countryside.
76. CDP Policy 29 outlines that development proposals should contribute positively to an area's character, identity, heritage significance, townscape and landscape features, helping to create and reinforce locally distinctive and sustainable communities.
77. CDP Policy 39 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. CDP Policy 39 also sets out that development

affecting Areas of Higher Landscape Value will only be permitted where it conserves the special qualities of the landscape unless the benefits of development in that location clearly outweigh the harm. CDP Policy sets out that new visitor attractions should respect the character of the countryside. CDP Policy 40 seeks to avoid the loss of existing trees and hedgerows unless suitable replacement planting is provided.

78. 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. 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. These policies reflect the requirements of Sections 16 and 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 in terms of having regard to the desirability of preserving the special interest of listed buildings which has considerable weight and importance.
79. The NPPF sets out at Parts 12, 15 and 16 that 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. The Planning System should also contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, geological conservation interests. Heritage 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 existing and future generations. Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
80. Volume 1 sections 7.0 and 10.0 of the submitted Environmental Statement provides a comprehensive assessed on the landscape, visual and heritage impacts and concluded that there would be no significant adverse effects.
81. The application site is within the Area of Higher Landscape Value and the proposal is accompanied by a Landscape and Visual Impact Assessment. Key receptors and viewpoints have been identified in the LVIA and previously agreed with DCC Landscape Officer. The landscape and visual effects assessed in the LVIA demonstrate that the proposed development can, in broad terms, be absorbed into the existing landscape context with acceptable impacts. Volume 3 of the Environmental Statement identifies additional landscaping is proposed to enhance the setting around the arena to help integrate with the existing landscape and also complement the approved landscaping associated with the neighbouring aviaries. In summary this includes existing vegetation within the site should be retained and enhanced; there should be additional native woodland planting along the river corridor to the north; individual native trees should be planted at locations around the structures and a sensitive use of materials for the development should be used.
82. The Council's Landscape Section have been consulted on the proposal and advise that the conclusions of the Landscape and Visual Analysis are sound, and that any landscape impacts can be reduced to an acceptable level providing the mitigation measures detailed above are implemented in full. A

condition should be imposed requiring detailed hard and soft landscaping details to be submitted, this can be controlled by planning condition. On this basis, it is considered that the development would not have a harmful impact upon the Area of Higher Landscape Value in compliance with Policy 39 of the County Durham Plan.

83. There are several heritage assets within proximity to the site. These include Auckland Castle (Grade I listed) and Parkland (Grade II listed) approximately 700m to the south, Bishop Auckland Town Centre Conservation Area which contains several listed buildings approximately 600m to the south, Binchester Roman Fort (Scheduled Ancient Monument) approximately 400m to the north, Newton Cap viaduct to south-west (Grade II listed) and Newton Cap Bridge (Scheduled Ancient Monument and Grade II listed) approximately 700m to the east..
84. The Council's Design and Conservation Team have been consulted on the application it is advised that the structures would have a presence in the setting of a number of designated assets as the entire Kynren site already does. However, the proposed arena would not be harmful and would be assimilated into the landscape alongside other similar structures. The prominence of large alien structures across the site continues to reduce as landscaping matures and the further landscaping proposed would further screen the site. Therefore, it is advised that whilst the development is within the setting of Listed Buildings, the proposal will be seen within the context of the wider site and there are no objections to the scheme from a conservation perspective protecting the existing historic environment.
85. Historic England also outline the sensitive historic environment that the site sits within. They advise that whilst recognising the presence of the existing Kynren development which could set a precedent for the proposal, it does have a moderately negative impact on the setting of the castle and conservation area. The proposed arena is smaller and would add to the sense of development but not greatly alter the current situation. In policy terms it is advised that this would represent less than substantial harm which would need to be weighed against the public benefits of the proposal.
86. The Gardens Trust have raised concerns in relation to the gradual expansion of the development and urbanisation on Auckland Castle and Park. However, they advise that this is a relatively small-scale development and increased visual impact is unlikely to cause substantial harm to the heritage assets.
87. As above, the development would result in 'less than substantial harm', for policy purposes in order to be considered acceptable this level of harm must be outweighed by the public benefits of the scheme. In this respect, as outlined above CDP Policy 7 identifies Kynren as a major attraction in Bishop Auckland and recognises it as a key addition to the County's tourism, with associated social and economic benefits. This development would complement the existing offer on the site and would by nature build on the established benefits, as confirmed by Visit County Durham. It is therefore considered that the scheme can demonstrate overriding public benefits to outweigh the identified less than substantial harm and as such, the proposal would comply with CDP Policy 44 and Part 15 of the NPPF in this respect.

88. Policy 44 also states in determining applications which would affect a known or suspected non-designated heritage asset with an archaeological interest, particular regard will be given to ensuring that archaeological features are generally preserved in situ; and in cases where the balanced judgement concludes preservation in situ should not be pursued, it will be a requirement that they are appropriately excavated and recorded with the results fully analysed and made publicly available. Given the previous disturbance on the site associated with former uses, the Council's Archaeology Team have confirmed there is no need for further survey work.
89. Overall, it is considered that the proposal complies with Policies 7, 10, 29, 39, 40 and 44 of the County Durham Plan in terms of design and landscape impacts, alongside Parts 12 and 15 of the National Planning Policy Framework. The development is also considered to comply with Sections 16 and 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

### **Flood Risk/Drainage**

90. CDP Policies 35 and 36 relate to flood water management and infrastructure. CDP Policy 35 requires development proposals to consider the effects of the scheme on flood risk and ensure that it incorporates a Sustainable Drainage System (SUDs) to manage surface water drainage. Development should not have an adverse impact on water quality. CDP Policy 36 seeks to ensure that suitable arrangements are made for the disposal of foul water.
91. Part 14 of the NPPF seeks to resist inappropriate development in areas at risk of flooding, directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere. Paragraph 181 advises that when determining planning applications, local planning authorities should ensure that flood risk is not increased elsewhere and that where appropriate applications should be supported by a site-specific flood-risk assessment. It goes on to advise that developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate. Development should also provide safe access and escape routes where appropriate, as part of an agreed emergency plan
92. The site is identified as being within Flood Zone 3 and accordingly a Flood Risk Assessment (FRA) has been submitted in support of the application. In reviewing this assessment (following amendments) The Environment Agency raise no objections to the application. It has been demonstrated through the FRA that water is allowed to fully flood the development, while not altering flows in a significant manner to ensure that offsite flood risk is not increased. The FRA confirms that the development should be placed on the flood register by signing up for the Environment Agency's Floodline Warnings Direct (FLOODLINE) service and the existing Emergency Evacuation Plan should be updated. An appropriately worded condition can be imposed to secure these mitigation measures are in place and an updated evacuation plan is submitted to ensure the safety of visitors from potential flood events.
93. In terms of the requirement to undertake a sequential test for flood risk, it is considered that there are no reasonable available sites that could

accommodate the development. The proposal is linked to the Kynren site and the neighbouring aviaries that contain birds that are intended to be used in future shows within the new arena.

94. The LLFA offer no objections to the surface water management principles. The application is supported with need hydraulic calculations for the pipe network together with an engineering drawing with finished levels. The proposed design demonstrates compliance with National Standards and Council Policy in providing a sustainable surface water management solution.
95. Overall, the application is considered to demonstrate that the proposed development would be safe without increasing or exacerbating flood risk elsewhere as required by Policies 35 and 36 of the County Durham Plan and Part 14 of the National Planning Policy Framework.

### **Highway Safety/Access**

96. CDP Policy 21 outlines that development should not be prejudicial to highway safety or have a severe cumulative impact on network capacity, expecting developments to deliver well designed pedestrian routes and sufficient cycle and car parking provision. Similarly, CDP Policy 29 advocates that convenient access is made for all users of the development together with connections to existing cycle and pedestrian routes. CDP Policy 6 criterion (e) requires development to not be prejudicial to highway safety or have a severe residual cumulative impact on network capacity.
97. Specifically, the NPPF sets out at Paragraph 115 that safe and suitable access should be achieved for all users. In addition, Paragraph 116 of the NPPF states that development should only be refused on transport grounds where the residual cumulative impacts on development are severe.
98. The number of visitors to Kynren is current limited to 8000 via a condition attached to application DM/16/01129/VOC. This proposal would not alter this. This development itself would not generate any additional visitors or cause a breach of the permitted 8000 as it is intended to be offered as an additional pre-show offer in conjunction with the existing Kynren show. On this basis, this application is considered acceptable from a Highways perspective and would not be prejudicial to road safety, as such, the Highways Authority offer no objection.
99. In order to ensure there is no further impact to the Strategic Road Network (SRN), National Highways consider that an Event Traffic Management Plan is required to be submitted. This will ensure that traffic levels can be carefully monitored, replicating an existing condition on the original development.
100. Overall, the proposals are not considered to adversely affect highway or pedestrian safety and would accord with Policies 6 and 21 of the County Durham Plan and Part 9 of the National Planning Policy Framework as safe and suitable access can be achieved for all users and the cumulative impacts on development would not be considered severe.



## Residential Amenity

101. CDP Policy 10 set general design principles for all development in the countryside and new development by virtue of their siting, scale, design and operation must not impact adversely upon residential or general amenity.
102. CDP Policy 31 states that all new development that has the potential to lead to, or be affected by, unacceptable levels of air quality, inappropriate odours and vibration or other sources of pollution, either individually or cumulatively, will not be permitted including where any identified mitigation cannot reduce the impact on the environment, amenity of people or human health to an acceptable level.
103. Parts 12 and 15 of the NPPF require that a good standard of amenity for existing and future users be ensured, whilst seeking to prevent both new and existing development from contributing to, or being put at unacceptable risk from, unacceptable levels of pollution.
104. The level of noise and disturbance requires assessment due to the nature of the development providing entertainment for a large number of visitors. The current noise management plan supporting the application has been amended to reflect the running of the completed 11 Arches stadiums in terms of entertainment noise and confirms consideration of the '*Code of Practice on Environmental Noise Control at Concerts*'. This is deemed to be the most appropriate guidance for noise arising from the various arenas to be considered against. In particular, Table 1 states that The Lost Feather will be a pre-show experience with no other amplified sound events taking place. Consequently, a cumulative impact from multiple events is not expected.
105. The Councils Environmental Health (Nuisance Action) Team advise that once all the arenas within the Kynren development are operational, a verification assessment is to be undertaken which demonstrates the stated noise level 90dB(A) is not being breached when multiple arenas are working. Noise levels at noise sensitive receptors should also be considered. This can be secured by a suitable worded condition to ensure noise levels remain at an acceptable level. Any breaches to noise levels can also be investigated under a Statutory Nuisance complaint separate to the planning application.
106. Therefore, the proposal is compliant with Policies 10 and 31 of the County Durham Plan and Parts 12 and 15 of the National Planning Policy Framework in regard to residential amenity.

## Ecology

107. NPPF Paragraph 193 d) advises that opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate. In line with this, CDP Policy 41 seeks to ensure new development minimises impacts on biodiversity by retaining and enhancing existing diversity assets and features. 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.

108. The application has been accompanied by an Ecological Impact Assessment (EIA) which has been reviewed by the Council's Ecology Team. It is noted that the EIA proposes additional planting around the scheme, a detailed list of the species and densities of tree planting has not been provided. However, this can be secured via planning condition.
109. The submitted Ecology Impact Assessment identifies that in the round the development would not have an adverse impact on species specially protected by law. The submitted report identifies protective working methods, including timings of works and installation of protective fencing. However, it is concluded that the development would result in the loss of foraging land for badgers. It would however not impact on any badger setts, which are specifically protected by law.
110. The Council's Ecology section have reviewed the submitted reports alongside historical data and report submitted on the initial applications for the development of the site. Whilst it is advised that the methodology of the reports and subsequent conclusions are sound, the cumulative loss of foraging habitat for badgers needs to be recognised. This will likely lead to the further displacement of the species from the site leading to an adverse impact in this location.
111. The loss of foraging habitat for badgers is recognised and regrettable, however this impact was identified and anticipated in the determination of the initial and subsequent planning applications for the development of the site. In line with these assumptions, while badgers would still continue to use the site for foraging in a limited way, due to the cumulative loss of foraging habitat which could not be viably mitigated for, there would be an adverse impact on the badger population in this location. Within the wider context of County Durham there is a healthy and well spread population of badgers that is not under threat as a species. This impact needs to be weighed in the planning balance.
112. In terms of BNG, this application was submitted prior to the mandatory 10% delivery requirements. The most recent applications for the wider site also ensured that any BNG mitigation was delivered off site in two separate locations. This was to ensure that any future development identified in the future development zones would not be affected.
113. Overall, in the round the development would not have an adverse impact on ecological interests of the site, however cumulatively the development would result in the loss of foraging habitat for badgers, largely displacing them from the site. Whilst this impact was considered and anticipated in the initial applications for development of the site this harm and the policy conflicts with CDP Policy 41 and Section 15 of the National Planning Policy Framework needs to be recognised in the planning balance.

### **Ground Conditions**

114. CDP Policy 32 requires sites to be suitable for use taking into account contamination and unstable land issues. Paragraph 196 of the NPPF requires sites to be suitable for their proposed use taking account of ground conditions and any risks arising from land instability and contamination.

115. The site is located within an area of high risk in relation to historic coal mining activity. A Coal Mining Risk Assessment has been undertaken that acknowledges the risks of previous shallow depth coal mining activity.
116. The applicant has obtained appropriate and up-to-date geological and mining information, as well information from the results of intrusive site investigations undertaken. From a review of the site investigations undertaken, the Report confirms that identified shallow mine workings pose a risk to ground stability, which require consolidation. The Coal Authority has no objections subject to conditions for further site investigations.
117. The Contaminated Land Team have been consulted and have reviewed the submitted information and offer no objections. Due to the 'open air' nature of the proposed development the need for ground gas protection measures across the site is not necessary as there are no requirements for a contaminated land condition.
118. Policy 56 of the CDP seeks to safeguard mineral resources. Significant areas of the County fall into such mineral safeguarding areas, including the application site and wider area. Although a non-mineral development is proposed, it is not considered that the current proposals would sterilise mineral resource taking into account the scale of the site and residential setting. No objections are raised in this regard and the proposal does not conflict with Policy 56.
119. Overall, it is considered that the proposal would comply with Policies 32 and 56 of the County Durham Plan and Paragraph 196 and 197 of the National Planning Policy Framework and the site is safe and stable to accommodate the development proposed.

### **Air Quality**

120. Environmental Health and Consumer Protection (Air Quality) Officers have assessed the application and advise that the proposed dust management measures described within the Framework CEMP are acceptable in relation to protecting Air Quality and a condition is imposed to seek the final CEMP to ensure the application includes the proposed mitigation measures. As such, the application complies with Policy 31 of the CDP and Part 15 of the NPPF.

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## **CONCLUSION**

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121. The proposal would complement the additional offer on the existing Kynren site and enhance the attractiveness of the established tourism destination which is a key contributor to the attractiveness of the region as a destination with established associated socio-economic benefits. Given the nature of the scheme and its intrinsic link to the established operation of the site, it is concluded that the development would not impact on the vitality and viability of Bishop Auckland Town Centre. It would also support Bishop Auckland Town centre by increased footfall in the vicinity. In accordance with CDP Policy 7, the scheme would raise the quality of the visitor experience, provision of new visitor attractions and the expansion of existing attractions in the County.

122. The proposal would be acceptable in terms of flood risk management and would not impact upon residential amenity or highway safety.
123. It is concluded that the development would not cause harm to the Area of Higher Landscape Value and the identified 'less than substantial' harm to the surrounding designated heritage assets is outweighed by the established socio-economic benefits of this wider site that this development would enhance.
124. In line with the conclusions and assumptions made on the original planning applications for the development of the site, the cumulative impact would reduce the amount of foraging land that badgers could utilise. As this could not be viably mitigated for there would be an adverse impact on the badger population in this location. It is however recognised that within the wider context of County Durham there is a healthy and well spread population that is not under threat as a species. Whilst recognising the policy conflict in this respect, given the previously established impacts and assumptions, it is concluded that the socio-economic benefits would outweigh this harm and policy conflict
125. Overall, the proposal is considered to be acceptable on balance given the significant socio-economic benefits and overriding public interests to an existing visitor attraction when weighed against the ecological harm and 'less than substantial' harm to designated heritage assets. The application is therefore in accordance with Policies 7, 9, 10, 21, 29, 31, 32, 35, 36, 39, 40, 41, 44 and 56 of the County Durham Plan and Parts 2, 6, 7, 8, 9, 12, 14, 15 and 16 of the National Planning Policy Framework. There are no material planning considerations which indicate that a decision would be otherwise and therefore the application is recommended for approval.

### **Public Sector Equality Duty**

126. 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.
127. In this instance, officers have assessed all relevant factors and do not consider that there are any equality impacts identified.

## RECOMMENDATION

That the application be **APPROVED** subject to following conditions:

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

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

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

Plan	Drawing Number	Date Received
Site Location Plan	A0002 Rev B	20/10/23
Proposed arena floor plan - setting out	A1004 Rev C	04/10/24
Proposed Arena Floor Plan-Upper Level	A1003 Rev. C	15/11/24
Proposed Site Plan	A1001 Rev. K	15/11/24
Proposed Arena Floor Plan-L0	A1002 Rev. D	15/11/24
Massing Model Views and Sections	A3001 Rev. L	15/11/24
Proposed Massing Model	A3002 Rev. G	15/11/24
Proposed External Elevations	A3003 Rev. B	15/11/24
Lost Feather Proposed Drainage Layout	0001 Rev. P02	25/10/24
Detailed landscape plan (sheet 1)	878_LF_300	04/10/24
Detailed landscape plan (sheet 2)	878_LF_301	04/10/24
Noise Management Plan	11A-NMP-GE-251124	04/12/24
Flood Risk and Drainage Assessment	November 2024	11/11/24
Landscape Strategy	898_121 Rev A	10/02/25
Ecological Impact Appraisal Addendum	BIOC23-005B	26/03/25

Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with Policies 7, 9, 10, 21, 29, 31, 32, 35, 36, 39, 40, 41 and 43 of the County Durham Plan and Parts 2, 8, 9, 12, 14, 15 of the National Planning Policy Framework.

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

with others of similar size and species. Replacement planting 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.

4. The development hereby approved shall be carried out in accordance with the submitted Flood Risk Assessment (Ref: 11Arches Lost Feather Flood Risk and Drainage Assessment Report dated November 2024 prepared by JBA Consulting) and including the following mitigation measures it details:
  - The arena is floodable as stated in Section 5.1;
  - The incorporation of the Flood Resilience Measures identified in Section 5.2.

The mitigation measures shall be fully implemented prior to the first use of any of the aviaries and shall be retained and maintained thereafter throughout the lifetime of the development.

Reason: To prevent flooding elsewhere by ensuring that there is no loss in storage of flood water onsite to comply with Policy 35 of the County Durham Plan and Part 14 of the National Planning Policy Framework.

5. Prior to the commencement of development an updated Flood Warning and Evacuation Plan shall be submitted to, and approved in writing by, the Local Planning Authority. The approved Flood Warning and Evacuation Plan shall then be implemented upon occupation. The Flood Warning and Evacuation Plan shall be kept up-to-date throughout the lifetime of the development and shall be disseminated periodically to users.

Reason: To ensure safe access and escape routes for future uses during a flood event to comply with Policy 35 of the County Durham Plan and Paragraph 181 of the NPPF.

6. Notwithstanding any details of materials submitted with the application, prior to their installation, details of the make, colour and texture of all external 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 29, 39 and 44 of the County Durham Plan and Part 12 of the National Planning Policy Framework.

7. No development shall commence until;
  - a) any remediation works and/or mitigation measures to address the shallow mine workings, 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.
  - b) The intrusive site investigations and remedial works shall be carried out in accordance with authoritative UK guidance.

Reason: In order to ensure the safety and stability of the development, in accordance with Paragraphs 196 and 197 of the National Planning Policy Framework.

8. Prior to the occupation of the development, or it being taken into beneficial 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 the recorded mine entry.

Reason: In order to ensure the safety and stability of the development, in accordance with Paragraphs 196 and 197 of the National Planning Policy Framework.

9. Prior the first show in any calendar year an Event Traffic Management Plan should be submitted for the series of shows in that calendar year (in consultation with National Highways or its successors). The Event Traffic Management Plan shall then be implemented in accordance with the approved details thereafter.

Reason: In order to ensure that traffic generation from the development remains within levels that have been assessed and found to be acceptable and to ensure that that the free flow of the Trunk Road is maintained in accordance with Circular 01/2022: The Strategic Road Network and the Delivery of Sustainable Development.

10. No development, including demolition, shall commence until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Construction Management Plan shall include as a minimum, but not restricted to, the following:

1. A Dust Action Plan including measures to control the emission of dust and dirt during construction.
2. Details of methods and means of noise reduction and suppression.
3. Where construction involves penetrative piling, details of methods for piling of foundations including measures to suppress any associated noise and vibration.
4. Details of measures to prevent mud and other such material migrating onto the highway from all vehicles entering and leaving the site.
5. Designation, layout and design of construction access and egress points.
6. Details for the provision of directional signage (on and off site).
7. Plan based details of the position, and heights relative to ground level, of security fencing, contractors' compounds, and temporary infrastructure,

including cranes, plant, and other equipment, and storage arrangements for materials.

8. Details of provision for all site operatives for the loading and unloading of plant, machinery and materials, to including the timings of deliveries and the types of delivery vehicle(s) to be used.

9. Details of provision for all site operatives, including visitors and construction vehicles, for parking and turning within the site during the construction period.

10. Routing agreements for construction traffic.

11. Details of the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate.

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

13. Management measures for the control of pest species as a result of demolition or construction works.

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

The management strategy shall have regard to BS 5228 "Noise and Vibration Control on Construction and Open Sites" (or an equivalent British Standard if replaced) during the planning and implementation of site activities and operations.

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

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

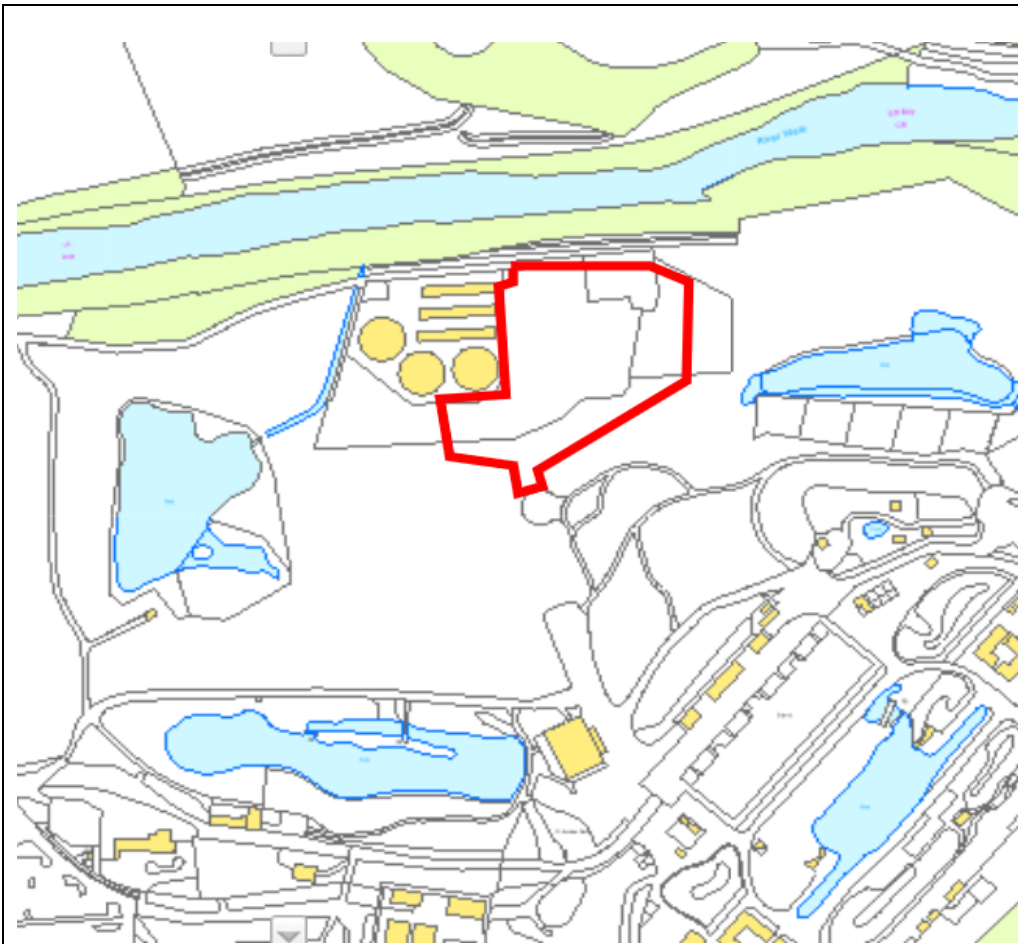
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## **BACKGROUND PAPERS**

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Submitted Application Forms, Plans and supporting documents  
National Planning Policy Framework  
The County Durham Plan (CDP)  
Trees, Woodlands and Hedges SPD (2024)  
Parking and Accessibility SPD (2023)  
Statutory consultation responses  
Internal consultation responses  
External consultation responses





**Planning Services**

DM/23/03095/FPA

Erection of 3,600 seated arena, a small lake, landscaped hillside performance area, performance bridge and associated works for 'Lost Feather' bird show (EIA Development)

Kynren, Flatts Farm, Toronto, Bishop Auckland, DL14 7SF

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Comments

Date: April 2025

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