



County Planning Committee

Date Tuesday 3 December 2024
Time 10.00 am
Venue Council Chamber, County Hall, Durham

Business

Part A

1. Apologies
2. Substitute Members
3. Declarations of Interest
4. Minutes of the meeting held on 2 October 2024 (Pages 3 - 16)
5. Applications to be determined
 - a) DM/24/00903/WAS - Proposed anaerobic digestion plant - Sprucely Farm, Sedgefield, Stockton On Tees, TS21 2BD (Bishop Middleham) (Pages 17 - 58)
6. Such other business as, in the opinion of the Chairman of the meeting, is of sufficient urgency to warrant consideration

Helen Bradley
Head of Legal and Democratic Services

County Hall
Durham
25 November 2024

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

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

Councillors J Atkinson, D Boyes, M Currah, J Elmer, J Higgins,
P Jopling, C Martin, A Savory, K Shaw, A Simpson, G Smith,
S Wilson and S Zair

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DURHAM COUNTY COUNCIL

At a Meeting of **County Planning Committee** held in Council Chamber, County Hall, Durham on **Wednesday 2 October 2024 at 10.00 am**

Present:

Councillor G Richardson (Chair)

Members of the Committee:

Councillors J Atkinson, A Bell (Vice-Chair), D Boyes, M Currah, J Elmer, J Higgins, K Shaw, A Simpson, G Smith, S Wilson, S Zair, C Hunt and G Hutchinson

Also Present:

Councillor Jan Blakey, Councillor Ivan Cochrane and Councillor Mark Wilkes

1 Apologies

Apologies for absence were received from Councillors Jopling, Martin and Savory.

2 Substitute Members

Councillors Hutchinson and Hunt were in attendance as substitute Members for Councillors Savory and Jopling respectively.

3 Declarations of Interest

Councillor M Wilkes declared an interest as Portfolio Holder of Neighbourhoods and Climate Change, however confirmed that he was in attendance to speak on item 5a) as a resident.

Councillor Hutchinson declared an interest on item no. 5 b) as Local Member, however he had not made any comments or representations on the application, prior to the meeting.

4 Minutes

The minutes of the meeting held on 26 July 2024 were agreed as a correct record and signed by the Chair.

5 DM/22/02238/FPA - Erection of 181 no.2,3 and 4 bedroom two-storey dwellings with associated works - Land South of Greylingstadt Terrace, The Middles, Stanley

The Committee considered a report of the Senior Planning Officer for the erection of 181 no.2,3 and 4 bedroom two storey dwellings with associated works on Land South of Greylingstadt Terrace, The Middles, Stanley (for copy see file of minutes).

The Senior Planning Officer gave a detailed presentation which included a site location plan, site photographs, a site layout plan and a summary of the report. A site visit had taken place on the previous afternoon.

Councillor Wilkes addressed the Committee to confirm that although he was not specifically objecting to the proposal, there was a lack of clarity regarding Biodiversity Net Gain (BNG) within the site. The information published on the Council's website indicated that a site of only 9.5 hectares would have over 8 hectares of urban trees and whilst he had received information regarding the way the metrics had been calculated and acknowledged the information presented by Officers, it remained unclear how many of the 366 trees on site would contribute to the BNG requirement. Half of the trees were located within private gardens which could not be controlled and therefore not able to be counted toward BNG. He assumed there was no condition that could be applied to private trees and required confirmation that the remaining trees were sufficient to meet BNG requirements for the site. Councillor Wilkes suggested that more clarity be provided in planning applications in order for Members to ensure that the Council was meeting legal obligations.

Mr Dodds addressed the Committee to confirm that the Applicant specialised in entry level housing which was aimed at low to middle earners, which gave customers at the lower end of housing market the chance to own a home. The proposal was for the development 181 homes and care had been taken to ensure that homes were affordable. A two bedroom property was considered cheaper than private rent and properties also offered significant savings through energy bills due to their efficiency. The scheme would also provide significant contributions to open space, improvements to footpaths, increased GP capacity, onsite amenity space and 18 affordable units. In addition to Section 106 contributions Mr Dodds referred to a Community Matters Initiative which would be introduced for local initiatives, including sponsoring local junior sports teams, local employment commitments and sustainability pledges.

Mr Dodds confirmed that the trees within garden areas had not been counted within the calculation used for BNG. To sum up, the proposal was a predominantly first time buyer led, low cost home ownership scheme, in a

sustainable location, with a significant package of contributions and he hoped that it would be supported by Members. He thanked council Officers for their professionalism throughout the application process.

The Planning Officer advised that the application had been submitted in 2022 and therefore assessed on previous BNG requirements which required a net gain. It was important to note that the distinctiveness had improved and the required BNG would be delivered, with only the trees in open space and other site improvements included in the calculation. The Ecology Officer added that trees within gardens could not be included in the calculation, however there were 185 trees within public open space which would equate to a net gain when combined with the onsite habitat creation.

Councillor Elmer was concerned that the application had not been required to meet the new BNG requirements and reminded the Committee of the hierarchy in relation to BNG. It was most important to retain valuable habitats on site and to only replace where necessary, with like for like. If losing grassland, it should be replaced with grassland and in this situation there was a large amount of grassland to be lost but it appeared to be replaced with tree planting which didn't align with the principle of on site like for like.

The Ecology Officer advised that habitats were assessed for distinctness and only if grassland was determined as high level would it be required to be replaced like for like. The grassland on this site had been categorised with low level distinctiveness and according to guidance any medium distinctiveness habitat could be used to compensate. The BNG gain was therefore being partially delivered through a medium distinctiveness urban tree scheme.

Councillor Elmer had visited the site and queried whether the entrance corridor of grassland was being retained. The Ecology Officer advised that this area contained 0.6 hectares of grassland which had been assessed and classified as other neutral grassland and 0.4 hectares was being retained and enhanced in addition to another area of grassland to the south of the site. A proportion of this grassland would be built upon.

Councillor Wilson confirmed that the application accorded to policy and framework and could see no reason to reject the application. The land was not in use and there had been little objection to the scheme therefore he moved the recommendation to approve the application.

Councillor Atkinson noted that comments from Councillor Wilkes had not equated to an objection and only 20 in total had been received. He therefore seconded the motion to approve the application.

Councillor Shaw added that appropriate housing schemes were essential for the Council to meet future housing need.

Councillor Elmer confirmed that he was in support of the application and noted its value, but he wanted to ensure it had been assessed correctly.

Councillor Richardson referred to representations which had been made by the Local Member raising concerns about access to the site. The Highway Development Manager confirmed that the proposed access met all required standards in terms of visibility.

Resolved

That the application be APPROVED subject to the conditions outlined in the report and the completion of a legal agreement under Section 106 of the Town and County Planning Act 1990 (as amended) to secure the following;

- £267,987 towards upgrading/delivering open space off site;
- £80,500 towards footpath improvement works in the vicinity;
- £87,234 to increase GP surgery capacity in the area.
- The delivery of 10% Affordable housing units on site, equating to 18 units for affordable home ownership, 5 of which will be first homes and 13 of which will be discounted sale and;
- An updated Habitat creation, management and monitoring plan and an agreement under Section 39 of the Wildlife and Countryside Act 1981 for long term management and monitoring

6 DM/23/01868/FPA - Installation and operation of a Solar Farm together with all associated works, equipment and necessary infrastructure (Resubmission) - Croxdale Farms, Hett Moor Farm, Hett, Durham, DH6 5LJ

The Committee considered a report of the Senior Planning Officer regarding an application for Installation and operation of a Solar Farm together with all associated works, equipment and necessary infrastructure (Resubmission) at Croxdale Farms, Hett Moor Farm, Hett, Durham, DH6 5LJ (for copy see file of minutes).

The Senior Planning Officer confirmed that the application was a resubmission of an application previously refused in June 2022 and subsequently approved by Members subject to a 39 Legal Agreement on 8 May 2024. Since the previous meeting, a letter had been received from a law firm acting on behalf of one of the objectors. The Senior Planning Officer confirmed that he would present the report as it had been presented on 8 May 2024 following which he would address other matters received since.

The Senior Planning Officer gave a detailed presentation which included a site location plan, aerial photograph, site photographs from various locations, and proposed site layout and landscape strategy plan. He then outlined further representations received since the application had been approved on 8 May 2024 which included three from local residents and one from a law firm representing a resident from Burnhope. This letter had alleged that the solar farm application had been incorrectly presented to Members at the previous meeting and criticised the report for not specifically stating that the provision of a community benefit fund was not a material planning consideration.

The Senior Planning Officer provided details of the issues raised by the Objector and calculations in relation to the output capacity of the project. He also provided details of the calculations provided by the Applicant and confirmed that there was a condition which required the final design of the scheme to be approved before construction, including panel specifications.

The Planning Officer confirmed that the Community Benefit Fund formed no part of the Officers assessment and was afforded no weight in the planning balance as it was acknowledged that it was not a material planning consideration. It had been mentioned in the report under public representations and in the Applicant's Statement, however during the meeting on 8 May 2024 the Planning and Highways Lawyer had reminded Members that it could not be afforded any weight as it was an agreement outside of the planning system.

The Senior Planning Officer provided details in relation to a recent Judicial Review of a solar farm in Burnhope. The decision had been quashed as the Council had failed to take into account whether it was approving more panels to produce the electricity generating capacity, over a larger area than required. The Judge had dismissed the assertion that the development exceeded a capacity level that could be determined by the Planning Authority. The Committee were advised that it was important to consider whether the scheme could be delivered with less panels, however the information provided by the Applicant confirmed that to deliver a stable and consistent output of 49.9MW, it required a peak generating capacity of 77MW to account for weather and light conditions.

Councillor Blakey addressed the Committee as Local Member and in objection to the proposal. She supported residents' concerns and objected due to the scale of the scheme as it would have a significant impact on the surrounding area. Councillor Blakey criticised the consultation process, suggesting that an exercise be undertaken to enable members and residents to contribute to planning applications in a quicker and more simplified way.

Ms Marinan addressed the Committee as local resident, in objection to the proposals which would result in the loss of agricultural land used for food production and impact food security. She shared personal experience of domestic solar panels that were inefficient due to weather conditions and suggested that the scheme would not be efficient enough to warrant the destruction of arable land. The application was contrary to policies within the County Durham Plan (CDP) and she noted that construction materials would be imported. Furthermore, residents from Hett had not been consulted about whether the project should go ahead and they would receive very little from the community benefit fund as it would cover a wide area.

Mr Galloway addressed the Committee in objection to the proposal. Solar farms changed rural land to industrial land and impacted on the ability to use land for recreational purposes. The reason for a 50MW limit was to protect communities from the devastating impact of overdevelopment. The drawings submitted by the Applicant had incorrectly calculated the maximum output capacity. It had been agreed by both the Government and solar industry that the average panel was 225W per square metre and therefore using the agreed standard the scheme would equate to 95MW, which was nearly double the threshold. The Applicant would argue that the scheme would produce less and when it was dark it would produce nothing, however it was important to consider the output produced at the scheme's theoretical maximum. The Applicant had not explained how 95MW became 49.9MW at maximum capacity and Mr Galloway considered that the scheme was likely to be unlawful. He urged the Committee to refuse the application or at least defer it to investigate further.

On behalf of the Applicant, Mr Duncan confirmed that the project would provide significant benefits. It would reduce energy bills, meet the energy needs of 14k homes and provide environmental benefits. The site was graded as low quality agricultural land. The Applicant had responded to submissions and provided clarity on the design of the scheme and the way that capacity was measured. The report concluded that no new matters had been raised.

The Chair added that grade 3 agricultural land was able to grow a good crop.

The Senior Planning Officer took the opportunity to respond to some of the issues raised. He confirmed that during the consultation process neighbour letters had been issued twice, to 1128 properties and the application had been advertised in the local press and with numerous site notices. Responses had been received and therefore he assumed that people had read them.

Referring to the output capacity, he confirmed that the 50 MW limit only restricted the output of the site, however there was no limit on its generating

capacity. Whilst the Planning Authority had to be mindful of the scale of the site, whatever the maximum generating capacity, the output was under 50MW. He advised Members that the calculation by Mr Galloway used a limited range of panels and there were more than 1200 on the market. There was nothing contained in the application which stated which panel would be used. Furthermore, the Judge had determined that the Burnhope application had not approved a specific panel type and there had been no concerns regarding capacity.

The Senior Planning Officer confirmed that the impact on landscape ecology had previously been deemed acceptable and nothing had changed since the previous application.

Councillor Wilson reiterated comments he had made at the previous meeting in May regarding similar developments refused by the Council and overturned on appeal, highlighting the potential costs associated. The Senior Planning Officer reminded Members that there had been two applications overturned on Appeal, however the Council had been fortunate not to have incurred costs.

In response to a question from Councillor Currah, the Senior Planning Officer confirmed that the decision on Burnhope had been quashed in February 2024 and the application would be redetermined by the Planning Committee.

In response to further questions from Councillor Currah, the Senior Planning Officer advised that there had been no changes to the application since the decision in May and reiterated the reasons for the JR decision. It had not been due to the scale or output of the scheme, but the Committee had not addressed whether they were approving more panels than required, which was a material consideration.

Councillor Currah was concerned that there seemed to a free market for this type of development and asked whether there would be a limit on the number of developments within the county. The Senior Planning Officer confirmed that there were no plans to have a set limit or target, however the supplementary planning document could be revised.

Councillor Currah queried the capacity output suggested by the objector and the Senior Planning Officer explained that this had been calculated using the highest powered panels and had not taken into account inefficiencies of the system.

Mr Kriss was in attendance on behalf of the Applicant and in response to further questions from Councillor Currah, he confirmed that 135,000 panels had been proposed with an indicative panel of 570W as these had been recently been installed elsewhere and the overall scheme equated to 77MW.

He was unable to confirm the exact type of panel to be used as the procurement exercise would only begin following planning consent and depended on availability. There was a range of panels on the market, with panels available up to 700W however these were larger. The exact type of installation could not be confirmed until planning consent was granted, which was normal practice. He added that most panels were visually identical and therefore there would be no impact on the overall development.

Councillor Currah stressed that less panels would be required if higher powered panels were used which would have less impact on the environment. Mr Duncan advised that the project had been developed around various environmental constraints and other technical factors. The layout presented made the most efficient use of the grid export capacity. He reiterated that the assumption of 570W had been based due to a recent installation and confirmed that market conditions would be considered at the construction and procurement stage. In addition, the final layout required approval which was conditioned. Whilst there may have been some potential to use less panels, based on various simulations on other projects, the difference would be negligible. Visually the 570W panels were almost identical to 680W and therefore make little difference. He confirmed that the Officer had found the policy context and environmental impacts of the scheme to be acceptable.

Councillor Hutchinson was familiar with the area as it was within his ward. This was a large scheme and he queried the location of the villages consulted as it would impact on a large area with a significant number of properties. The Senior Planning Officer confirmed that letters had been issued to at least two rows of properties that would potentially be able to view the site. He confirmed that this was over and above the consultation that would normally be carried out.

In response to a further question from Councillor Hutchinson the Senior Planning Officer confirmed that as with any electric device, there would be electromagnetic radiation but it was harmless.

Councillor Boyes suggested that the Committee could not object to the proposal without a material difference from the application approved in May. If it were rejected, the Council would lose at Appeal and incur costs to the tax payer. He moved a motion to approve the application as per the recommendations in the report.

Councillor Shaw agreed that there were no material reasons to refuse the application having heard the advice given by Officers and he seconded the motion to approve the application.

Councillor Wilson noted that there was no difference to the application than that previously approved and the Council had a duty to consider previous decisions of the Planning Inspector which had been overturned when applying weight to similar developments.

Councillor Elmer supported the application. The issue of landscape harm was subjective, it would change the landscape, but only temporary. The appearance and ability to farm would fundamentally change as a consequence of climate challenges and large scale solar farms were by far the most effective way of meeting carbon targets. The application had considerable BNG and would not result in the entire loss of farming as it would still be possible for animals to graze under the panels. He therefore supported the recommendation.

The Planning and Highways Lawyer reminded Members that they were being asked to reconsider the application in its entirety. The Senior Planning Officer had explained that the recommendation remained the same as before. The Objector had suggested that any level of overplanting would make the scheme unlawful, however this had not been the view of the Planning Officers or the Judge in the Burnhope case who had agreed that it was permissible to make an allowance for overplanting. The Council had assessed the level of overplanting and associated impacts and considered it to be acceptable and not unlawful as had been alleged.

Resolved

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

Councillors Boyes and Wilson left the meeting at this point and did not return.

7 DM/23/02008/FPA - Engineering and associated works to form enclosed area in association with storage use, Land North Of Emerald Biogas, Preston Road, Aycliffe Business Park, Newton Aycliffe, DL5 6AB

The Committee considered a report of the Senior Planning Officer regarding an application for Engineering and associated works to form enclosed area in association with storage use Land North Of Emerald Biogas, Preston Road, Aycliffe Business Park, Newton Aycliffe DL5 6AB (for copy see file of minutes).

The Senior Planning Officer gave a detailed presentation which included a site location plan, aerial photograph, previously approved and proposed site

layout plans, proposed site elevations and site photographs from various locations.

The Senior Planning Officer confirmed the following revisions to the report. The report referred to the site as a Designated Local Wildlife Site within the CDP (paragraph 4 and 131). This had been the case in 2020, however the land had been de-designated prior to submission of the application in 2023 and was therefore no longer a Designated Local Wildlife Site. With regards to the reasons for refusal no. 1) referred to a conflict with Policy 43 of the CDP, however this was in error as whilst Dingy Skipper was a Priority Species and not a Protected Species. The application was still in conflict with Policy 41 and paragraphs 180 and 186 of the National Planning Policy Framework.

Mr Greally addressed the Committee on behalf of the Applicant to confirm that the application had been submitted in July 2023 and enhanced following engagement with Officers. He advised that there would be significant benefits, including the use of a longstanding vacant site within an industrial location. The proposed storage use was in accordance with the employment use allocation carried forward from the Sedgefield Local Plan and there was a presumption which favoured uses such as storage. He described the type of equipment and machinery that would benefit from open storage and advised that approval of the application would provide support for existing and new businesses in the area and reduce the potential for relocation.

Mr Greally advised that the previously granted planning permission had been subject to a legal agreement which had resulted in a compensatory payment of £90,000 for offsite habitat. At the time of approval, the Applicant had been absolved from having to carry out any further biodiversity mitigation works to the application site and there were no conditions attached requiring any of the biodiversity features to be installed or managed over time. The Applicant was of the view that this payment had offset any biodiversity impacts on the site, however in order to address comments on the scheme, an 0.75 hectare area would be retained and enhanced to provide habitat for Dingy Skipper butterflies. This was a larger area than the existing areas on site that were considered highly suitable for the species.

Mr Greally suggested that conditions could be attached to actively manage the site, and to deliver and maintain areas suitable for Dingy Skipper. This was a regime that did not exist on site, nor through the previously granted planning permission. The Applicant's Ecologists had advised that the type of habitat designed, would have the correct ground conditions and landforms to help maximise sunlight and thermal capture, which was essential for the species. This was considered a significant benefit over the previously approved scheme and the ability to secure the retention and long-term management of these features had not been afforded sufficient weight.

He continued that whilst a number of trees would be removed to facilitate the scheme, a condition could be attached to secure a long-term management strategy for remaining and replacement trees. Great Aycliffe Neighbourhood Plan had been referred to within the refusal however Mr Greally noted that in responding to the application, the Town Council had raised no objection to the proposals. A detailed design of the drainage scheme would need updating to accommodate the increased area for Dingy Skipper however the principles of the drainage strategy which had been accepted by the Council, could also be incorporated into a planning condition.

In conclusion, Mr Greally clarified the employment status of the site and that it was no longer a Designated Local Wildlife Site. The storage facility would support business in the area by providing the opportunity to meet storage needs and he urged the Committee to grant planning permission to enable the site to be brought into productive economic use.

The Senior Planning Officer accepted that measures on the previously approved site had not been secured in perpetuity, however because they were shown on the approved plans they were required for the consent to be lawfully implemented. He confirmed that the financial contribution secured under the previous planning consent had been discussed at length by Officers, however they did not consider that it mitigated the identified impact of the current application.

Councillor Atkinson confirmed that the site was within his ward and queried the ownership status. Mr Greally advised that the owner of the site also owned the biomass site to the south. The Senior Planning Officer confirmed that the landowner had been served notice of the application on receipt of the application, however site ownership was not a material planning consideration.

Councillor Elmer requested a more detailed explanation of the net impact. The Principal Ecologist advised that it was in relation to the Priority Species, Dingy Skipper. Although the scheme included a proposed mitigation plan, there were various unresolved issues, including the scale and location of the donor site, the methodology used to move adult population and timescales.

In response to questions from Councillor Currah regarding the payment made in relation to the previous consent, the Principal Ecologist confirmed that the money had been calculated using a metric which accounted for habitats only and had been invested into Durham Wildlife Project to purchase land for uplift in biodiversity habitats. The payment had mitigated the impact on habitats, however the fundamental issue related to the impact on a Priority Species. The national population of Dingy Skipper was in decline and most recent data showed a decline of 30% within County Durham. This

site had been listed on the Biodiversity Action Plan and reported as a county level population with 30 individuals, which was significant. The Council were required to give key consideration to Priority Species in any planning decision. Councillor Currah asked for further info on the work required to appease the Council and was advised that there were fundamental issues with the proposed methodology, the donor site had not been identified and issues with the viability of the plan and scale of the proposed habitat. Without further relevant information, the Principal Ecologist advised that he could not be confident that the population on site would be maintained.

Councillor Atkinson confirmed that there were various economic reasons to accept the application.

Councillor Elmer advise that in his former role as an Environment Ranger he had conducted a botanical survey of the whole town council area and this site had been identified as having significant ecological interest. It was common to find such sites in industrial areas as land was not intensively managed and left untouched for a significant period of time. The poor soil made the perfect conditions for regeneration and what had become a species rich low nutrient grassland. In addition to Dingy Skipper this site had a range of plants that would only colonise in particular and sensitive locations. From experience as an Ecologist, consultants would often propose mitigation such as translocation, to compensate impacts and would make it sound easy and straightforward however it was extremely complex, unreliable, and highly likely to fail. He would be upset to lose the site, although he appreciated that it might happen one day if someone presented a scheme that could address these complex issues. He supported the recommendation and moved refusal of the application.

Councillor Currah considered the location of the site and its designated industrial use and considered the Applicant to have made good efforts to mitigate. He was concerned that if the Committee started rejecting applications for ecology in every instance, they would move problems from one application to next. If there was a market need for open storage, he questioned where else it could it be sited without impacting elsewhere. There were some unanswered questions regarding the species which he suggested could naturally relocate. He confirmed that he was against the recommendation and minded to approve the application for the economic benefits.

Councillor Atkinson agreed that this was the ideal site for storage perfect location and whilst there would not be many employees, the storage would benefit a lot of businesses.

Councillor Currah proposed a motion to approve the application which was seconded by Councillor Atkinson.

Councillor Bell agreed that the location and designation of the land were positive attributes and he queried whether deferring the application would allow some of the concerns regarding ecology to be addressed. The Planning and Highways Lawyer advised that the Committee would be required to give clear reasons for deferral of the application which would also be informed by whether the Applicant was willing to carry out further work to address the refusal reasons.

Mr Greally confirmed that the Applicant would ultimately like to reach a consensus however he highlighted the significant length of time since the application had been submitted. The Applicant had made every effort to address concerns and only two weeks prior had agreed to reduce the net development area, however they had subsequently received more enquiries. They had brought the application to Committee as they had no confidence that they could get approval. He also added that only five Dingy Skippers had been found during the most recent survey. In conclusion, the Applicant was willing to enter further negotiations to reach an agreement, however they did not want to incur more costs and delays. Mr Greally added that the matters raised regarding translocation had been suggested by regionally recognised ecology advisors and he was sure they could find a solution that could be achieved through a planning condition, however a deferral would be accepted, if the Committee preferred that was to be agreed in advance.

The Planning and Development Manager confirmed that he was not aware of any other applications on allocated employment sites that had been recommended for refusal. The scheme complied with the local plan which identified the land for employment opportunities, however there would be a relatively low level of weight applied as there would be no direct employment. Ecology Officers were skilled at working with developers to bring forward major development opportunities within the county and it was disappointing to be in this position. The application had been in planning for a considerable length of time and the delay was not due to Officers who had sought to work positively and proactively throughout the negotiations. If the Applicant accepted that deferment may lead to more proactive negotiations to resolve outstanding issues, it would be wise in the circumstances.

Councillor Bell moved a motion to defer the application which was seconded by Councillor Hunt.

In response to a point of order from Councillor Atkinson, the Planning and Highways Lawyer confirmed that the motion from Councillor Elmer to refuse the application had not been seconded, therefore there was a motion to approve the application and another to defer it. It would make logical sense to take the motion to defer the application first and if lost, they would move to the motion to approve.

Councillor Elmer addressed Councillor Currah's previous statement confirming that it was not the case that ecology stopped applications going forward and in the vast majority of cases it was possible to find a way forward. This was evidenced as being the first time that Officer's had been unable to find a solution.

Resolved

That the application be **Deferred** to allow further work to be undertaken and negotiations between the Applicant and Officers on the issue of priority species mitigation.

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	DM/24/00903/WAS
FULL APPLICATION DESCRIPTION:	Proposed anaerobic digestion plant
NAME OF APPLICANT:	BioConstruct NewEnergy Ltd
ADDRESS:	Sprucely Farm, Sedgefield, Stockton On Tees, TS21 2BD
ELECTORAL DIVISION:	Bishop Middleham
CASE OFFICER:	Chris Shields Senior Planning Officer 03000 261394 <u>chris.shields@durham.gov.uk</u>

DESCRIPTION OF THE SITE AND PROPOSALS

Site

1. The proposed development site covers approximately 3.6 hectares at Sprucely Farm, situated about 1km northwest of Sedgefield.
2. Sprucely Farm spans approximately 45 hectares and is primarily arable, with diversified operations including pig rearing and a road haulage business. The farm's steading area, situated 340m west of the A177, includes a farmhouse, various farm buildings, a weighbridge, a storage shed, and high-welfare pig rearing facilities. Planning permissions for the haulage business and pig rearing units were granted in 2017 and 2018, respectively.
3. Access to the site would be via an existing entrance from the A177, which currently serves Sprucely Farm. This access route is also shared with Public Footpath No.5 (Bishop Middleham Parish).
4. The site is not subject to any ecological designations. However, several Local Wildlife Sites (LWS) are in proximity, including the Road Verge LWS, approximately 750m to the east; Island Farm Railway LWS, about 250m to the west and north; and Carr Wood, New Lake Tank Stelle LWS, located approximately 300m to the west. Carrs Plantation Ancient Woodland lies approximately 370m to the southwest.
5. The site is entirely within the Teesmouth and Cleveland coast Special Protection Area (SPA)/Ramsar site nutrient neutrality catchment.
6. The site is outside any designated landscapes but is approximately 170m east of an Area of Higher Landscape Value (AHLV).

7. The location is entirely within Flood Zone 1, indicating low flood risk, and is also situated in a major Groundwater Vulnerability Zone as defined by the Environment Agency.
8. Part of the site falls within a mineral safeguarding area for glacial sand and gravel, and it is identified as a coalfield development low-risk area as defined by the Coal Authority.
9. The site is located in the buffer zone for Fishburn Airfield whereby development with a height of greater than 45m above ground level would need to be referred. The site is also within the High Moorsley consultation zone for development involving wind turbines or any building or structure exceeding 45.7m in height.
10. No listed buildings or designated heritage assets are located near the site. The Bishop Middleham Conservation Area, which includes several listed buildings, is approximately 1.2km to the northwest. Hardwick Park Conservation Area, containing the Hardwick Park Historic Park and Garden, is located approximately 1.1km to the south.
11. The nearest residential properties to the proposed development are Sprucely Farm (connected with the development) approximately 350m to the east, East House is located approximately 650m to the north, Maggies Well is located approximately 800m to the north east, Island Farm is located approximately 1km to the west and Greenknowles Farm is located approximately 800m to the south. The settlement of Sedgefield is located approximately 1.1km to the east and Bishop Middleham is located approximately 1.2m to the north west.

Proposal

12. Planning permission is being sought for the construction of an anaerobic digestion (AD) plant, including a combined heat and power (CHP) unit and gas purification plant, on land at Sprucely Farm. The AD facility would process organic materials like food waste, farmyard manure, and grass silage, producing methane gas which would be purified and exported to the national gas grid. The heat generated would be used to power the AD tanks, and surplus heat and power would be used for the farm's pig sheds. The plant would be located to the south of two pig rearing and finishing sheds, approximately 450 meters southwest of the farm's main buildings. The AD plant itself would cover 3.6 hectares, with the entire application site, including the haul road, covering 3.83 hectares.
13. The anaerobic digestion process involves placing organic materials into sealed tanks where they are fermented to produce methane and other gases. These gases are then filtered and compressed for use in energy generation or exported to the gas grid. The plant is expected to produce approximately 15.6 million cubic meters of biogas annually, of which over 7 million cubic meters of biomethane would be exported to the gas grid, enough to supply 18,000 homes. The facility would operate 24/7, with breaks only for scheduled maintenance.
14. The feedstock for the AD plant would total 76,000 tonnes annually, with 22,000 tonnes produced on-site and the remaining 54,000 tonnes sourced from local farms. The feedstock would include maize silage, grass, straw, chicken manure, pig manure, pig slurry, and processed food waste like blood, liquids, and syrups. The farm currently spreads manure on its fields, but the AD plant would convert the farmyard manure into a bio-fertiliser (digestate) that can replace conventional fertilisers on farmland.
15. The plant would feature a range of structures, including two large digester tanks, a pre-digester tank, post-digester tanks, pasteurisation tanks, storage tanks, and silage

clamps. A reception building would be used for off-site feedstock deliveries, which would arrive by tractor, trailer, or HGV. A bio-filter would be used to minimise odours from the reception building, and the facility would have a carbon filter to scrub any air displaced during the fermentation process to prevent odour release. Liquid digestate would be removed from the site by tanker and transported to farms within a 30-mile radius to be used as a bio-fertiliser.

16. The system would start with a pre-digester tank, measuring 10 meters in diameter and 7 meters in height, with a gross volume of 550 cubic meters. This tank would prepare the feedstock before it is transferred to two main digester tanks, each with a diameter of 35 meters and a height of 14 meters, offering a combined volume of 13,468 cubic meters. These digesters, equipped with gas accumulators, would be responsible for the fermentation process that produces methane.
17. After fermentation, the material would move into two post-digester tanks, similar in size to the main digesters, each measuring 35 meters in diameter and 14 meters in height, again with a total gross volume of 13,468 cubic meters. These tanks would allow the process to continue until the methane is fully extracted. The liquid digestate produced as a by-product would be stored in a dedicated 35 meter diameter, 14 meter high storage tank, also with a volume of 13,468 cubic meters.
18. In addition to the tanks, the plant would feature three pasteurisation tanks, which would treat the substrate with heat before it is further processed. To facilitate the transfer of materials, two auger feeding systems would be installed to move solids into the tanks. The site would also include a site office and welfare facility, with staff parking available nearby.
19. The reception building, measuring 30 meters by 24 meters with eaves at 4.8 meters and a ridge height of 8.5 meters, would be used for receiving feedstock, both solid and liquid. The plant would also include a separator to separate any remaining solid material from the digestate, two taking stations for handling materials, and two GFK tanks for storage. For managing the silage feedstock there would be two silage clamps, each covering 1,500 square meters and surrounded by 3-meter-high concrete retaining walls.
20. To process the methane gas produced, a gas processing plant would be installed, including a combined heat and power (CHP) unit and a boiler. There would also be a gas upgrading plant to enhance the quality of the gas for export, and a CO₂ upgrading plant to capture and process carbon dioxide. A 5-meter-high flare stack, located within a 10-meter radius secure zone, would serve as a safety feature, although it is expected to be rarely used, only in the event of an emergency or maintenance issue.
21. Other infrastructure would include propane tanks for fuel storage, a covered lagoon with an area of 1,069 square meters for additional material storage, and a gas grid entry unit for injecting the upgraded gas into the national grid.
22. A bunded area would enclose the tanks and processing equipment to prevent leaks, and the site would meet the Environment Agency's requirements. The tanks would be made of concrete with heating coils, insulation, and rubberised membrane roofs. A flare stack, as a safety feature, would only be used in exceptional circumstances, such as unexpected maintenance.
23. Access to the site would be from a priority junction on the A177, and parking for three cars would be provided near the site office and welfare facility. The traffic generated by the facility would be minimal and is not expected to have any adverse impacts on the local road network.

24. To ensure minimal environmental impact, a landscape scheme has been proposed, which includes the creation of a wildflower meadow buffer between the development and nearby woodland. A native hedgerow and trees would be planted along the western edge of the public footpath, and an additional wildflower meadow will be seeded to the north of the public right of way. This landscaping plan aims to achieve a minimum of 10% biodiversity net gain.
25. The construction programme would be expected to span approximately 14 months to complete all major works, followed by a 4 – 5 month commissioning phase. Groundworks and the construction of above-ground structures are anticipated to be completed within 7-10 months.
26. The application is being reported to Planning Committee at the request of Sedgefield Town Council on the basis that the development would have an impact on air pollution and highway safety.

PLANNING HISTORY

27. Application reference DM/17/00180/FPA for a haulage transport business was approved 16 March 2017.
28. Application reference DM/18/00716/FPA for the erection of a pig rearing and finishing unit (building 1 of 2) with associated hardstandings, access track improvements and landscaping was approved 1 May 2018 and is operational.

PLANNING POLICY

NATIONAL POLICY

29. The following elements of the NPPF are considered relevant to this proposal.
30. *NPPF – 2 Achieving Sustainable Development* – The purpose of the planning system is to contribute to the achievement of sustainable development and therefore at the heart of the NPPF is a presumption in favour of sustainable development. It defines the role of planning in achieving sustainable development under three overarching objectives - economic, social and environmental, which are interdependent and need to be pursued in mutually supportive ways. The application of the presumption in favour of sustainable development for plan-making and decision-taking is outlined.
31. *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.
32. *NPPF – Part 8 Promoting Healthy and Safe Communities* – The planning system can play an important role in facilitating social interaction and creating healthy, inclusive and safe communities. Local Planning Authorities should plan positively for the provision and use of shared space and community facilities. An integrated approach to considering the location of housing, economic uses and community facilities and services should be adopted.

33. *NPPF – Part 9 Promoting Sustainable Transport* – Encouragement should be given to solutions which support reductions in greenhouse gas emissions and reduce congestion.
34. *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.
35. *NPPF – 15 Conserving and Enhancing the Natural Environment* – The Planning System should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, site of biodiversity or geological conservation interests, recognising the wider benefits of ecosystems, minimising the impacts on biodiversity, preventing both new and existing development from contributing to or being put at unacceptable risk from pollution and land stability and remediating contaminated or other degraded land where appropriate.
36. *NPPF – Part 16 Conserving and Enhancing the Historic Environment* – Heritage assets range from sites and buildings of local historic value to those of the highest significance, such as World Heritage Sites which are internationally recognised to be of Outstanding Universal Value. These assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations.
37. *NPPF Part 17 – Facilitating the Sustainable Use of Minerals* – It is essential that there is a sufficient supply of minerals to provide the infrastructure, buildings, energy and goods that the country needs. Since minerals are a finite natural resource, and can only be worked where they are found, best use needs to be made of them to secure their long-term conservation.

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

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

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

39. Other material considerations include EN:1 Overarching National Policy Statement for Energy and EN-3 National Policy Statement for Renewable Energy Infrastructure. Both National Policy Statements came into force on 17 January 2024. EN-3 states that electricity generation from renewable sources of energy is an essential element of the transition to net zero and meeting our statutory targets for the sixth carbon budget (CB6).

40. National Planning Policy for Waste sets out the Government's ambition to work towards a more sustainable and efficient approach to resource use and management. Waste Planning Authorities should only expect a demonstration of need where proposals are not consistent with an up to date Local Plan and should not consider matters that are within the control of pollution control authorities. Waste proposals should not undermine the objectives of the Local Plan and should be environmentally sensitive and well designed. Of further relevance is the Waste Management Plan for England, which also advocates the movement of waste up the waste hierarchy in line with the requirements of the European Waste Framework Directive (WFD). One such requirement is the 'proximity principle' (Article 16) which stipulates self-sufficiency; an 'integrated and adequate network of waste disposal installations' and that waste management should be at the nearest appropriate installations.

LOCAL PLAN POLICY:

The County Durham Plan (October 2020)

41. *Policy 10 – Development in the Countryside* – States that development in the countryside will not be permitted unless allowed for by specific policies within the Plan or within an adopted neighbourhood plan relating to the application site or where the proposed development relates to the stated exceptions.
42. *Policy 14 – Best and Most Versatile Agricultural Land and Soil Resources* – States that development of the best and most versatile agricultural land, will be permitted where it is demonstrated that the benefits of the development outweigh the harm, taking into account economic and other benefits. Development proposals relating to previously undeveloped land must demonstrate that soil resources will be managed and conserved in a viable condition and used sustainably in line with accepted best practice.
43. *Policy 21 – Delivering Sustainable Transport* – Requires planning applications to address the transport implications of the proposed development. All development shall deliver sustainable transport by delivering, accommodating and facilitating investment in sustainable modes of transport; providing appropriate, well designed, permeable and direct routes for all modes of transport; ensuring that any vehicular traffic generated by new development can be safely accommodated; creating new or improvements to existing routes and assessing potential increase in risk resulting from new development in vicinity of level crossings.
44. *Policy 25 – Developer Contributions* – advises that any mitigation necessary to make the development acceptable in planning terms will be secured through appropriate planning conditions or planning obligations. Planning conditions will be imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects. Planning obligations must be directly related to the development and fairly and reasonably related in scale and kind to the development.
45. *Policy 26 – Green Infrastructure* – States that development will be expected to maintain and protect, and where appropriate improve, the County's green infrastructure network. Advice is provided on the circumstances in which existing green infrastructure may be lost to development, the requirements of new provision within development proposals and advice in regard to public rights of way.

46. *Policy 28 – Safeguarded Areas* – Within safeguarded areas development will be subject to consultation with the relevant authority and will be permitted within the defined consultation zones of the Major Hazard Sites and Major Hazard Pipelines, where it can be demonstrated that it would not prejudice current or future public safety. The Policy also requires that development would not prejudice the safety of air traffic and air traffic services, that there would be no unacceptable adverse impacts upon the operation of High Moorsley Meteorological Officer radar and the operation of Fishburn Airfield, Shotton Airfield and Peterlee Parachute Drop Zone Safeguarding Areas.
47. *Policy 29 – Sustainable Design* – requires all development proposals to achieve well designed buildings and places and sets out criteria 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.
48. *Policy 31 – Amenity and Pollution* - Sets out that development will be permitted where it can be demonstrated that there will be no unacceptable impact, either individually or cumulatively, on health, living or working conditions or the natural environment and that the development can be effectively integrated with any existing business and community facilities. Development will not be permitted where inappropriate odours, noise, vibration and other sources of pollution cannot be suitably mitigated against, as well as where light pollution is not suitably minimised to an acceptable level.
49. *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.
50. *Policy 33 – Renewable and Low Carbon Energy* – States that renewable and low carbon energy development in appropriate locations will be supported. In determining planning applications for such projects significant weight will be given to the achievement of wider social, environmental and economic benefits. Proposals should include details of associate developments including access roads, transmission lines, pylons and other ancillary buildings. Where relevant, planning applications will also need to include a satisfactory scheme to restore the site to a quality of at least its original condition once operations have ceased. Where necessary, this will be secured by bond, legal agreement or condition.
51. *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.
52. *Policy 36 – Water Infrastructure* – States that development proposals must follow a drainage hierarchy: (1) connect to the public sewer, (2) use a package sewage treatment plant, and (3) use a septic tank with proper drainage. Non-mains drainage systems are prohibited where public sewerage exists.
53. *Policy 39 – Landscape* – States that proposals for new development will only be permitted where they would not cause unacceptable harm to the character, quality or distinctiveness of the landscape, or to important features or views. Proposals are expected to incorporate appropriate mitigation measures where adverse landscape

and visual impacts occur. Development affecting Areas of Higher landscape Value will only be permitted where it conserves and enhances the special qualities of the landscape, unless the benefits of the development clearly outweigh its impacts. Development proposals should have regard to the County Durham Landscape Character Assessment and County Durham Landscape Strategy and contribute, where possible, to the conservation or enhancement of the local landscape.

54. *Policy 40 – Trees, Woodlands and Hedges* – States that proposals for new development will not be permitted that would result in the loss of, or damage to, trees, hedges or woodland of high landscape, amenity or biodiversity value unless the benefits of the scheme clearly outweigh the harm. Proposals for new development will be expected to retain existing trees and hedges. Where trees are lost, suitable replacement planting, including appropriate provision for maintenance and management, will be required within the site or the locality.
55. *Policy 41 – Biodiversity and Geodiversity* – Restricts development that would result in significant harm to biodiversity or geodiversity and cannot be mitigated or compensated. The retention and enhancement of existing biodiversity assets and features is required as well as biodiversity net gains. Proposals are expected to protect geological features and have regard to Geodiversity Action Plans and the Durham Geodiversity Audit and where appropriate promote public access, appreciation and interpretation of geodiversity. Development proposals which are likely to result in the loss or deterioration of irreplaceable habitat(s) will not be permitted unless there are wholly exceptional reasons and a suitable compensation strategy exists.
56. *Policy 43 – Protected Species and Nationally and Locally Protected Sites* – States that development proposals that would adversely impact upon nationally protected sites will only be permitted where the benefits clearly outweigh the impacts whilst adverse impacts. Appropriate mitigation or, as a last resort, compensation must be provided where adverse impacts are expected. In relation to protected species and their habitats, all development likely to have an adverse impact on the species' abilities to survive and maintain their distribution will not be permitted unless appropriate mitigation is provided, or the proposal meets licensing criteria in relation to European protected species.
57. *Policy 44 – Historic Environment* – Requires development proposals to contribute positively to the built and historic environment. Development should seek opportunities to enhance and where appropriate better reveal the significance and understanding of heritage assets.
58. *Policy 47 – Sustainable Minerals and Waste Resource Management* – states that the development of a sustainable resource economy in County Durham will be promoted, encouraged and facilitated by ensuring that waste is managed in line with the waste hierarchy in sequential order and supporting opportunities for on-site management of waste where it arises and encouraging co-location of waste developments with industrial uses so that waste can be used as a raw material.
59. *Policy 60 – Waste Management Provision* – requires proposals for the provision of new or enhanced waste management capacity to demonstrate that they contribute to driving the management of waste up the waste hierarchy and do not prejudice the movement of waste up the waste hierarchy, assist in moving the management of waste in County Durham towards net self-sufficiency and/or make an appropriate contribution to regional net self-sufficiency by managing waste streams as near as possible to their production and assist in meeting the identified need, set out within this Plan, for new waste management capacity to manage specific waste streams over

the Plan period or can demonstrate an additional need which cannot be met by existing operational facilities within County Durham or the North East.

60. Policy 61 – Location of New Waste Facilities – states that proposals for new or enhanced waste management facilities will be permitted where they will assist the efficient collection, recycling and recovery of waste materials and they:
- a) are located outside and do not adversely impact upon the setting or integrity of internationally, nationally and locally designated sites and areas;
 - b) are located outside the Green Belt or are in locations which do not impact upon its openness;
 - c) minimise the effects of transporting waste including by locating as close to arisings as practical; and can be satisfactorily located as part of an existing waste management facility, or where the waste management facility; and
 - d) can be satisfactorily co-located with complimentary activities and potential users of recovered materials, recyclates and soils, energy and heat, where appropriate and feasible and where this represents a sustainable option; or
 - e) can be satisfactorily located on suitable land identified for employment use, or on suitable previously developed land in the larger towns and villages where the site can serve a local or larger catchment.

COUNTY DURHAM MINERALS AND WASTE POLICIES AND ALLOCATION DOCUMENT (JULY 2024)

61. Policy MW1 – General Criteria for Considering Minerals and Waste Development – This policy is permissive towards proposals where it can be demonstrated that they will not result in individual or cumulative unacceptable adverse impacts on human health and the amenity of local communities, the environment of County Durham (including its landscape, biodiversity and geodiversity, historic environment, surface and groundwater, flood risk, the best and most versatile agricultural land and soil resources), the local and strategic road network and public rights of way network, upon climate change, land stability and also aviation safety.
62. Policy MW4 – Noise – This policy seeks to protect the environment and the amenity of local communities, minimise future complaints by requiring the proposed operator, to demonstrate how they propose to minimise, mitigate and whenever possible remove noise emissions at source. The policy is permissive where the operator can demonstrate that noise levels, subject to specific circumstances which may justify some small variation do not give rise to an unacceptable impact at specifically identified noise-sensitive properties and locations. Guidance on noise limits during normal working hours (07:00 to 19:00), during the evening (19:00 to 22:00), during the night time period (22:00 to 07:00), upon tonal and peak noise and noisy short term activities is provided.
63. Policy MW5 – Air Quality and Dust – This policy states that proposals for mineral and waste development will only be permitted where it can be demonstrated that the proposed development will not have an unacceptable adverse impact either individually or cumulatively on the environment, local amenity or human health through the emission of one or more air quality pollutants or which would result in adverse impacts on air quality, on an Air Quality Management Area within the County or as a result of dust emissions.
64. Policy MW7 – Traffic and Transport – This policy sets out that the transport implications of proposals of must be assessed through the use of a transport assessment or a transport statement. That proposals should always seek to maximise the use of sustainable forms of transport and minimise greenhouse gas emissions where opportunities exist and are practicable and economic. That proposals will be permitted where it can be demonstrated that: they provide safe and suitable access

for all employees and visitors which optimises where practicable the use of public transport, walking and cycling; and that vehicular traffic generated by the proposed development does not have an unacceptable adverse impact on highway safety on the strategic or local road network. It also addresses the use of planning conditions, obligations or legal agreements including in relation to the number of lorry movements, their operating hours and routeing, highways improvements and maintenance, the prevention of dust and dirt onto the public highway.

Supplementary Planning Documents

65. Development Viability, Affordable Housing and Financial Contributions SPD (2024) – Provides guidance on how CDP Policy 25 and other relevant policies requiring planning obligations for affordable housing or other infrastructure will be interpreted and applied.
66. Trees, Woodlands and Hedges SPD (2024) – Provides guidance on good practice when considering the impacts of development on trees, woodlands, and hedgerows, as well as new planting proposals.

NEIGHBOURHOOD PLAN:

67. There is no Neighbourhood Plan for this area.

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

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

68. *Sedgefield Town Council* – has objected to the proposals, citing concerns over air pollution and highway safety. The council highlights that strong odours from the proposed facility could negatively impact nearby residents and businesses, including those at Winterton Cottages and NETPark, as well as others in the town depending on wind direction. They also note the absence of proposed measures or monitoring to ensure air pollution and odour control in the application documentation. Additionally, the council raises concerns about increased traffic from materials being transported to the facility, which they believe could heighten highway safety risks. The council has requested that the application be referred to Planning Committee for determination rather than being decided by officers under delegated powers.
69. *Highway Authority* – has raised no objections to the proposals. Officers have noted that the proposed development is expected to generate 28 two-way HGV trips and 10 two-way car trips per day, which the existing junction is considered capable of accommodating. However, visibility to the south is restricted by roadside vegetation. To achieve the full 215-metre visibility required, self-seeded bushes at the back of the verge between the access and the parking layby need to be cut back, which could be addressed through a planning condition. An assessment of personal injury collision data for the area indicates no issues with the road layout. Subject to the vegetation being removed, no objections are raised from a highways perspective.
70. *Lead Local Flood Authority (Drainage and Coastal Protection)* – raise no objection advising approval of the Flood Risk and Drainage Impact Assessment. Officers Initially approved the surface water management strategy in the Flood Risk Assessment but

requested detailed hydraulic calculations and engineering layouts. Upon review, they confirmed the hydraulic calculations met standards and recommended approval.

71. *Environment Agency* – has raised no objections but provides the following advice for the Applicant. The operation would require an Environmental Permit under the Environmental Permitting (England and Wales) Regulations 2016. Until the digestate achieves PAS110 status, it must be stored and spread under these regulations. Sprucely Farm, located in a Nitrate Vulnerable Zone (NVZ), can apply a maximum of 250kg of organic nitrogen per hectare annually, equivalent to spreading 1,800 tonnes of digestate across its 45 hectares. With the plant expected to produce volumes comparable to its 80,000-tonne feedstock, the applicant must ensure adequate landbank availability for digestate disposal. Additionally, food-waste-derived digestate can emit unpleasant odours, and sufficient winter storage is essential to comply with Best Available Techniques (BAT). Silage clamps must adhere to SSAFO regulations, and further advice on permitting is available through the Environment Agency's pre-application service.

INTERNAL CONSULTEE RESPONSES:

72. *Spatial Policy* – has raised no objections to the proposed development. Officers identify the key planning policies and their current status relevant to the consideration of this proposal. Comments also highlight any policy related material considerations relevant to the consideration of this proposal in terms of national policy, guidance and locally derived evidence bases.
73. *Archaeology* – has raised no objections to the proposals. Officers initially requested archaeological evaluation of the site involving geophysical survey followed by trial trenching in accordance with a written scheme of investigation. Officers reviewed each stage of the evaluation and have confirmed that no archaeological deposits were encountered and there is no requirement for further work.
74. *Design and Conservation* – has raised no objections the proposals. Officers have advised that due to the local topography and the distances involved, the proposal is not expected to affect the settings of these conservation areas.
75. *Ecology* – has raised no objections to the proposals. Officers have commented that the biodiversity net gain (BNG) assessment aligns with updated landscaping plans, and the draft Habitats Management and Maintenance Plan is sound. A planning condition is recommended in order to secure the proposed BNG.
76. *Environmental Health and Consumer Protection (Contaminated Land)* – has raised no objections to the proposals. Officers have requested a condition for the developer to complete a screening assessment form as part of Appendix 2 of the YALPAG Guidance 'Development on Land Affected by Contamination'.
77. *Environmental Health and Consumer Protection (Air Quality)* – has raised no objections to the proposals. Officers note that the air quality assessment, using Institute of Air Quality Management (IAQM) criteria, concludes that road traffic impacts can be screened out but does not address construction dust emissions despite a nearby receptor. A planning condition for a Dust Management Plan is recommended. Modelling of operational emissions predicts negligible effects on health and ecosystems, with impacts deemed not significant. Dust and bioaerosol control would fall under the required Environmental Permit. The odour assessment, using recognised modelling techniques, predicts negligible odour effects due to mitigation measures, including a sludge tank cover and scrubber. Officers confirm that the methodologies and conclusions are reasonable but recommend securing

construction-phase dust controls through a planning condition. Operational emissions would be regulated by the Environmental Permit.

78. *Environmental Health and Consumer Protection (Nuisance Action)* – has raised no objections to the proposals. Officers have advised that a noise impact assessment, conducted in line with BS4142:2019 standards, used archived data and established that noise levels at sensitive receptors would fall below background levels, indicating low impact. However, as the assessment relied on indicative data, a condition is recommended requiring compliance with noise criteria through periodic reporting. The odour assessment suggests that odour emissions will remain within acceptable limits, assuming proper management. Measures include sealed tanks with carbon filters for liquid waste and tightly covered silage clamps. Concerns remain about potential odours from poor management or digestate material on site. Conditions are recommended for an Odour Management Plan, hard-standing surfaces to ensure cleanliness, and further details on the carbon filter system.
79. *Landscape* – has raised no objections to the proposals. Officers initially requested amendments to the landscaping plan in order to aid assimilation of the development into the local landscape. A revised plan was provided to the broad satisfaction of landscape officers, although an additional tree belt has been requested on the eastern boundary to further screening in that location. A condition is recommended in order to secure final landscaping details.
80. *Public Rights of Way* – has raised concerns about the impact on Footpaths 4 and 5 in Bishop Middleham Parish, particularly regarding increased HGV movements, which are expected to rise to 38 per day. This increase poses potential safety risks and conflicts with public rights of way users, as HGV visibility may be limited on the narrow access road. Mitigation measures are needed to ensure the safety of footpath users, including addressing concerns about the intimidating presence of large vehicles. Additionally, Footpaths 4 and 5 are subject to a Definitive Map Modification Order (DMMO) for upgrading to bridleway status. Any landscaping or screening measures must accommodate a 4m width and 3m height to allow for horse riders and future hedge growth, which could be integrated with the proposed wildflower grassland. The development is also expected to generate unpleasant odours, potentially impacting the experience of those using the footpaths.

PUBLIC RESPONSES:

81. The application has been advertised in the local press and by site notice as part of planning procedures. In addition, neighbour notification letters were sent to 99 neighbouring properties.
82. 6 comments have been received. Of these there are 4 letters of objection 2 representations neither supporting or objecting.

Objection

83. Objectors have stated that anaerobic digesters have low capacity, high running costs and risks of secondary pollution. Concerns are raised in respect of odours and emissions that may impact on surrounding villages and neighbourhoods. The potential impact of the traffic in relation to Netpark has also been queried.
84. *The Council for the Protection of Rural England (CPRE)* – objects to the proposed development, raising several concerns. They question whether the red line boundary correctly includes the proposed site for the anaerobic digestion plant, noting discrepancies with the County Durham Minerals and Waste Allocations document. The

site is part of the Discover Brightwater project, which aims to improve Public Rights of Way (PRoWs), but there are concerns about the impact on Footpaths 4 and 5. Issues include large vehicle use, poor condition of the paths, and the proximity of a new building causing sharp drops along the track. The application is also contrary to Policy 10 of the County Durham Plan for countryside development, as no specific provisions are made for agricultural development on this isolated site. Additionally, concerns about odour, water pollution, and the impact of large vehicles on PRoWs are raised. CPRE calls for improvements to the PRoWs if the development proceeds.

Comment

85. A request was made for the risk assessment to be carried out in accordance with Environmental Permit SR2021 No. 6. It was advised that this is a process carried out with the Environment Agency, rather than at the planning application stage.
86. Queries have been raised in respect of the transport assessment, site access quality and odour monitoring.

The above is not intended to repeat every point made and represents a summary of the comments received on this application. The full written text is available for inspection on the application file which can be viewed at: <https://publicaccess.durham.gov.uk/online-applications/search.do?action=simple&searchType=Application>

APPLICANTS STATEMENT:

87. The Government has shown a clear commitment to increasing the proportion of the United Kingdom's energy requirements produced from carbon neutral or low carbon sources. Moreover, the Government is keen to diversify the mix of such energy. Anaerobic Digestion plants are carbon reducing and the proposed development will therefore make a contribution towards achieving the Government's target of cutting CO₂ as well as diversifying the mix of renewable energy sources.
88. The proposed development accords with the National Planning Policy Framework, which urges local planning authorities to look upon proposals for renewable energy generation favourably. The DEFRA publication, the 'National Anaerobic Digestion Strategy and Action Plan – A commitment to increasing energy from waste through anaerobic digestion', which indicates the government's strong support for anaerobic digestion facilities, offers significant encouragement for the proposal. The Waste Management Plan for England is also supportive of the proposal. Furthermore, the 2023 National Policy Statement for Energy acknowledges that anaerobic digestion has a role to play in the UK's energy mix and supports the proposed development in this regard.
89. There is no conflict with local planning policy with reference to the extant development plan policies contained within the County Durham Plan or the County Durham Waste Local Plan.
90. The feedstocks for the plant will be mainly agricultural in origin, principally a mix of maize silage, grass, straw, chicken manure and pig manure, plus some food wastes. The bio-gas that is produced from the process will be both purified and compressed for injection into the Gas Grid, at a connection point on the A177 a short distance north of the farm entrance, with a small proportion being combusted in the CHP plant to provide electricity for the operation of the plant. The resultant bi-product from the process known as digestate, will be separated into its solid and liquid components. The liquid is a bio-fertiliser and the solid may be used as a fertiliser and soil improver. These odourless bi-products will be spread on farm fields instead of farmyard manure and imported nitrate fertiliser.

91. The proposal represents an appropriate form of sustainable development at the site. Moreover, the development will not result in a significant impact upon the landscape or visual amenity, will not cause noise or odour nuisance, will not give rise to traffic issues of any significance, will not harm the local ecology and will not adversely impact any features of archaeological importance. The proposed development will also result in significant biodiversity net gain at the site.
92. Furthermore, the proposal will benefit the rural economy and promote the Government's aim to diversify farms as opportunities present themselves.
93. In light of the above, it is hoped that Members will support this proposed development.

PLANNING CONSIDERATIONS AND ASSESSMENT

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

Principle of Development

95. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF is a material planning consideration. The County Durham Plan (CDP) and County Durham Minerals and Waste Policies and Allocations Document (M&WDPD) is the statutory development plan and is the starting point for determining applications as set out in the Planning Act and reinforced at Paragraph 12 of the NPPF. The CDP was adopted in October 2020 and provides the policy framework for the County up until 2035. The M&WDPD was adopted in July 2024 and is also intended to cover the period to 2035.
96. Paragraph 11 of the NPPF establishes a presumption in favour of sustainable development. For decision taking this means:
 - c) approving development proposals that accord with an up-to-date development plan without delay; or
 - d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
 - i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed, or

- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the Policies in this Framework taken as a whole.

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

Key policies for determination

98. The key policies for the determination of this application are CDP Policies 10, 33, 47, 60 and 61 relating to development in the countryside, renewable and low carbon energy and waste management proposals.

99. The opening paragraph of CDP Policy 10 states that development in the countryside will not be permitted unless allowed for by specific policies in the Plan. These specific policies are set out in footnote 54 (of the CDP) and includes all applicable policies relating to low carbon and renewables. As this is both a waste and renewable energy development it is considered that the development could be allowed for by specific policies in the Plan (CDP Policies 33 and 61). The development therefore does not have to demonstrate an exception to CDP Policy 10, but the acceptability criteria are engaged.

100. Objectors have stated that the proposal would be a development in the countryside and that there is no provision in CDP Policy 10 to allow for this. CDP Policy 10 states that development in the countryside will not be permitted unless allowed for by specific policies in the Plan, which are set out in Footnote 54 of the CDP and include 'all applicable policies relating to minerals and waste development'.

101. CDP Policy 10 states that new development in the countryside must not give rise to unacceptable harm to the heritage, biodiversity, geodiversity, intrinsic character, beauty or tranquillity of the countryside either individually or cumulatively, which cannot be adequately mitigated or compensated for, result in the merging or coalescence of neighbouring settlements, contribute to ribbon development, impact adversely upon the setting, townscape qualities, including important vistas, or form of a settlement which cannot be adequately mitigated or compensated for, be solely reliant upon, or in the case of an existing use, significantly intensify accessibility by unsustainable modes of transport. New development in countryside locations that is not well served by public transport must exploit any opportunities to make a location more sustainable including improving the scope for access on foot, by cycle or by public transport, be prejudicial to highway, water or railway safety; and impact adversely upon residential or general amenity. Development must also minimise vulnerability and provide resilience to impacts arising from climate change, including but not limited to, flooding; and where applicable, maximise the effective use of previously developed (brownfield) land providing it is not of high environmental value. Given the location of the application site and the nature of the proposed development, it is judged that criteria l), q), and r) (of Policy 10) would be most relevant and require consideration.

- l. The proposal should not give rise to unacceptable harm to the heritage, biodiversity, geodiversity, intrinsic character, beauty, or tranquillity of the countryside, either individually or cumulatively, which cannot be adequately mitigated or compensated for;

- q. The development should not be prejudicial to highway, water, or railway safety; and
- r. The proposal should not adversely impact upon residential or general amenity.

102. These issues will be examined in the relevant sections of this report.
103. The development would not result in the coalescence of settlements or adversely impact on the townscape of neighbouring settlements. The proposals would also not constitute ribbon development.
104. The site is within flood zone 1 and would not increase offsite risk of flooding. The purpose of the development is to generate renewable energy and it would therefore be inherently resilient to the impacts of climate change.
105. Paragraph 163 of the NPPF states that when determining planning applications for renewable and low carbon development, local planning authorities should:
- a) not require applicants to demonstrate the overall need for renewable or low carbon energy, and recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions; and
 - b) approve the application if its impacts are (or can be made) acceptable. Once suitable areas for renewable and low carbon energy have been identified in plans, local planning authorities should expect subsequent applications for commercial scale projects outside these areas to demonstrate that the proposed location meets the criteria used in identifying suitable areas.
106. It should be noted that the CDP has identified areas suitable for wind turbine development but not for anaerobic digestion or other energy types of energy generation.
107. The purpose of the proposed development is to generate renewable energy on a large scale. The location affords the space requirement without significant constraints that would limit energy generation. CDP Policy 33 is permissive towards anaerobic digestion development, and it is therefore considered that the proposal is acceptable in principle. The social, environmental and economic benefits of the proposal are considered in the sections below. The acceptability of the development in relation to the issues set out below will assist in determining if the location of the development is appropriate in the context of CDP Policy 33.
108. CDP Policy 47 seeks to promote the development of a sustainable resource economy in County Durham. It seeks to ensure that waste is managed in line with the waste hierarchy in sequential order, in particular supporting proposals that minimise waste production, prepare waste for re-use and increase the capacity of the county's network of waste management facilities to reuse, recycle and recover value from waste materials. The Policy is supportive of opportunities for on-site management of waste where it arises. The Policy seeks to resist proposals for disposal of residual waste without recovery.
109. The anaerobic digestion facility generates renewable energy in the form of gas and electricity from waste organic matter. Residual waste from the process is in the form of packaging materials such as plastic, paper, glass and metal that are collected for processing or final disposal elsewhere. The bi-product of the process is digestate that can be spread to agricultural land as a fertiliser. The development is considered to fully accord with CDP Policy 47.

110. CDP Policy 60 is the key waste management policy in the CDP. It advises that proposals for the provision of new or enhanced waste management capacity will be permitted where they can demonstrate that they: a) contribute to driving the management of waste up the waste hierarchy and do not prejudice the movement of waste up the waste hierarchy; and b) assist in moving the management of waste in County Durham towards net self-sufficiency and/or make an appropriate contribution to regional net self-sufficiency by managing waste streams as near as possible to their production; and c) assist in meeting the identified need for new waste management capacity to manage specific waste streams over the Plan period or can demonstrate an additional need which cannot be met by existing operational facilities within County Durham or the North East.
111. With respect to Policy 60 criteria a) it is considered that the proposal would be compliant as the processing of commercial and industrial organic waste would assist in helping to drive the management of this waste stream up the waste hierarchy and would not prejudice its movement up the waste hierarchy.
112. With respect to CDP Policy 60 criteria b), in relation to self-sufficiency, the proposed feedstock would primarily come from Sprucely Farm and nearby farms within a 30 mile radius, covering a large area of the Northeast and parts of North Yorkshire. While specific contracts are not in place yet, the proposal would still contribute to County Durham and regional self-sufficiency in managing agricultural and food waste.
113. In relation to CDP Policy 60 criteria c), the County Durham Plan does not show a need for further AD capacity based on 2016 data, which has since proven to be inaccurate, as several anticipated facilities have not become operational. The volume of food waste requiring treatment is expected to rise, and there are limited AD facilities in the County. Therefore, there is no objection to the proposal on need grounds. The facility would complement existing AD facilities and biological treatment sites in the region.
114. CDP Policy 61 states that proposals for new or enhanced waste management facilities will be permitted where they will assist the efficient collection, recycling and recovery of waste materials and they:
- a) are located outside and do not adversely impact upon the setting or integrity of internationally, nationally and locally designated sites and areas;
 - b) are located outside the Green Belt or are in locations which do not impact upon its openness;
 - c) minimise the effects of transporting waste including by locating as close to arisings as practical; and
 - d) can be satisfactorily located as part of an existing waste management facility, or where the waste management facility can be satisfactorily co-located with complimentary activities and potential users of recovered materials, recyclates and soils, energy and heat, where appropriate and feasible and where this represents a sustainable option; or
 - e) can be satisfactorily located on suitable land identified for employment use, or on suitable previously developed land in the larger towns and villages where the site can serve a local or larger catchment.
115. The application site is not within any internationally, nationally or locally designated sites. However, an Area of Higher Landscape Value, as defined in the adopted County Durham Plan is located to the approximately 170m to the west of the site. Landscape officers have raised no objections to the original application or proposed variation, and it is therefore considered that the proposal would accord with criterion a) of CDP Policy 61.

116. The site is not located within and is at a distance of approximately 13km from the Green Belt. It is therefore considered that it would not impact on the setting of the Green Belt and therefore would not conflict with criterion b) of CDP Policy 61.
117. With regard to criterion b) of CDP Policy 61 energy from waste facilities require a large and constant supply of waste to operate efficiently and therefore provide a service to a wide geographical area, not necessarily restricted to the County, and cannot, practically, be located close to the majority of waste arisings. From the total 76,000 tonnes of waste to be managed by the proposed facility, approximately 54,000 would be imported from elsewhere (typically local farms) and this would consist of waste which cannot be recycled and, if it was not managed in a similar facility, would have to be managed by disposal elsewhere with the region. The waste does not require any kind of pre-processing as all de-packaging (if required) and blending is carried out on site.
118. Facilities of the type proposed should, however, still minimise the effects of transporting waste. Maximising the load per vehicle reduces the number of trips and ensuring the load is fully secured prevents any waste from being deposited. The site is located very close to the A1(M) via the A177 road. The location therefore seeks to minimise the effects of transporting waste as far as it is practicable having regard to criterion c) of CDP Policy 61.
119. In respect of criterion d) of CDP Policy 61 the proposed development would be located on a farm that would supply a significant amount of the waste feedstock. The digestate produced by the facility would then be able to be spread directly to the surrounding land. It is therefore considered that the proposal would accord with the requirements of criterion d) of CDP Policy 61.
120. For compliance with CDP Policy 61 development should accord with criteria a), b), c) and d) OR e). In this case the development has demonstrated compliance with criteria a), b), c) and d). Notwithstanding this, Criteria e2) allows for proposals that genuinely require a rural or outdoor location, provided they do not conflict with other relevant policies in the Plan. Specifically, e.2.ii) permits small-scale new builds or extensions to existing farm buildings as part of farm diversification. The proposed development site is adjacent to two existing farm buildings, approved in May 2018, which aligns with this criteria.
121. The Policy also states that farm-based waste management proposals must be appropriate in scale to the primary use of the site and that the waste managed arises either on-site or locally. In this case, the development is deemed to genuinely require a rural location and does not conflict with the relevant policies. The proposed facility is to be located next to two existing pig rearing buildings and feed silos, with the scale of the development considered appropriate within this context.
122. Additionally, while 22,000 of the 76,000 tonnes of waste would arise on-site, the rest would come from within a 30-mile radius. Due to practical and cost considerations, it is expected that the waste would predominantly come from the local area. The proposal would also need to demonstrate no unacceptable adverse impact on the environment, human health, or local communities, as required by CDP Policy 61. These issues will be examined in detail in the relevant sections below.

Landscape

123. Paragraph 180 of the NPPF states that decisions should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes in

a manner commensurate with their statutory status or identified quality in the development plan.

124. CDP Policy 10 states that development in the countryside must not give rise to unacceptable harm intrinsic character, beauty or tranquillity of the countryside either individually or cumulatively, which cannot be adequately mitigated or compensated for and must not result in the merging or coalescence of neighbouring settlements.
125. CDP Policy 29 requires all development proposals to achieve well designed buildings and places and sets out criteria 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.
126. CDP Policy 39 states that proposals for new development will be permitted where they would not cause unacceptable harm to the character, quality or distinctiveness of the landscape, or to important features or views. Proposals will be expected to incorporate appropriate measures to mitigate adverse landscape and visual effects. Development affecting Areas of Higher Landscape Value will only be permitted where it conserves, and where appropriate enhances, the special qualities of the landscape, unless the benefits of development in that location clearly outweigh the harm.
127. CDP Policy 40 states that proposals for new development will not be permitted that would result in the loss of, or damage to, trees of high landscape, amenity or biodiversity value unless the benefits of the proposal clearly outweigh the harm. Where development would involve the loss of ancient or veteran trees it will be refused unless there are wholly exceptional reasons, and a suitable compensation strategy exists. Proposals for new development will not be permitted that would result in the loss of hedges of high landscape, heritage, amenity or biodiversity value unless the benefits of the proposal clearly outweigh the harm. Proposals for new development will not be permitted that would result in the loss of, or damage to, woodland unless the benefits of the proposal clearly outweigh the impact and suitable replacement woodland planting, either within or beyond the site boundary, can be undertaken.
128. M&WDPD Policy MW1 is permissive towards proposals where it can be demonstrated that they will not result in individual or cumulative unacceptable adverse impacts on human health and the amenity of local communities, the environment of County Durham (including its landscape, biodiversity and geodiversity, historic environment, surface and groundwater, flood risk, the best and most versatile agricultural land and soil resources), the local and strategic road network and public rights of way network, upon climate change, land stability and also aviation safety.
129. The site does not lie in an area covered by any national or local landscape designations. An Area of Higher Landscape Value (AHLV) does however lie approximately 170m to the west of the site boundary.
130. Criteria a) of CDP Policy 29 requires that proposals positively contribute to an area's character, identity, heritage, townscape, and landscape features, helping to reinforce locally distinctive and sustainable communities. This should be considered in the context of the site, its function, and surrounding area, with attention to siting, design, materials, and views to mitigate impacts, including appropriate landscaping to screen or integrate the development. Criterion b) focuses on ensuring public safety and security against trespass, while criterion c) emphasises minimising greenhouse gas emissions. Criterion d) requires proposals to minimize the use of non-renewable and unsustainable resources during construction and use. Criterion e) addresses the

provision of a high standard of amenity and privacy, minimising impacts on nearby properties, including adjacent land like The Knotty Hill Golf Centre.

131. Landscaping plays a key role in mitigating visual and landscape impacts. Criterion g) emphasises responding creatively to topography, landscape, and heritage features, as well as wildlife habitats. Criterion h) requires proposals to create attractive views of and from the site. Criterion i) calls for reflecting local features in the design, such as boundaries, paving materials, and plant species. Criterion j) encourages the creation of wildlife opportunities through locally native species, and criterion k) requires provision for the maintenance and long-term management of the development.
132. The application is supported by a landscape scheme incorporating 15m buffer around the AD plant, adjacent to woodland to the south and west, which would be seeded and managed as a wildflower meadow. A native hedgerow is proposed along the western edge of a public footpath crossing the site, with additional tree planting. Beyond the footpath, a 35m wide area would also be seeded and managed as wildflower meadow to ensure a minimum 10% biodiversity net gain. Following comments from Landscape Officers a revised plan was provided, which includes additional tree planting on the northern boundary and on the digestate lagoon embankment. This would also serve to screen the existing pig units from views from the north, including public Footpath No.4 (Bishop Middleham Parish).
133. The proposed development would have a functional and utilitarian design dictated by its operational requirements. The digesters and digestate storage tanks, as the primary structures, would resemble typical farm infrastructure, such as storage tanks or sheds, and would not appear out of character with the site or surrounding area. To minimise visual impact, the applicant proposes colouring the AD unit's dome in green (RAL 6005 Moss Green) to reduce visual intrusion and partially sinking the tanks into the ground to reduce their visible height.
134. Landscape Officers have raised no objections to the proposals but have recommended further planting on the eastern boundary to further screen views from the east. A condition is recommended to secure final landscaping details and the Applicant is advised to consider bolstering the eastern boundary with native trees. The agreed landscaping scheme for the site will form part of the required biodiversity net gain for the development and this be subject to long term maintenance and management.
135. It is noted that development has the potential to cause visual harm, particularly during the early years before the screen planting has established. However, the majority of views of the site would be passing glances from traffic on the A177 road at a distance of approximately 750m. Nearer but significantly less frequent views To assist in mitigating this harm the applicant has proposed additional native tree planting and a new section of hedgerow within the development site in accordance with the requirements of CDP Policy 40. Further planting to the east of the site has also been requested by condition. Despite some limited harm arising from the development, it is considered to not conflict with CDP Policies 10, 29 and 39, M&WDPD Policy MW1 and Part 15 of the NPPF.

Access and Traffic

136. Paragraph 114 of the NPPF states that safe and suitable access should be achieved for all users. In addition, Paragraph 115 of the NPPF states that development should only be refused on transport grounds where the residual cumulative impacts on development are severe. CDP Policy 21 states that the transport implications of

development must be addressed as part of any planning application, where relevant this could include Transport Assessments, Transport Statements and Travel Plans.

137. M&WDPD Policy MW7 requires proposals to assess transport impacts through a transport assessment or statement, prioritise sustainable transport, and minimise greenhouse gas emissions where feasible. Developments must provide safe access for all, encourage public transport, walking, and cycling, and avoid adverse impacts on highway safety. It also allows for conditions or agreements on lorry movements, operating hours, routes, highway improvements, and preventing dust or dirt on public roads.
138. Access to the site would be from a priority junction on the A177, and parking for three cars would be provided near the site office and welfare facility.
139. A Transport Statement (TS) has been submitted in support of the application. The TS has advised that vehicle movements associated with the proposed facility would include HGV trips for importing feedstock and exporting digestate, along with employee travel. Feedstock requirements would total 89,500 tonnes annually, of which 54,000 tonnes would be imported from local farms. HGV movements for feedstock imports and digestate exports are each estimated at 14 trips (7 in/7 out) per working day, based on 29-tonne vehicle payloads. Employee trips are estimated at 10 daily vehicle movements (5 in/5 out), bringing the total daily traffic to 38 trips (19 in/19 out).
140. HGV traffic would primarily use the A177, with 66% traveling south and 34% north. The overall traffic impact would be expected to be minimal, with no significant effect on the local road network. During construction, a Construction Management Plan would be implemented to mitigate any impacts, including scheduling deliveries and designating parking and storage areas.
141. Highway safety analysis over five years identified one collision in the study area, attributed to driver error, indicating no inherent risks in the existing road geometry. The proposed development would not be expected to significantly impact highway safety or operation.
142. Highways Officers have considered the proposal and find the access arrangements for both the construction and operational periods to be acceptable. Officers have stated that the proposal involves the construction of an anaerobic digestion plant at a farm site adjacent to existing buildings and screening planting. The site would be accessed via the A177 through a ghost island junction, which includes a central pedestrian refuge island.
143. The development is expected to generate 28 two-way HGV trips and 10 two-way car trips per day. This level of traffic is considered manageable with the current ghost island junction layout. However, visibility to the south is partially obstructed by roadside vegetation. To achieve the required 215 metres of visibility, self-seeded bushes on the verge between the access and a nearby parking layby would need to be cut back, which could be addressed through a planning condition.
144. A review of personal injury collision data for the area indicates no safety concerns related to the existing road layout. Subject to the removal of the specified vegetation, there are no objections to the proposal from a highways perspective.
145. Whilst the proposed development would generate a degree of construction traffic for the construction period it would not be unacceptable in this location due to good access and existing highway capacity. Conditions are recommended to secure a Construction Management Plan and to ensure that vehicles accessing the site are

adequately cleaned before leaving so that debris is not carried onto the public highway. No objection is raised by the Council as Highways Authority. It is considered that the proposals have been appropriately assessed through a Transport Statement and would not result in harm to the safety of the local or strategic highway network and would not cause an unacceptable increase in congestion or air pollution. Subject to the condition set out the development would not conflict with CDP Policy 21, M&WDPD Policy MW7 and Part 9 of the NPPF.

Residential Amenity

146. Paragraph 180 of the NPPF states that planning decisions should contribute to and enhance the natural and local environment by preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of air or noise pollution. Development should, wherever possible, help to improve local environmental conditions such as air quality and water quality. Paragraph 191 of the NPPF states that planning decisions should ensure that new development is appropriate for its location taking into account the likely effects of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. Paragraph 192 of the NPPF advises that planning decisions should sustain and contribute towards compliance with relevant limit values or national objectives for pollutants. Opportunities to improve air quality or mitigate impacts should be identified, such as through traffic and travel management, and green infrastructure provision and enhancement. Paragraph 193 of the NPPF advises that planning decisions should ensure that new development can be integrated effectively with existing businesses and community facilities (such as places of worship, pubs, music venues and sports clubs).
147. CDP Policy 31 sets out that development will be permitted where it can be demonstrated that there will be no unacceptable impact, either individually or cumulatively, on health, living or working conditions or the natural environment and that can be integrated effectively with any existing business and community facilities. Development will not be permitted where inappropriate odours, noise, vibration and other sources of pollution cannot be suitably mitigated against, as well as where light pollution is not suitably minimised. Permission will not be granted for locating of sensitive land uses near to potentially polluting development. Similarly, potentially polluting development will not be permitted near sensitive uses unless the effects can be mitigated. CDP Policy 10 states that new development in the countryside must not impact adversely upon residential or general amenity.
148. M&WDPD Policy MW1 is permissive towards proposals where it can be demonstrated that they will not result in individual or cumulative unacceptable adverse impacts on human health and the amenity of local communities, the environment of County Durham (including its landscape, biodiversity and geodiversity, historic environment, surface and groundwater, flood risk, the best and most versatile agricultural land and soil resources), the local and strategic road network and public rights of way network, upon climate change, land stability and also aviation safety.
149. The nearest residential properties to the proposed development are Sprucely Farm (connected with the development) approximately 350m to the east, East House is located approximately 650m to the north, Maggies Well is located approximately 800m to the north east, Island Farm is located approximately 1km to the west and Greenknowles Farm is located approximately 800m to the south. The settlement of Sedgfield is located approximately 1.1km to the east and Bishop Middleham is located approximately 1.2m to the north west.

150. Objections have been received from local residents, Sedgefield Town Council, and CPRE. In relation to residential amenity the objections focus on odour.

Odour and Air Quality

151. M&WDPD Policy MW5 permits mineral and waste development only if it avoids unacceptable impacts on the environment, local amenity, or human health from air pollutants, including dust, and does not harm air quality or Air Quality Management Areas in the County.
152. An Odour Assessment has been submitted in support of the application. The assessment states that the AD plant would be expected to emit odours during operations, primarily classified as "moderately offensive" due to agricultural feedstocks. Emissions would be assessed based on the Environmental Agency's odour benchmarks, with a target of 3.0ouE/m³ as the 98th percentile of hourly means. Odour mitigation would include airtight storage, odour abatement systems, and compliance with an Environmental Permit under relevant legislation.
153. Objectors to the development have raised concerns regarding odour and have sought assurance that this would not impact on settlements.
154. Odour perception and impacts would depend on factors such as frequency, intensity, duration, unpleasantness, and location. Mitigation strategies would aim to minimise odour-related impacts for sensitive receptors near the site.
155. Dispersion modelling was conducted to predict odour concentrations at six sensitive receptor locations. Predicted 98th percentile 1-hour mean values for five assessment years indicated odour levels were low across all receptors. The predicted odour exposure levels were evaluated for significance based on receptor sensitivity and odour benchmarks. Impacts at all receptor locations were classified as negligible in accordance with Institute of Air Quality Management (IAQM) guidance.
156. The Assessment concluded that odour impacts from the proposed facility are not significant. Modelling results indicate odour emissions would not constrain the development, aligning with IAQM standards.
157. An Air Quality Assessment has been submitted in support of the application. The Assessment focused on potential air quality impacts arising from on-site combustion activities and vehicle movements associated with the development.
158. Dispersion modelling was conducted to predict pollutant concentrations at sensitive locations, with results compared against Environmental Quality Standards (EQSs) and significance criteria. The analysis indicated that predicted pollutant concentrations were below the relevant EQSs at all locations of human exposure across all meteorological data sets. As a result, the impacts were classified as not significant in line with IAQM criteria.
159. Additionally, potential effects on sensitive ecological habitats were assessed. The study found that predicted impacts on pollutant concentrations and deposition rates were not significant, consistent with EA criteria. Traffic exhaust emissions from vehicles travelling to and from the site were also evaluated against IAQM screening criteria. Given the low number of vehicle movements generated by the facility, these emissions were determined to have no significant impact.
160. The Assessment concludes that the proposed AD facility is unlikely to cause any significant air quality impacts.

161. Environmental Health and Consumer Protection (Air Quality) Officers note that the air quality assessment, using IAQM criteria, concludes that road traffic impacts can be screened out but does not address construction dust emissions despite a nearby receptor. A planning condition for a Dust Management Plan is recommended. Modelling of operational emissions predicts negligible effects on health and ecosystems, with impacts deemed not significant. Dust and bioaerosol control would fall under the required Environmental Permit. The odour assessment, using recognised modelling techniques, predicts negligible odour effects due to mitigation measures, including a sludge tank cover and scrubber. Officers confirm that the methodologies and conclusions are reasonable but recommend securing construction-phase dust controls through a planning condition. Operational emissions would be regulated by the Environmental Permit issued by the Environment Agency.
162. Regarding odour, the submitted assessment highlighted the fermentation of agricultural feedstocks, manure, and liquid waste as potential odour sources. Proposed mitigation measures include sealing liquid waste in tanks equipped with carbon filters and tightly covering silage clamps. The assessment concludes that odour emissions are likely to remain within reasonable parameters, below the Environment Agency's benchmark for moderately offensive odours. This benchmark accounts for both the frequency and intensity of odours, considering natural variations in air turbulence and wind direction. While the odour impact is deemed negligible based on the submitted data, officers have stated that practical experience suggests odours could become problematic if correct site management is not followed. To mitigate this risk, it is recommended that an odour management plan be prepared and that all working surfaces be constructed from hardstanding materials that can be easily cleaned. Additional details about the carbon filter system should also be provided. A condition would be appropriate to require the management plan and additional information on the filter system.

Noise

163. M&WDPD Policy MW4 aims to protect the environment and community amenity by requiring operators to minimise, mitigate, and, where possible, eliminate noise emissions at the source. It permits developments where noise levels, allowing for minor justified variations, do not cause unacceptable impacts on identified noise-sensitive properties.
164. A Noise Impact Assessment has been submitted in support of the application. measurements were taken in free-field conditions at a location representative of nearby residential receptors, from 13:00 on Friday, 22 March, to 09:15 on Monday, 25 March 2024. The sound environment primarily consisted of road traffic noise from the A177 and A1(M). The recorded background sound levels varied between 28–52 dB, depending on the time of day and specific conditions.
165. The survey also accounted for potential noise impacts at the nearest sensitive residential receptors, including Maggie's Well Cottage and East House, which were modelled using relevant British Standards and national guidelines.
166. The Assessment considered fixed plant and mobile noise sources associated with the proposed facility, using both manufacturer-supplied data and library references. Noise modelling indicated that the facility's operations would not exceed background sound levels, achieving compliance with BS4142:2014+A1:2019 criteria for low impact during both daytime and night-time periods. Furthermore, predicted internal noise levels in bedrooms, assuming open windows, were significantly below the 30 dB threshold prescribed by BS8233:2014.

167. The Assessment concluded that noise levels from the proposed development would fall within acceptable limits, aligning with the "No Observed Adverse Effect Level" defined in national planning guidance. As such, noise impacts should not present a barrier to granting planning permission for the facility.
168. Environmental Health and Consumer Protection Officers (Nuisance Action) have stated that whilst the findings align with the "No Observed Adverse Effect Level" outlined in Planning Practice Guidance (PPG), the assessment is based on desk-based calculations rather than operational monitoring of a continuously running plant. To address this, it is recommended that a condition be imposed requiring the operator to demonstrate ongoing compliance with noise limits during actual operations.

Conclusion on Amenity

While the submitted information supports the conclusion that the development is unlikely to cause significant amenity issues, potential statutory nuisances could arise from odour due to poor management or noise from the continuous operation of the AD plant. To address these concerns, several conditions are recommended. These include adherence to specific noise limits, compliance with BS4142 standards, and the submission of compliance reports upon request. Furthermore, the operator should implement an odour management plan and maintain clean, hardstanding surfaces to ensure the risk of odour is minimised. These measures, if enforced, would mitigate potential impacts.

169. It is considered that the proposed development would not create an unacceptable impact on health, living or working conditions or the natural environment. The proposals would not result in unacceptable noise, dust or odour and, subject to the imposition of the conditions recommended above, it is considered that the proposals would provide an acceptable standard of residential amenity in accordance with CDP Policies 10, 31 and 61, M&WDPD Policies 1, 4 and 5 and Part 15 of the NPPF.

Contamination and Ground Stability

170. Part 15 of the NPPF (Paragraphs 124, 180, 189 and 190) requires the planning system to consider remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land where appropriate. Noting that where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner. CDP Policy 32 requires that where development involves such land, any necessary mitigation measures to make the site safe for local communities and the environment are undertaken prior to the construction or occupation of the proposed development and that all necessary assessments are undertaken by a suitably qualified person.
171. The site is located within a Low Risk Coalfield Development area and therefore consultation with the Coal Authority was not required but standard advice in respect of working on such sites would be included as an informative to any planning permission.
172. Environmental Health and Consumer Protection (Contaminated Land) Officers have considered the proposals and raise no objections in respect of land contamination. Conditions have been recommended to require investigation of potential areas of ground contamination.
173. It is considered that the proposed development would be suitable for the proposed use and would not result in unacceptable risks which would adversely impact on the

environment, human health and the amenity of local communities and it is considered that the proposals would provide an acceptable standard of residential amenity in accordance with CDP Policy 32 and Part 15 of the NPPF.

Flooding and Drainage

174. Part 14 of the NPPF directs Local Planning Authorities to guard against flooding and the damage it causes. Protection of the water environment is a material planning consideration and development proposals, including waste development, should ensure that new development does not harm the water environment. Paragraph 180 of the NPPF advises that planning decisions should contribute to and enhance the natural and local environment by preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of water pollution. Development should, wherever possible, help to improve local environmental conditions such as water quality.
175. Paragraph 173 of the NPPF states that when determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment. Development should only be allowed in areas at risk of flooding where, in the light of this assessment it can be demonstrated that it incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate, and any residual risk can be safely managed.
176. CDP Policy 35 requires all development proposals to consider the effect of the proposed development on flood risk, both on-site and off-site, commensurate with the scale and impact of the development and taking into account the predicted impacts of climate change for the lifetime of the proposal. All new development must ensure there is no net increase in surface water runoff for the lifetime of the development. Amongst its advice, the policy advocates the use of SuDS and aims to protect the quality of water. CDP Policy 10 states that new development in the countryside must minimise vulnerability and provide resilience to impacts arising from climate change, including but not limited to, flooding.
177. CDP Policy 36 states that development proposals must follow a drainage hierarchy: (1) connect to the public sewer, (2) use a package sewage treatment plant, and (3) use a septic tank with proper drainage. Non-mains drainage systems are prohibited where public sewerage exists.
178. Objectors have raised concerns that the development has the potential to pollute a small nearby watercourse and state that it is important to ensure that this does not occur.
179. The application is accompanied by a Flood Risk Assessment and Drainage Strategy. The Assessment identifies that the site is located in Flood Zone 1, indicating a low risk of flooding. The Strategy follows the North-East LLFA Authorities Sustainable Drainage Local Standards and proposes that surface water runoff would discharge to a watercourse along the eastern boundary. Surface water attenuation would be provided via an online attenuation tank, maintaining the greenfield runoff rate of 9.49 litres per second. This would ensure that all storm events up to a 1-in-100-year event, with a 45% allowance for climate change, are managed on-site, thereby preventing increased flood risk to third parties and offering improved downstream catchment conditions.
180. Pollutant control measures include filter drains for high-risk areas, such as access roads, and proprietary treatment systems for other areas. Runoff from the clamp area,

including silage and dirty water, would be collected via sealed drainage networks and directed to either a primary lagoon or an attenuation tank, both designed to prevent infiltration. If a lagoon is used, it would be lined and work alongside a pumping station for temporary storage.

181. The drainage system would comply with Ofwat and LLFA standards, ensuring no pipe surcharge in a 1-in-2-year rainfall event, no surface flooding in a 1-in-30-year event, and no building or property flooding in a 1-in-100-year event with climate change and urban creep allowances. Any excess flooding from extreme events would be stored on-site to protect surrounding land from overland flows.
182. Foul water would be managed via an on-site cesspool, emptied as needed. During construction, surface water would be controlled with interceptor drains and sumps. A maintenance regime would be required to ensure the sustainable drainage system (SuDS) remains effective, with management potentially handled by a private company if not adopted by the local authority or water authority. In the absence of a connection to the sewerage system this is considered to be satisfactory in accordance with CDP Policy 36.
183. Drainage and Coastal Protection Officers have considered the proposals and whilst further information was requested in respect of drainage plans and calculations, this has been satisfactorily resolved. The Environment Agency has also raised no objections to the proposals. A condition would be imposed to ensure that the development is carried out in accordance with the submitted Drainage Strategy. It is considered that the proposed development would not lead to increased flood risk, both on and off site, and through the use of SUDs would ensure there is no net increase in surface water runoff for the lifetime of the development. It is therefore considered that the proposals would not conflict with CDP Policies 10 and 35 and Part 14 of the NPPF.

Ecology

184. Paragraph 186 of the NPPF sets out the Government's commitment to halt the overall decline in biodiversity by minimising impacts and providing net gains where possible and stating that development should be refused if significant harm to biodiversity cannot be avoided, mitigated or, as a last resort, compensated for. CDP Policy 41 reflects this guidance by stating that proposals for new development will not be permitted if significant harm to biodiversity or geodiversity resulting from the development cannot be avoided, or appropriately mitigated, or, as a last resort, compensated for. CDP Policy 43 states that development proposals that would adversely impact upon nationally protected sites will only be permitted where the benefits clearly outweigh the impacts whilst adverse impacts upon locally designated sites will only be permitted where the benefits outweigh the adverse impacts.
185. The presence of protected species is a material consideration in planning decisions as they are a protected species under the Wildlife and Countryside Act 1981 and the European Union Habitats Directive and the Conservation of Habitats and Species Regulations 2017 (as amended). The Habitats Directive prohibits the deterioration, destruction or disturbance of breeding sites or resting places of protected species. Natural England has the statutory responsibility under the regulations to deal with any licence applications but there is also a duty on planning authorities when deciding whether to grant planning permission for a development which could harm a European Protected Species to apply three tests contained in the Regulations in order to determine whether a licence is likely to be granted. These state that the activity must be for imperative reasons of overriding public interest or for public health and safety, there must be no satisfactory alternative, and that the favourable conservation status

of the species must be maintained. Brexit does not change the Council's responsibilities under the law.

186. A Preliminary Ecological Appraisal has been submitted in support of the application. The appraisal assessed the site's habitats and their potential to support various species, identifying measures to mitigate any potential ecological impacts.
187. The site includes habitats of low distinctiveness, such as a compacted earth farm track, arable fields with common weeds, species-poor grassland influenced by agricultural treatments, and a hawthorn-dominated hedgerow. Medium distinctiveness habitats include three large ash trees and a nearby woodland featuring ash, birch, and other native species. Notably, a veteran ash tree near the southern boundary exhibits features such as decay sites, hollowing, and fungi growth, classifying it as irreplaceable under the National Planning Policy Framework (NPPF). The tree is a significant ecological constraint, and its protection is vital.
188. In terms of fauna, there is no suitable habitat for amphibians within the site, and the likely absence of great crested newts was confirmed due to the lack of breeding ponds within 250 metres and poor terrestrial habitat. For bats, while no roosting features were identified on-site, the adjacent woodland provides higher foraging value. Mitigation measures, including a sensitive lighting strategy and a buffer zone between the development and the woodland, are recommended to minimise impacts. Common bird species were observed during the survey, but the site's small size and proximity to woodland limit its value for ground-nesting birds. Standard precautions, such as avoiding vegetation clearance during the nesting season, are advised. Although no evidence of badger activity was found on-site, there is potential for setts in the adjacent woodland within 30 metres of the boundary. A precautionary pre-works check for badger setts is therefore recommended.
189. The Assessment concludes that no additional surveys are required, but the development layout must minimise biodiversity loss by following the NPPF's "Avoid—Mitigate—Compensate" hierarchy. Early engagement with ecologists during the design process is essential to address constraints, ensure no-net-loss of biodiversity, and comply with Local Planning Authority (LPA) expectations, including potential off-site contributions to offset residual losses. A protected species licence is not required.
190. From 12 February 2024 the requirements of Schedule 14 of the Environment Act 2021, as inserted into Schedule 7A of the Town and Country Planning Act 1990, apply to all planning applications for major development unless falling under one of the listed exemptions. This application was valid from 5 April 2024 and so is legally required to deliver biodiversity net gains of at least 10%.
191. A Biodiversity Net Gain (BNG) Assessment using the Defra metric was recommended along with a Biodiversity Management Plan to detail how the development would incorporate and manage biodiversity on-site. Additionally, a Construction Environmental Management Plan (CEMP) for biodiversity is recommended to mitigate risks during site construction. This plan should outline biodiversity protection zones, protocols for invasive species, checks for protected species, and measures for nesting bird management. Both the Biodiversity Management Plan and CEMP would ensure the project aligns with ecological best practices and planning requirements.
192. A Biodiversity Net Gain Assessment has been provided with the application and is supported by a copy of the Biodiversity Metric Calculation Tool. The assessment identifies habitats including cereal crops, modified grassland, artificial surfaces, native hedgerows, and individual trees. None are irreplaceable, though a veteran tree nearby would necessitate a 15m standoff.

193. Using the Biodiversity Metric Calculation Tool, the site was assigned a baseline score of 7.50 Habitat Units and 0.34 Hedgerow Units. These scores are based on distinctiveness categories that would dictate compensation approaches if habitats were lost.
194. Post-development, the site is projected to achieve 9.87 Habitat Units and 1.84 Hedgerow Units through measures like creating wildflower grassland, planting trees, and establishing species-rich native hedgerows. This would result in a net gain of 1.33 Habitat Units (+15.39%) and 1.43 Hedgerow Units (+354.47%), meeting the statutory requirement for at least 10% net biodiversity gain and complying with trading rules.
195. The BNG assessment and projections are underpinned by a draft Habitat Management and Monitoring Plan (HMMP). This Plan outlines the habitats to be retained, created, and enhanced, along with associated timescales for actions, monitoring requirements, necessary consents, funding details, and any potential need for legal agreements.
196. The proposed development would provide biodiversity enhancement to the site and, whilst there may be temporary displacement of wildlife during the construction process, the net increase in biodiversity value would adequately mitigate any residual harm. It is considered that the proposed development would not impact upon any nationally or locally protected sites.
197. The monitoring fees associated with the biodiversity net gain would be secured through a Section 106 planning obligation under the Town and Country Planning Act 1990 (as amended). Planning conditions would ensure the submission of an updated Habitat Management and Monitoring Plan (HMMP), notification to the Council of its implementation, and confirmation when habitat creation and enhancement works outlined in the HMMP are completed. These conditions would also require that the development cannot be brought into use until these works are carried out and include requirements for the management, maintenance, and monitoring of the created or enhanced habitats. Furthermore, the production of monitoring reports would be required.
198. Conditions would also secure the submission of a Final Construction Environmental Management Plan to implement measures for retaining and protecting baseline habitats identified in the submitted Biodiversity Metric. Additionally, planning permission would be subject to the standard biodiversity gain condition introduced by the Environment Act 2021, which requires the developer to submit and agree upon a Biodiversity Gain Plan with the Council.
199. Paragraph 57 of the NPPF and Regulation 122 of the Community Infrastructure Levy Regulations 2010 set out three planning tests for weight to be given to a planning obligation. These are that the specified measures are necessary to make the development acceptable in planning terms, directly related to the development, and fairly and reasonably related in scale and kind to the development.
200. In this case, each test is met, as biodiversity net gain is a mandatory requirement and the monitoring fees to be secured are required as part of this. The biodiversity obligations are directly related to the site, are specific to the development, and would secure the monitoring of the required net gain for 30 years. It is therefore considered that the proposals would not conflict with CDP Policies 25, 41 and 43 and Part 15 of the NPPF in respect of avoiding and mitigating harm to biodiversity.

Nutrient Neutrality

201. CDP Policy 42 states that development that has the potential to have an effect on internationally designated site(s), either individually or in combination with other plans or projects, will need to be screened in the first instance to determine whether significant effects on the site are likely and, if so, will be subject to an Appropriate Assessment. Development will be refused where it cannot be ascertained, following Appropriate Assessment, that there would be no adverse effects on the integrity of the site, unless the proposal is able to pass the further statutory tests of 'no alternatives' and 'imperative reasons of overriding public interest' as set out in Regulation 64 of the Conservation of Habitats and Species Regulations 2017. In these exceptional circumstances, where these tests are met, appropriate compensation will be required in accordance with Regulation 68.
202. Under the Conservation of Habitats and Species Regulations 2017 (as amended) (Habitat Regs), the Local Planning Authority must consider the nutrient impacts of any development proposals on habitat sites and whether those impacts may have an adverse effect on the integrity of a habitats site that requires mitigation, including through nutrient neutrality. In this respect Natural England has identified that the designated sites of the Teesmouth & Cleveland Coast Special Protection Area/Ramsar (SPA) is in unfavourable status due to excess Nitrogen levels within the River Tees.
203. The site lies within the catchment area of the Teesmouth & Cleveland Coast Special Protection Area/Ramsar (SPA). However, the proposed development is a commercial plant where any foul water created by employees is simply diverted from an alternative location (their home, for example). Commercial developments are typically exempted from nutrient neutrality assessment as it is generally accepted that people working at the site would live in the catchment and so wastewater is accounted for by any new housing. On that basis, the proposal would not be considered to conflict with CDP Policies 41 and 42, Part 15 of the National Planning Policy Framework, and The Conservation of Habitats and Species Regulations 2017.

Recreational Amenity

204. Part 8 of the NPPF seeks to promote healthy communities with a key reference being towards the protection and enhancement of public rights of way and access. CDP Policy 26 states that development will be expected to maintain or improve the permeability of the built environment and access to the countryside for pedestrians, cyclists and horse riders. Proposals that would result in the loss of, or deterioration in the quality of, existing Public Rights of Way (PROWs) will not be permitted unless equivalent alternative provision of a suitable standard is made. Where diversions are required, new routes should be direct, convenient and attractive, and must not have a detrimental impact on environmental or heritage assets.
205. The site access route is shared with Public Footpath No.5 (Bishop Middleham Parish), which branches into Public Footpath No.4 (Bishop Middleham Parish) part way along the length. Neither path runs the full length of the access track to the site or pass by the site itself.
206. Access and Rights of Way Officers have considered the proposals and raised concerns about the impact on Footpath No.s 4 and 5 (Bishop Middleham Parish), particularly regarding increased HGV movements, which are expected to rise to 38 per day. This increase poses potential safety risks and conflicts with public rights of way users, as HGV visibility may be limited on the narrow access road. Mitigation measures are needed to ensure the safety of footpath users, including addressing

concerns about the intimidating presence of large vehicles. Additionally, Footpaths 4 and 5 (Bishop Middleham Parish) are subject to a Definitive Map Modification Order (DMMO) for upgrading to bridleway status. Any landscaping or screening measures must accommodate a 4m width and 3m height to allow for horse riders and future hedge growth, which could be integrated with the proposed wildflower grassland. The development is also expected to generate unpleasant odours, potentially impacting the experience of those using the footpaths.

207. For clarity, the daily vehicle movements for the site are a total of 38 (19 in and 19 out) consisting of 28 HGV's (14 in and 14 out) and 10 employee or service vehicles (5 in and 5 out).
208. Objectors have noted the concerns raised by Access and Rights of Way Officers about the impact of large vehicles on Footpath No. 5, particularly with the proposed development. While the paths may be little used, the officer highlighted the potential issues caused by increased traffic, especially with a large development. There was also a query about whether the rights of way would be improved as part of the Discover Brightwater project. In the event that the application is approved, objectors have suggested that this could present an opportunity to enhance the affected public rights of way, particularly if improvements are already planned under the Discover Brightwater initiative. Additionally, concerns were raised about the stability of the path adjacent to the new building, especially if large vehicles are expected to use it regularly after excavation work for the development.
209. Concerns regarding potential conflict with public rights of way users are noted. The situation would not be dissimilar to other multiuser rights of way and is not considered to be a reason for refusal of the application.
210. Whilst a landscaping scheme has been provided with the application, a condition is recommended to provide final details at a later date. In terms of mitigation, the revised landscaping scheme would be expected to address the comments made by the Access and Rights of Way Officers who would be consulted on the scheme once it is submitted.
211. Whilst the concern raised relating to odour is noted, the proposed facility would be located adjacent to existing pig rearing units and the background is unlikely to be significantly worsened by the proposed facility. Indeed, the anaerobic digestion process is intended to reduce the odours associated with animal wastes by storing them in airtight tanks and expelling odorous emissions through a filtration system.
212. Subject to the indicative landscape mitigation being provided, and final details being of a satisfactory standard, it is considered that the proposed development would not result in the loss of deterioration in quality of existing public rights of way in accordance with CDP Policy 26 and Part 8 of the NPPF.

Cultural Heritage

213. In assessing the proposed development regard must be had to the statutory duty imposed on the Local Planning Authority under the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character and appearance of a conservation area. In addition, the Planning (Listed Buildings and Conservation Areas) Act 1990 also imposes a statutory duty that, when considering whether to grant planning permission for a development which affects a listed building or its setting, the decision maker shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. If harm is found this gives

rise to a strong (but rebuttable) statutory presumption against the grant of planning permission. Any such harm must be given considerable importance and weight by the decision-maker.

214. Part 16 of the NPPF requires clear and convincing justification if development proposals would lead to any harm to, or loss of, the significance of a designated heritage asset. CDP Policy 44 seeks to ensure that developments should contribute positively to the built and historic environment and seek opportunities to enhance and, where appropriate, better reveal the significance and understanding of heritage assets.
215. No listed buildings or designated heritage assets are located near the site. The Bishop Middleham Conservation Area, which includes several listed buildings, is approximately 1.2km to the northwest. Hardwick Park Conservation Area, containing the Hardwick Park Historic Park and Garden, is located approximately 1.1km to the south.
216. Design and Conservation Officers raised no objections to the proposals, advising that due to the local topography and the distances involved, the proposal is not expected to affect the settings of the nearby conservation areas.
217. A desk based Archaeological Assessment was submitted in support of the application. The assessment found the site has a low potential for prehistoric, early medieval, and medieval archaeology, with moderate potential for Roman and post-medieval remains. Notable Roman-era features, including a potential Roman road nearby, suggest moderate potential for Roman finds. The site has no known archaeological assets and has remained largely agricultural. The development could disturb any underlying archaeology, although the site's lack of previous development suggests that deeper remains may survive. A geophysical survey is recommended to confirm the presence of Roman features, while post-medieval finds are expected to be agricultural and of low significance. Archaeological monitoring during construction is also advised.
218. Following advice from the Council's Archaeological Officer the applicant provided a Written Scheme of Investigation detailing further survey work to be carried, including a geophysical survey and trial trenching. This was to be followed by a final evaluation.
219. The archaeological evaluation followed ClfA and MoRPHE guidelines, covering 4% of the total development area with 14 trenches, each 50m by 2m. Excavation was carried out using a 21-tonne mechanical excavator under archaeological supervision. No significant archaeological features were found, only modern land drains and natural deposits. The evaluation confirmed the absence of archaeology, with trenches reaching natural geology consisting of sandy clay. Based on these results, no further archaeological work was recommended for the development.
220. Following receipt of the final archaeological evaluation, Archaeology Officers were satisfied with the findings and raised no further comments.
221. There are no listed buildings or designated heritage assets within 1km of the site. While several listed buildings lie within a 3km radius, the proposal is not anticipated to impact their settings due to the screening provided by topography, mature vegetation, intervening development, and the distances involved. The proposed buildings would be seen in the context of the nearby utilitarian outbuildings.
222. It is considered that the proposal would not conflict with CDP Policy 44 and would cause no harm to heritage assets in accordance with Part 16 of the NPPF and Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Agricultural Land

223. Paragraph 180 of the NPPF seeks to protect best and most versatile land. CDP Policy 14 states that development of the best and most versatile agricultural land will be permitted where it is demonstrated that the benefits of the development outweigh the harm, taking into account economic and other benefits. It goes on to state that all development proposals relating to previously undeveloped land must demonstrate that soil resources will be managed and conserved in a viable condition and used sustainably in line with accepted best practice.
224. The proposed development would cover 3.6 hectares of land currently used for arable farming. This site was selected, in part, because this portion of the farm is significantly less productive than other areas. The provisional land classification for the site and surrounding land is Grade 4, meaning none of the site qualifies as best and most versatile agricultural land.
225. It is anticipated that all soils will be managed and retained on-site for reuse, subject to detailed engineering profiling. The high-quality topsoil is intended to be redistributed across the farm for agricultural purposes, while subsoils and clay will be utilised in over-engineering works, ensuring sustainable soil management and minimising off-site waste transport.
226. While the development would permanently remove this land from arable use, the anaerobic digester would provide agricultural benefits by generating a secondary income for the host farm and producing stabilised fertiliser from farm waste. It is therefore considered that the proposed development would not conflict with CDP Policy 14 or Part 15 of the NPPF in this respect.

Cumulative Impact

227. Paragraph 191 of the NPPF advises that planning decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. CDP Policy 31 sets out that development will be permitted where it can be demonstrated that there will be no unacceptable impact, either individually or cumulatively, on health, living or working conditions or the natural environment.
228. The proposed development would be located on a site that is part of an active arable farm that has diversified to include a pig rearing unit and a haulage business. The haulage business operates from buildings within the farmstead and, whilst there is no limit on vehicle movements, Planning Permission DM/17/00180/FPA limits the number of HGV's associated with the business to ten. The business utilises existing buildings and space within the farm steading.
229. The pig unit, approved under Planning Permission No. DM/18/00716/FPA, is for purpose built sheds at the edge of a field to east of the Sprucely Farm steading. The proposed development would be built on land to the immediate south and east of these approved and built sheds. The pig units generate relatively low traffic volumes, typically around 2 vehicle movements per week, representing a negligible amount of total traffic at the farm. The addition of the anaerobic digester plant would cumulatively add to the built development on the site but from most views the new development would serve to screen the existing pig units. The cumulative impact, in terms of

highway safety and visual impact, would not be significantly greater than the individual impact of the proposed development.

230. It is therefore considered that whilst there would be a cumulative impact, this would not be unacceptable or overbearing. It is therefore considered that the proposal would not conflict with CDP Policy 31 and Part 15 of the NPPF.

Safeguarding Areas

231. Paragraph 45 of the NPPF states that Local planning authorities should consult the appropriate bodies when considering applications for the siting of, or changes to, major hazard sites, installations or pipelines, or for development around them. CDP Policy 28 requires that within safeguarded areas development will be subject to consultation with the relevant authority and will be permitted where it can be demonstrated that it would unacceptably adversely affect public safety, air traffic safety, the operation of High Moorsley Meteorological Officer radar. The Policy goes on to say that when considering relevant planning applications within the defined safeguarded areas the Council will ensure that developers always consider both potential individual and cumulative impacts. Where demonstrated to be necessary mitigation will always be sought to either remove or reduce the potential impact upon each safeguarded area to acceptable levels.
232. The site is located in the buffer zone for Fishburn Airfield whereby development with a height of greater than 45m above ground level would need to be referred. The development is also located within the High Moorsley Meteorological station consultation zone for development with a height of 45.7m or more. No part of the proposed development would exceed these height thresholds and it is therefore exempt from consultation. It is therefore considered that the proposed development would not conflict with CDP Policy 28.
233. CDP Policy 56 states that planning permission will not be granted for non-mineral development that would lead to the sterilisation of mineral resources within a Mineral Safeguarding Area. This is unless it can be demonstrated that the mineral in the location concerned is no longer of any current or potential value, provision can be made for the mineral to be extracted satisfactorily prior to the non-minerals development taking place without unacceptable adverse impact, the non-minerals development is of a temporary nature that does not inhibit extraction or there is an overriding need for the non-minerals development which outweighs the need to safeguard the mineral or it constitutes exempt development as set out in the Plan.
234. Part of the site falls within a mineral safeguarding area for glacial sand and gravel. However, as the identified reserve is relatively small and remote from other mineral workings it is unlikely that it could be viably worked and is not of any current or potential value. It is therefore considered that the proposed development would not conflict with CDP Policy 56 or Part 17 of the NPPF.

Public Sector Equality Duty

235. 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.

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

CONCLUSION

237. The development would provide a facility for the sustainable production of renewable biogas, sufficient to supply energy to 18,000 homes. The facility would also produce a stabilised biofertiliser that can be applied to land in place of imported products.

238. The proposals have generated some public interest with representations reflecting the issues and concerns of local residents affected by the proposed developments. Careful consideration has been given to the concerns raised throughout the consideration process and these have been taken into account and addressed in detail within the body of the report. On balance these are not felt to be of sufficient weight to justify refusal of the application in this case. Potential impacts on local amenity associated with matters such as noise, dust, odour and visual impact can be controlled through the implementation of appropriate mitigation measures and planning conditions.

239. The proposals are considered to broadly accord with the relevant policies of the County Durham Plan and the County Durham Minerals and Waste Policies Allocation Document and meet the aims of national planning guidance contained within NPPW and relevant sections of the NPPF.

RECOMMENDATION

240. That application no. DM/24/00903/WAS for a proposed anaerobic digestion plant be **APPROVED** subject to the following conditions and completion of an agreement under Section 106 of the Town and Country Planning Act to secure fees for biodiversity monitoring for a 30 year period:

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

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

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

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

3 The development hereby approved shall be carried out in accordance with the following approved plans unless amended by details approved under the terms of Condition 8:

Drawing Number	Drawing
D001 (Rev 1)	Overall engineering layout
D002 (Rev 1)	Engineering layout sheet 1
D003 (Rev 1)	Engineering layout sheet 2

Drawing Number	Drawing
D200 (Rev 1)	Manhole schedules
D700 (Rev 1)	Drainage & SUDS construction details
XXXXPROJECT-1000CAV RevC	Downstream defender select 1000 concrete, advanced vortex
4050/1 (Rev B)	Detailed landscape proposals
O23155-003 (Rev D)	Proposed site layout plan
LO23155-005 (Rev A)	Proposed site sections and elevations

Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with Policies 21, 31, 33, 39 and 41 of the County Durham Plan, Policy MW1 of the County Durham Minerals and Waste Policies and Allocations Document and Parts 9, 14 and 15 of the National Planning Policy Framework.

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

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

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

Reason: In the interests of protecting the amenity of neighbouring site occupiers and users from the impacts of the construction phases of the development having regards to Policies 21 and 31 of the County Durham Plan, Policy MW1 of the County Durham Minerals and Waste Policies and Allocations Document and Part 15 of the National Planning Policy Framework. Required to be a pre-commencement condition and the details of the construction management statement must be agreed before works on site commence.

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

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

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

Reason: In the interests of residential amenity and highway safety in accordance with Policies 21 and 31 of the County Durham Plan, Policy MW1 of the County Durham Minerals and Waste Policies and Allocations Document and Part 15 of the National Planning Policy Framework.

6 The development shall be carried out in accordance with the submitted flood risk assessment and drainage strategy. The mitigation measures detailed within the drainage strategy shall be fully implemented prior to the development being brought into use. These measures shall be retained and maintained thereafter throughout the lifetime of the development.

Reason: To reduce the risk of flooding to the proposed development and future occupants and to ensure there is no increase of flood risk elsewhere as a result of this development in accordance with Policy 35 of the County Durham Plan, Policy MW1 of the County Durham Minerals and Waste Policies and Allocations Document and Part 14 of the National Planning Policy Framework.

7 All vehicles leaving the site shall be sufficiently cleaned in order to ensure that mud is not transferred onto the public highway.

Reason: In the interests of residential amenity and highway safety in accordance with Policy 21 of the County Durham Plan, Policy MW7 of the County Durham Minerals and Waste Policies and Allocations Document and Part 15 of the National Planning Policy Framework.

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

- final positioning;

- design; and
- materials

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

Reason: To ensure the development is carried out in accordance with the approved documents and in the interests of visual amenity in accordance with Policy 39 of the County Durham Plan, Policy MW1 of the County Durham Minerals and Waste Policies and Allocations Document and Part 15 of the National Planning Policy Framework. Required to be pre-commencement in order to assess the appearance of the development.

- 9 No development shall take place until a landscaping scheme has been submitted to the Local Planning Authority and approved in writing. The approved landscaping scheme shall be implemented on site in the first planting season following the development being brought into use. Any tree or shrub which may die, be removed or become seriously damaged within a period of 5 years from the first implementation of the approved landscaping scheme shall be replaced in the first available planting season thereafter.

Reason: In order to provide landscape enhancement and screening for the development in accordance with Policy 39 of the County Durham Plan, Policy MW1 of the County Durham Minerals and Waste Policies and Allocations Document and Part 15 of the National Planning Policy Framework. Required to be pre-commencement in order to assess the appearance of the development.

- 10 No development shall commence until a Habitat Management and Monitoring Plan (HMMP) has been prepared in accordance with the approved Biodiversity Gain Plan and has been submitted to and approved in writing by the Local Planning Authority. The HMMP shall include:

- a) a non-technical summary;
- b) the roles and responsibilities of the people or organisation(s) delivering the HMMP;
- c) the planned habitat creation and enhancement works to create or improve habitat to achieve the biodiversity net gain in accordance with the approved Biodiversity Gain Plan;
- d) the management measures to maintain habitat in accordance with the approved Biodiversity Gain Plan for a period of 30 years from the practical completion of the development or the first occupation of the development, whichever is the sooner; and
- e) the monitoring methodology and frequency in respect of the created or enhanced habitat to be submitted to the Local Planning Authority.

Reason: To ensure the proposed habitat creation and/or enhancements are suitably managed and monitored to ensure development delivers a biodiversity net gain in accordance with Schedule 7A of the Town and Country Planning Act 1990 and Policy 41 of the County Durham Plan and Part 15 of the National Planning Policy Framework.

- 11 Notice in writing shall be given to the Local Planning Authority when:

- a) the approved HMMP has been implemented; and
- b) the habitat creation and enhancement works as set out in the HMMP have been completed.

Reason: To ensure the proposed habitat creation and/or enhancements are carried out so the development delivers a biodiversity net gain in accordance with Schedule 7A of the Town and Country Planning Act 1990 and Policy 41 of the County Durham Plan and Part 15 of the National Planning Policy Framework.

- 12 The development shall not be occupied or brought into use until such time that:
- a) the habitat creation and enhancement works set out in the approved HMMP have been completed; and
- a completion report, evidencing the completed habitat enhancements, has been submitted to, and approved in writing by the Local Planning Authority.

Reason: To ensure the proposed habitat creation and/or enhancements are carried out so the development delivers a biodiversity net gain in accordance with Schedule 7A of the Town and Country Planning Act 1990 and Policy 41 of the County Durham Plan and Part 15 of the National Planning Policy Framework.

- 13 Prior to the commencement of development a scheme to improve the visibility splay of the site access with the A177 road shall be submitted to the Local Planning Authority for approval in writing. The approved scheme shall be carried out prior to the development being brought into use and the visibility splay maintained in perpetuity.

Reason: In the interests of highway safety in accordance with Policy 21 of the County Durham Plan, Policy MW7 of the County Durham Minerals and Waste Policies and Allocations Document and Part 15 of the National Planning Policy Framework.

- 14 Prior to the commencement of development the Screening Assessment Form (Version 12.2) in Appendix 2 of the YALPAG Guidance 'Development on Land Affected by Contamination' and site photographs shall be completed and submitted to the Local Planning Authority for approval in writing.

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

- 15 Prior to the development being brought into a use an odour management plan shall be submitted to the Local Planning Authority for approval in writing. The management plan shall incorporate measures for odour measurement and mitigation and shall include a review mechanism. The development shall be operated in accordance with the approved odour management plan in perpetuity.

Reason: In the interests of protecting the amenity of neighbouring site occupiers and users having regard to Policy 31 of the County Durham Plan, Policy MW5 of the County Durham Minerals and Waste Policies and Allocations Document and Part 15 of the National Planning Policy Framework.

- 16 The rating level of noise emitted from fixed plant/machinery on the site shall not exceed the background (LA90) by more than 5dB LAeq (1 hour) between 07.00-23.00 and 0dB LAeq (15 mins) between 23.00-07.00. The measurement and assessment shall be made according to BS 4142: 2014+A1: 2019.

On written request by the planning authority the operator shall, within 28 days, produce a report to demonstrate adherence with the above rating level.

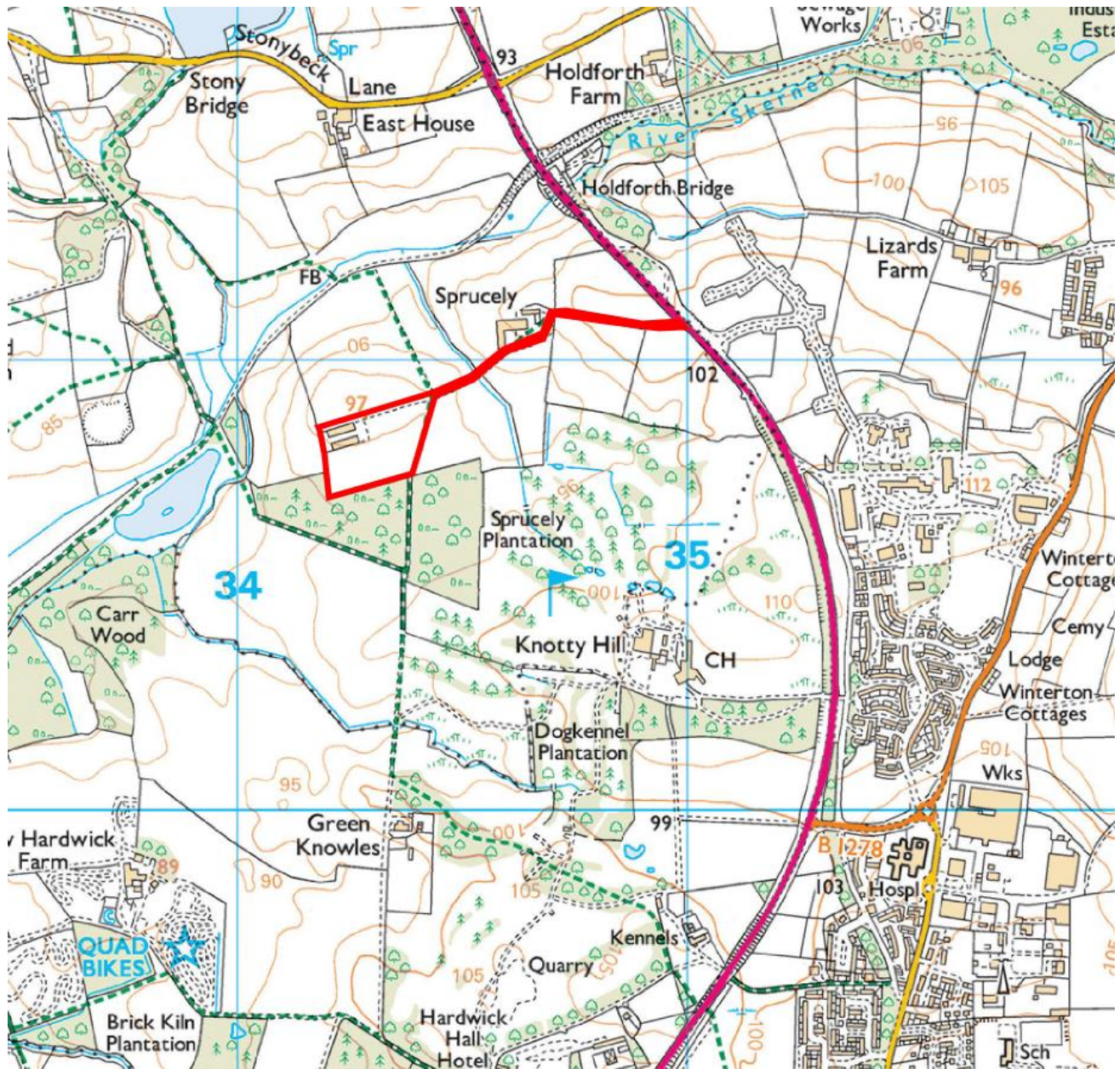
Reason: In the interests of protecting the amenity of neighbouring site occupiers and users having regard to Policy 31 of the County Durham Plan, Policy MW4 of the County Durham Minerals and Waste Policies and Allocations Document and Part 15 of the National Planning Policy Framework.


STATEMENT OF PROACTIVE ENGAGEMENT

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

BACKGROUND PAPERS

- Submitted application form, plans supporting documents and subsequent information provided by the applicant.
- The National Planning Policy Framework (December 2023)
- National Planning Policy for Waste (October 2014)
- National Planning Practice Guidance notes
- County Durham Plan (2020)
- County Durham Minerals and Waste Policies Allocation Document (July 2024)
- County Durham Landscape Strategy (2008)
- County Durham Landscape Character (2008)
- EN:1 Overarching National Policy Statement for Energy (published in January 2024)
- EN-3 National Policy Statement for Renewable Energy Infrastructure (published in January 2024)
- Trees, Woodlands and Hedges SPD (2024)
- Development Viability, Affordable Housing and Financial Contributions SPD (2024)
- Statutory, internal and public consultation responses



 <p>Planning Services</p>	<p>DM/24/00903/WAS Proposed anaerobic digestion plant</p> <p>Srucely Farm, Sedgefield, Stockton On Tees TS21 2BD</p>	
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	<p>Date November 2024</p>	<p>Scale Not to Scale</p>

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