



## County Planning Committee

**Date** Friday 10 January 2025  
**Time** 10.00 am  
**Venue** Council Chamber, County Hall, Durham

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### Business

#### Part A

1. Apologies
2. Substitute Members
3. Declarations of Interest
4. Minutes of the meeting held on 3 December 2024 (Pages 3 - 6)
5. Applications to be determined
  - a) DM/21/02861/FPA - Land to the east of Fern Dene, Knitsley Lane, Templetown (Pages 7 - 74)  
  
Proposed development of 170 residential dwellings with associated infrastructure and open space (revised description 16/12/2024)
  - b) DM/24/02829/VOC - Plot D Land At Aykley Heads, Framwelgate Peth, Durham, DH1 5UQ (Pages 75 - 114)  
  
Variation of Conditions 1 (Approved Plans), 2 (Floor Space and Use Classes), 5 (Travel Plan) and 10 (Ecology) pursuant to hybrid planning permission DM/20/01846/FPA, to create a Data Centre and ancillary office space (Use Class E(g)(ii)) with associated landscaping and infrastructure on Plot D
  - c) DM/24/02888/RM - Plot D Land At Aykley Heads, Framwelgate Peth, Durham, DH1 5UQ (Pages 115 - 144)  
  
Reserved Matters submission for the matters of Appearance, Landscaping, Layout and Scale pursuant to hybrid planning permission DM/20/01846/FPA, to create a Data Centre and ancillary office space (Use Class E(g)(ii)) with associated landscaping and infrastructure on Plot D

- d) DM/24/00783/FPA - Land West Of Units 1-3, Admiralty Way, Seaham SR7 7DN (Pages 145 - 192)

Installation of ground mounted photovoltaic farm with associated infrastructure, engineering works, access, and landscaping

- e) DM/23/02510/FPA - Land South-West of West Farm, Stainton, DL12 8RD (Pages 193 - 254)

Construction of a solar farm of circa 16MW, Battery Energy Storage System, and associated infrastructure

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  
2 January 2025

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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**Contact: Kirsty Charlton**

**Tel: 03000 269705**

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## DURHAM COUNTY COUNCIL

At a Meeting of **County Planning Committee** held in Council Chamber, County Hall, Durham on **Tuesday 3 December 2024 at 10.00 am**

### Present:

#### Councillor

### Members of the Committee:

Councillors J Atkinson, A Bell (Vice-Chair), M Currah, J Elmer, J Higgins, P Jopling, C Martin, A Savory, K Shaw, A Simpson, G Smith, S Zair and D Sutton-Lloyd (substitute for G Richardson)

### Apologies:

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### Also Present:

#### 1 Apologies

Apologies for absence were received from Councillor Richardson.

#### 2 Substitute Members

Councillor Sutton-Lloyd was present as substitute for Councillor Richardson.

#### 3 Declarations of Interest

There were no declarations of interest.

#### 4 Minutes

The minutes of the meeting held on 2 October 2024 were agreed as a correct record and signed by the Chair.

#### 5 **DM/24/00903/WAS - Proposed anaerobic digestion plant - Sprucely Farm, Sedgefield, Stockton On Tees, TS21 2BD (Bishop Middleham)**

The Committee considered a report of the Senior Planning Officer for the installation of a proposed anaerobic digestion plant at Sprucely Farm, Sedgefield, Stockton On Tees (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.

Mr Hepplewhite addressed the Committee and confirmed that the Applicant had worked proactively to address all issues raised throughout the planning process. The proposal would have no visual impact, no odour or traffic issues and there would be a significant biodiversity net gain. The application represented sustainable development and whilst local residents and the town council were entitled to their opinion, the issues which had been raised did not warrant refusal.

In response to a question from Councillor Jopling, Mr Hepplewhite confirmed that there had been concerns with regard to potential odour and noise, however the type of technology proposed used anaerobic digestion which was enclosed in sealed tanks.

Councillor Elmer queried the impact of nitrates produced by the plant being sprayed back on to the surrounding fields and Mr Hepplewhite confirmed that any liquid or solid digestate put back onto the fields would substitute the existing use of fertiliser and with less nitrification, it was better for the land. In response to a subsequent question from Councillor Elmer, Mr Hepplewhite confirmed that nitrate levels would be reduced as a consequence of the development.

The Senior Planning Officer reiterated that the material would be spread over the fields that it came from. The Applicant also hoped to create a product which met Environment Agency Standards. He reminded the Committee that the deployment of the digester was not a planning matter and that the Applicant had the right to spread this material in any event.

Councillor Atkinson referred to the work Officers had put into compiling the reports and lack of attendance from objectors. He also noted that there was no Local Member in attendance and despite requesting the application be determined by the Committee, Sedgefield Town Council were not in attendance. He deemed the application to be acceptable and moved the recommendation for approval.

Councillor Martin confirmed that whilst there would undoubtedly be some odour from anaerobic digestion plant, however this was a pig farm and the location of the plant was as far away as it could be from any other development. He had considered concerns raised, however he could see no reason why the proposal could not be supported. He seconded the motion to approve the application.

Councillor Elmer advised that this was an important strategic decision as the Council would be collecting food waste and should be able to use local services. He referred to the rare occasions that applications received concerns from Public Rights of Way Officers and asked what was in place to mitigate the impact of HGV movements.

The Senior Planning Officer confirmed that Officers had requested the proposed landscaping scheme and it was accepted that this would mitigate the impact on the footpaths. He added that the impact was primarily due to the enjoyment of the route than of vehicular movements as these would be limited to 38 per day.

**Resolved**

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

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## Planning Services

# COMMITTEE REPORT

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### APPLICATION DETAILS

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Application No:	DM/21/02861/FPA
Full Application Description:	Proposed development of 170 residential dwellings with associated infrastructure and open space (revised description 16/12/2024)
Name of Applicant:	Persimmon Homes (Durham)
Address:	Land To The East Of Fern Dene, Knitsley Lane, Templetown
Electoral Division:	Delves Lane
Case Officer:	Laura Eden Senior Planning Officer Tel: 03000 263980 Email: <a href="mailto:laura.eden@durham.gov.uk">laura.eden@durham.gov.uk</a>

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### DESCRIPTION OF THE SITE AND PROPOSAL

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#### The Site

1. The application site lies on the south-eastern edge of Consett, on land to the east of Knitsley Lane. It extends to approximately 11.65 ha. The site is divided into four unintensively managed fields which were previously used for horse grazing. The land falls from north to south, with around 35m level difference between the highest and lowest points on site. Hedgerow trees are present within the centre of the site and service as field boundaries with a low stone wall forming the western boundary.
2. Residential properties predominately lie to the north and east of the site. There are a further two dwellings to the west on the opposite side of Knitsley Lane. Delves Lane Community School lies immediately to east with Delves Lane Industrial Estate to the southeast. To the northwest, a planning application is currently pending determination for the erection of 129 dwellings (DM/21/01245/FPA). Beyond that lies a partially completed solar farm and Hownsgill Industrial Estate.

3. There are no designated or non-designated heritage assets within the immediate proximity of the development site. The nearest listed buildings, the Grade II High Knitsley Grange Farmhouse and Grade II Barn West of High Knitsley Farmhouse, lie approximately 600m to the southwest. Blackhill Conservation Area is located approximately 1.7km to the north of the proposed built development. Ivestone Conservation Area is located approximately 2.2km to the east.
4. The site is not covered by any national or local landscape designations. An Area of Higher Landscape Value (AHLV), as defined in the adopted County Durham Plan, lies approximately 370m to the south of the site.
5. There are no statutory or locally designated ecological sites located within or immediately adjacent to the application site. A non-statutory site, Knitsley and High House Wood Local Wildlife Site (LWS), lies 650m to the southwest of the site.
6. The site falls within Flood Zone 1 as identified by the Environment Agency, which is the lowest risk area of fluvial (river) flooding. There are however some areas of the site identified as being at high risk of surface water flooding. There is also a watercourse running north to south through the centre of the site. Areas of the site lie within the Coalfield Development High Risk Area, as identified by the Coal Authority. The site also falls within a mineral safeguarding area as defined by the County Durham Plan.
7. There are no Public Rights of Way (PRoW) within the site, with the closest ones being Footpath no.78 (Derwentside), 180m to the southeast and Footpath no.43 (Derwentside), 290m to the north. Adjoining the site to the south, lies the Sustrans National Cycle Network Route No. 14, also known as the Lanchester Valley Railway Path. Sustrans National Cycle Network Route No. 7, also known as the Consett to Sunderland Railway Path, lies 700m to the northwest.

## The Proposal

8. The application seeks full planning permission for the erection of 170 dwellings, down 31no. units from the 201 originally proposed. The proposal includes a mix of 2, 3, 4 and 5 bedroomed bungalows, houses and 2.5 storey townhouses in a range of detached, semi-detached and terraced options. Two character areas are proposed comprising the main site and rural interface (majority of properties along the southwestern edge). The materials palette proposed differs depending on the character area however includes facing brickwork mainly in red and brindle with a reduced selection of buff plots, contrasting grey brick to plinth course and vertical contrast panelling, grey weatherboarding, clean window treatment with no heads or cills but incorporating artstone full window surrounds on selected house types, flat muted roof tile tones, UPVC windows, fascias, soffits and barge boards in grey and black rainwater goods, front and garage doors. Whilst the Rural Interface character area sees the introduction of a grey timber cladding to the first floor of selected plots. Boundary treatments are



proposed to be a mixture of timber fencing. All properties feature off-street parking and enclosed rear gardens.

9. Vehicular access to the site would be provided through the continuation of the Ovington Court distributor road. Non-vehicular connections points are proposed to the north, south, east and west via shared use paths including a direct connection from the site onto the Lanchester Valley Railway Path. New shared use and pedestrian paths are proposed external to the development along Ovington Court to the north and Fell Side to the east including pedestrian crossing points and a refuse island.
10. Amenity open space would be provided primarily to the north and east of the development, with further areas of open space along the south-western edge and internal parcels of land. Non-equipped children's play facilities are proposed to the south of Langdon Close. The layout proposes a perimeter path around the development site. SuDs features are also incorporated within the layout.
11. The application is being reported to the County Planning Committee because it is a residential development with a site area in excess of 4 hectares.

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## **RELEVANT PLANNING HISTORY**

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12. There is no relevant site history relating to the application site.
13. This application is one of a number of housing proposals within Consett that are being/have been considered by the Local Planning Authority. Other large scale, residential applications within the surrounding area include;
  - DM/21/01245/FPA - Erection of 129 dwellings including associated access, landscaping, foul water pumping station and electricity sub-station (revised description 08/11/2021) at land south of Wyncrest, Knitsley Lane, Templetown pending determination.
  - DM/17/02333/OUT - Outline planning application with all matters reserved (except access) for up to 105 dwellings including associated infrastructure and open space provision at land to the north east of Castledene Road approved (on appeal) 01/10/2020.
  - DM/19/01987/OUT - Outline application (with means of access) for a mixed-use scheme comprising: community hospital (C2) and pharmacy (A1); sheltered care unit (C2); residential care unit (C2); gym and wellbeing centre (D2); hotel (C1); public house (A4); micro-brewery (B2/A4); and vets practice (D1) at land to the south of Puddlers Corner Roundabout, Genesis Way, Consett approved 04/02/2023.
  - DM/21/03839/FPA - Erection of 288 no. dwellings with associated access, landscaping and infrastructure at land north of Delves Lane, Consett approved 06/04/2023.

- DM/24/00593/FPA - Development of 71 new residential dwellings (Use Class C3), including access, open space and landscaping details at land north west of 20-26 Duchy Close, Consett refused 03/07/2024.

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## **PLANNING POLICY**

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### **National Policy**

14. The following elements of the National Planning Policy Framework (NPPF) are considered relevant to this proposal:
15. *NPPF Part 2 Achieving Sustainable Development* - The purpose of the planning system is to contribute to the achievement of sustainable development and therefore at the heart of the NPPF is a presumption in favour of sustainable development. It defines the role of planning in achieving sustainable development under three overarching objectives - economic, social and environmental, which are interdependent and need to be pursued in mutually supportive ways. The application of the presumption in favour of sustainable development for plan-making and decision-taking is outlined.
16. *NPPF Part 4 Decision-making* - Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.
17. *NPPF Part 5 Delivering a Sufficient Supply of Homes* - To support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.
18. *NPPF Part 6 Building a Strong, Competitive Economy* - The Government is committed to securing economic growth in order to create jobs and prosperity, building on the country's inherent strengths, and to meeting the twin challenges of global competition and a low carbon future.
19. *NPPF Part 8 Promoting Healthy and Safe Communities* - The planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. Developments should be safe and accessible; Local Planning Authorities should plan positively for the provision and use of shared space and community facilities. An integrated approach to considering the location of housing, economic uses and services should be adopted.
20. *NPPF Part 9 Promoting Sustainable Transport* - Encouragement should be given to solutions which support reductions in greenhouse gas emissions and reduce

congestion. Developments that generate significant movement should be located where the need to travel will be minimised and the use of sustainable transport modes maximised.

21. *NPPF Part 10 Supporting High Quality Communications* - The development of high speed broadband technology and other communications networks also plays a vital role in enhancing the provision of local community facilities and services. Local planning authorities should support the expansion of electronic communications networks, including telecommunications and high speed broadband.
22. *NPPF Part 11 Making Effective Use of Land* - Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Strategic policies should set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously-developed or 'brownfield' land.
23. *NPPF Part 12 Achieving Well-Designed Places* - The Government attaches great importance to the design of the built environment, with good design a key aspect of sustainable development, indivisible from good planning.
24. *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.
25. *NPPF Part 15 Conserving and Enhancing the Natural Environment* - Conserving and enhancing the natural environment. The Planning System should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, geological conservation interests, recognising the wider benefits of ecosystems, minimising the impacts on biodiversity, preventing both new and existing development from contributing to or being put at unacceptable risk from Page 73 pollution and land stability and remediating contaminated or other degraded land where appropriate.
26. *NPPF Part 16 Conserving and Enhancing the Historic Environment* - Heritage assets range from sites and buildings of local historic value to those of the highest significance, such as World Heritage Sites which are internationally recognised to be of Outstanding Universal Value. These assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations.

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

## National Planning Practice Guidance:

27. The Government has consolidated a number of planning practice guidance notes, circulars and other guidance documents into a single Planning Practice Guidance Suite. This document provides planning guidance on a wide range of matters. Of particular relevance to this application is the practice guidance with regards to: air quality; historic environment; design process and tools; determining a planning application; flood risk; healthy and safe communities; land affected by contamination; housing and economic development needs assessments; housing and economic land availability assessment; light pollution; natural environment; noise; public rights of way and local green space; planning obligations; use of planning conditions; and; water supply, wastewater and water quality.

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

## Local Plan Policy:

The County Durham Plan (CDP)

28. *Policy 4 (Housing Allocations)* - Identifies a number of sites across the County which are allocated for housing, to deliver the new homes needed across the County to ensure the County Council meets its Local Housing Need. The Policy states that planning applications for housing on these allocations, that are in accordance with the site specific requirements in this policy and any infrastructure constraints identified in the Infrastructure Delivery Plan, will be approved if the proposed scheme is in accordance with other relevant policies in the Plan. The application site is allocated for development of approximately 200 homes, reference H19, and the allocation states: Development of the site will:
- include structural planting along the southern boundary and to the south of Redmire Drive to complement that to the south of Langdon Close;
  - provide a substantial area of open space for public access that connects with existing adjoining housing and the Lanchester Valley Walk;
  - contribute to Delves Lane Community Centre for the benefit of new and existing residents;
  - reinforce the existing screening around Delves Lane Primary School; retain the ditch and stream running through the site to create a wildlife corridor (this could also form part of a SuDS solution for the development);
  - consider potential impacts on the setting of High Knitsley Farm (Grade II listed).
29. *Policy 10 (Development in the Countryside)* states that development will not be permitted unless allowed for by specific policies in the Plan or Neighbourhood Plan or unless it relates to exceptions for development necessary to support economic development, infrastructure development or development of existing buildings. The policy further sets out 9 General Design Principles for all development in the Countryside.

30. *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. 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.
31. *Policy 15 (Addressing Housing Need)* establishes the requirements for developments to provide on-site affordable housing, the circumstances when off-site affordable housing would be acceptable, the tenure mix of affordable housing, the requirements of developments to meet the needs of older people and people with disabilities, and the circumstances in which the specialist housing will be supported.
32. *Policy 19 (Type and Mix of Housing)* advises that on new housing developments the council will seek to secure an appropriate mix of dwelling types and sizes, taking account of existing imbalances in the housing stock, site characteristics, viability, economic and market considerations and the opportunity to facilitate self build or custom build schemes.
33. *Policy 21 (Delivering Sustainable Transport)* requires all development to deliver sustainable transport by: delivering, accommodating and facilitating investment in sustainable modes of transport; providing appropriate, well designed, permeable and direct routes for all modes of transport; ensuring that any vehicular traffic generated by new development can be safely accommodated; creating new or improvements to existing routes and assessing potential increase in risk resulting from new development in vicinity of level crossings. Development should have regard to Parking and Accessibility Supplementary Planning Document.
34. *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.
35. *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.
36. *Policy 27 (Utilities, Telecommunications and Other Broadcast Infrastructure)* requires all residential and commercial development to be served by a high-speed broadband connection, where this is not appropriate, practical or

economically viable developers should provide appropriate infrastructure to enable future installation.

37. *Policy 29 (Sustainable Design)* requires all development proposals to achieve well designed buildings and places having regard to SPD advice and sets out 18 elements for development to be considered acceptable, including: making positive contribution to areas character, identity etc.; adaptable buildings; minimising greenhouse gas emissions and use of non-renewable resources; providing high standards of amenity and privacy; contributing to healthy neighbourhoods; and suitable landscape proposals. Provision for all new residential development to comply with Nationally Described Space Standards.
38. *Policy 31 (Amenity and Pollution)* sets out that development will be permitted where it can be demonstrated that there will be no unacceptable impact, either individually or cumulatively, on health, living or working conditions or the natural environment and that they can be integrated effectively with any existing business and community facilities. Development will not be permitted where inappropriate odours, noise, vibration and other sources of pollution cannot be suitably mitigated against, as well as where light pollution is not suitably minimised. Permission will not be granted for sensitive land uses near to potentially polluting development.
39. *Policy 32 (Despoiled, Degraded, Derelict, Contaminated and Unstable Land)* requires that where development involves such land, any necessary mitigation measures to make the site safe for local communities and the environment are undertaken prior to the construction or occupation of the proposed development and that all necessary assessments are undertaken by a suitably qualified person.
40. *Policy 35 (Water Management)* requires all development proposals to consider the effect of the proposed development on flood risk, both on-site and off-site, commensurate with the scale and impact of the development and taking into account the predicted impacts of climate change for the lifetime of the proposal. All new development must ensure there is no net increase in surface water runoff for the lifetime of the development. Amongst its advice, the policy advocates the use of SuDS and aims to protect the quality of water.
41. *Policy 36 (Water Infrastructure)* advocates a hierarchy of drainage options for the disposal of foul water. Applications involving the use of non-mains methods of drainage will not be permitted in areas where public sewerage exists. New sewage and wastewater infrastructure will be approved unless the adverse impacts outweigh the benefits of the infrastructure. Proposals seeking to mitigate flooding in appropriate locations will be permitted though flood defence infrastructure will only be permitted where it is demonstrated as being the most sustainable response to the flood threat.
42. *Policy 39 (Landscape)* states that proposals for new development will only be permitted where they would not cause unacceptable harm to the character, quality or distinctiveness of the landscape, or to important features or views.

Proposals are expected to incorporate appropriate mitigation measures where adverse impacts occur. Development affecting Areas of Higher landscape Value will only be permitted where it conserves and enhances the special qualities, unless the benefits of the development clearly outweigh its impacts.

43. *Policy 40 (Trees, Woodlands and Hedges)* states that proposals for new development will not be permitted that would result in the loss of, or damage to, trees, hedges or woodland of high landscape, amenity or biodiversity value unless the benefits of the scheme clearly outweigh the harm. Proposals for new development will be expected to retain existing trees and hedges or provide suitable replacement planting. The loss or deterioration of ancient woodland will require wholly exceptional reasons and appropriate compensation.
44. *Policy 41 (Biodiversity and Geodiversity)* states that proposal for new development will not be permitted if significant harm to biodiversity or geodiversity resulting from the development cannot be avoided, or appropriately mitigated, or as a last resort, compensated for.
45. *Policy 43 (Protected Species and Nationally and Locally Protected Sites)* development proposals that would adversely impact upon nationally protected sites will only be permitted where the benefits clearly outweigh the impacts whilst adverse impacts upon locally designated sites will only be permitted where the benefits outweigh the adverse impacts. Appropriate mitigation or, as a last resort, compensation must be provided where adverse impacts are expected. In relation to protected species and their habitats, all development likely to have an adverse impact on the species' abilities to survive and maintain their distribution will not be permitted unless appropriate mitigation is provided or the proposal meets licensing criteria in relation to European protected species.
46. *Policy 44 (Historic Environment)* seeks to ensure that developments should contribute positively to the built and historic environment and seek opportunities to enhance and, where appropriate, better reveal the significance and understanding of heritage assets. The policy advises on when harm or total loss of the significance of heritage assets can be accepted and the circumstances/levels of public benefit which must apply in those instances.
47. *Policy 56 (Safeguarding Mineral Resources)* states that planning permission will not be granted for non-mineral development that would lead to the sterilisation of mineral resources within a Mineral Safeguarding Area. This is unless it can be demonstrated that the mineral in the location concerned is no longer of any current or potential value, provision can be made for the mineral to be extracted satisfactorily prior to the non-minerals development taking place without unacceptable adverse impact, the non-minerals development is of a temporary nature that does not inhibit extraction or there is an overriding need for the non-minerals development which outweighs the need to safeguard the mineral or it constitutes exempt development as set out in the Plan. Unless the proposal is exempt development or temporary in nature, all planning applications for non-mineral development within a Mineral Safeguarding Area must be accompanied by a Mineral Assessment of the effect of the proposed development on the mineral resource beneath or adjacent to the site of the proposed development.

## Supplementary Planning Documents

48. 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.
49. 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.
50. Residential Amenity Standards SPD (2023) – Provides guidance on the space/amenity standards that would normally be expected where new dwellings are proposed.
51. Parking and Accessibility SPD (2023) – Provides guidance on parking requirements and standards.
52. County Durham Building for Life SPD (2019) – Provides guidance on the application of the Building for Life standards and the Design Review process referenced in CDP Policy 29 to ensure well-designed major residential development proposals.

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

### Neighbourhood Plan:

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

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## **CONSULTATION AND PUBLICITY RESPONSES**

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### Statutory Consultee Responses:

54. *Highways Authority* – The submitted Transport Assessment considered the potential highway and transport related impacts associated with this proposal and any mitigation required. In consultation with the Highways Authority, two Technical Notes (TN) were later submitted to assess the potential cumulative development related transportation impacts arising from committed and pending development sites across a number of junctions in and around the Consett area. Overall, the information included within the assessment and methodology used have been considered acceptable. A number of junctions have been assessed and checked by the Highway Development Management team of which the modelling demonstrated that these junctions would continue to work within their design capacity with the traffic from these developments (including pending applications) added to the local road network (Genesis Way, Ovington Court, Durham Road and Redmire Drive roundabouts). With regards to the remaining



four junctions (Delves Lane, Leadgate Road and Gloucester Road roundabouts and Stockerley Lane T-junction), the transport assessment demonstrated that if this development came forward (even alongside pending applications), the junctions would continue to work within their designed capacity subject to the highway improvement schemes secured through previously permitted schemes (DM/19/01987/OUT and DM/21/03839/FPA). Similar conditions would be required to be imposed on this scheme to secure the delivery of five improvement schemes across four junctions by specified triggers within the development phase. Subject to this mitigation, there would be no severe cumulative impact on the local highway network. Following amendments to the scheme, the proposed site access arrangements, parking provision and distribution, non-vehicular access provision and external footway improvements are deemed to be acceptable. No highway objection is raised subject to the imposition of conditions and informatives.

55. *Lead Local Flood Authority (Drainage and Coastal Protection)* – The proposed design demonstrates compliance with National Standards and Council Policies in providing sustainable surface water management solutions and ensuring the prevention of flood risk to and from the proposed development. No objection is raised subject to a condition to secure the implementation of the approved scheme.
56. *Mining Remediation Authority* - The coal mining legacy potentially poses a risk to the proposed development and that further intrusive site investigation works should be undertaken in order to establish the exact situation regarding coal mining legacy issues on the site and to inform any remedial measures necessary to ensure the safety and stability of the proposed development. A conditional approach is recommended.

#### **Internal Consultee Responses:**

57. *Spatial Policy* – The principle of residential development on this site has been established through the development plan. Policy 4 includes some specific matters which will need to be addressed. Further policies are identified which are relevant to the detailed elements of the proposal. No objection is raised in relation to mineral safeguarding on the grounds of Policy 56.
58. *Design and Conservation* – The overall layout and design has been amended to reflect the comments raised at the Council's internal Design Review process and through the developer engaging in the Enhanced Design Review service. This has resulted in the revised scheme scoring 11 greens and 1 amber. No objection is raised on the grounds of heritage impact.
59. *Landscape Section* – The developable space on this site, including areas of proposed landscaping have been determined by physical and technical constraints. Following discussions and reviews of the layout, the proposals appear to provide an improved landscape scheme than that originally submitted.
60. *Active Travel* – Are generally content with the responses provided against the comments, however, note there are still several key facilities and amenities

located outside of an 800m walking distance from the mid-point of the site. It is unclear how the proposed off-site infrastructure will make a material difference to improving the active travel routes to / from the urban core of Consett where the majority of key facilities and amenities are located. Whilst it is appreciated that contributions may have now been agreed, it would have been expected to see a significant enhancement to existing active travel infrastructure to create safe, high-quality, and inclusive routes to / from the site. This is particularly prevalent given the lack of any immediate public transport (bus) routes in the immediate local area (i.e. more than 400m away), with active travel forming the core part of any future sustainable transport to / from the site. Cycle Parking should be conditioned for properties which will not benefit from a garage.

61. *Arboricultural Officer (Trees)* – Defers to comments made by Landscape Officer.
62. *Archaeology* - The fieldwork evaluation exercise indicated an absence of archaeological deposits or features. No further work is required.
63. *Ecology* – The development delivers a biodiversity net gain against Policy 41 of the Local Plan and the approach to this delivery aligns with previous discussions with the consultant ecologist. Both the on and off-site delivery for a net gain will need to be secured alongside appropriate monitoring. Conditions are also required to secure appropriate onsite mitigation measures.
64. *Environmental Health and Consumer Protection (Nuisance)* – Following the submission of additional information, no objection is raised subject to conditions being imposed to secure adherence to the submitted Construction Management Plan and noise mitigation measures alongside one controlling construction hours.
65. *Environmental Health and Consumer Protection (Air Quality)* – Following the submission of an amended Air Quality Assessment resolving previous queries and areas of concern, have no further comments to make.
66. *Environmental Health and Consumer Protection (Contamination)* – Are satisfied with the proposed Phase 3 remedial works. Verification is required post remediation. A condition should be applied to secure this alongside an informative relating to unforeseen contamination.
67. *Archaeology* – The evaluation exercise indicated an absence of archaeological deposits or features and so no further work is required.
68. *Education Provision Lead Officer* – It is considered that the development is likely to produce 45 primary pupils, 22 secondary pupils and 1.7 SEND pupils. Based on the projected rolls of the schools, taking into account the likely implementation of the development, build out rates and other relevant committed development there would be sufficient primary places available, but insufficient places at the nearest secondary school. Consequently, a contribution of £534,864 (22 x £24,312) towards education provision is therefore required. There is a shortage of SEND places across the county. In order to mitigate the impact of the

development, a contribution of £142,766 (1.7 x £83,980) would be required towards SEND provision.

69. *Integrated Passenger Transport* – As the site would fall outside of the 400m recommended walking distance to existing stops, they consider that a properly located bus turning circle is required alongside a S106 contribution to provide funding for a shuttle service to Consett Town Centre. They note it is common for local bus services to require ongoing subsidies from the Local Authority in order to be viable and continue to operate.
70. *Public Health* – From a Public Health perspective there are no grounds on which to challenge the development based on the evidence presented.
71. *Travel Plan Officer* – The updated Travel Plan is now considered to be acceptable.

### **External Consultees**

72. *Northumbrian Water Limited* – Recommend a conditional approach to secure development is implemented in line with the drainage scheme which secures foul flow discharge rates and location point alongside surface water discharging to the existing watercourse.
73. *Police Architectural Liaison Officer (Durham Constabulary)* – Outline a series of recommendations from a Secured By Design perspective.
74. *NHS North East and North Cumbria Integrated Care Board* – Recommend that a financial contribution of £82,110 would be required to provide additional / extended accommodation to mitigate the impact of the development and provide additional capacity for local GP surgeries.
75. *Go North East* – Confirm it would not be possible to re-route any of their existing services to the site therefore the only other option would be a dedicated shuttle service to Consett Bus Station where onward connections to other destinations are available. They estimate it would cost £200k per annum to deliver the service prior to any revenue. As existing houses in this area haven't benefitted from a bus service, they consider car usage is more ingrained therefore are concerned revenue is unlikely to cover the cost of operating the service. They do not consider the position is likely to change moving forward. Whilst they would be happy to operate a route, they would require funding to do so and acknowledge it would be unlikely that the route would ever be viable without some form of funding.

### **Public Responses:**

76. The application has been advertised in the local press (Northern Echo), by site notice and individual notification letters sent to neighbouring properties.
77. A total of 11 letters of objection have been received from local residents. The reasons for objection are summarised below:

### Principle of development

- This is Greenbelt/greenfield site therefore should not be built on. Brownfield sites should be prioritised.
- The area has seen significant redevelopment with further applications recently approved or pending determination. Further housing is not required.
- This proposal represents overdevelopment of the site.
- There is a lack of necessary infrastructure to support additional housing resulting in increased pressure on the following;
  - Sewage
  - Doctors
  - Dentists
  - School Places including nursery provision
  - Town Centre

### Highway related matters

- The highways assessment is not deemed adequate to fully assess the impacts arising from the development and omits certain information including accidents in the area.
- Query the capacity and suitability of the local network to accommodate the additional traffic arising as a result of this development and others in the area. This will lead to further traffic, journey times and congestion on already heavily congested and poorly maintained roads. This will be unsafe for both motorists and pedestrians.
- The cumulative impacts need to be considered in light of recently approved and pending applications.
- There will be an increase in construction traffic during the build process.
- The development will lead to vehicles speeding along Ovington Court in close proximity of a children's play area
- The above factors will increase risk for pedestrians.
- Development would put pressure on parking within Consett which is already limited.
- Lack of public transport options especially to major towns and cities such as Durham and Newcastle

### Impacts upon amenity and adjacent residents

- The development will lead to extra pollution including noise (both from the construction period and future occupants and users of the proposed pathways), dust, air, light and emissions.
- There will be disturbance arising from piling.
- Public safety concerns arising from;
  - Construction Phase.
  - Children not having safe areas to play.
  - Dog waste not being properly disposed of.
- The overall design and layout of the development is considered to be poor.
- Antisocial behaviour and increased crime
- Loss of a valued recreational area
- Structural damage to existing homes arising from;
  - Piling on-site

- Proximity of construction to the existing retaining wall

#### Landscape and Ecology

- Results in a loss of open countryside.
- Impact to existing landscape features including trees and hedges
- Impact to ecology, wildlife and the beck running through the site

#### Other issues

- Drainage
- Insufficient public consultation
- Property devaluation
- Loss of attractive views

78. The Campaign for the Protection of Rural England (CPRE) advise that it would be inappropriate to grant permission for the development as it stands and it should be refused permission unless the following areas are addressed;

- Proposed structural planting needs to meet the site specific requirements of Policy 4.
- While connections through the site to adjacent housing and the Lanchester Way are proposed, it is unclear whether these are to be multiuser paths.
- Drainage considerations need to be fully resolved.
- Site specific policy requirements of Policy 4 require a wildlife corridor. Biodiversity Net Gain needs to be fully resolved.

79. One letter has been received in support of this application and two other major housing developments (DM/21/01245/FPA and DM/21/03839/FPA) in the surrounding area which are currently pending determination (DM/21/03839/FPA has since been approved). If they are considered together, it provides a great opportunity to improve transport infrastructure to ease congestion and add traffic calming.

#### **Elected Members**

80. Councillor Angela Sterling and Councillor Michelle Walton, whilst not submitting any formal comments during the application process, have held meetings and had email exchanges with the case officer to discuss the concerns raised by local residents, enhancing sustainable transport options for the site and to advocate for community facilities and initiatives for their ward.

*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:**

81. The proposed development will deliver a high-quality residential scheme on a site allocated for housing within the adopted County Durham Plan. The proposals have evolved significantly during the planning process, guided by the Council's

Design Review Panel, to ensure a development that is both high-quality and sensitive to the site's industrial heritage and rural edge context.

82. The site is sustainably located and eminently suitable for residential development, as evidenced by its allocation within the County Durham Plan. Although situated on the outer edge of Templetown, the proposed development prioritizes connectivity, incorporating over 1.8km of new, off-highway footpaths and cycleways. These features provide multiple access points around the site and ensure seamless connectivity to the wide range of services and facilities in Delves Lane, located to the east of the development.
83. Originally allocated for approximately 200 homes, the scheme has been refined through the planning process to now propose 170 new homes. This reduction reflects design revisions influenced by the Council's Design Review process and updates to highway and parking standards.

#### *Design and Landscape Features*

84. The development adopts a landscape-led approach, providing onsite amenities that exceed local policy requirements:
85. 13.58 acres of Play, Amenity, and Parks & Recreation Space (compared to a policy requirement of 2.72 acres, representing a surplus of 10.85 acres).
86. Biodiversity Net Gain achieved through ecological enhancements to an 11.8-acre offsite area at nearby Bridgehill.

#### *Housing Mix and Affordability*

87. The scheme offers a wide variety of homes, ranging from 2 to 5-bedroom properties, designed to meet diverse local needs:
88. 10% affordable housing, ensuring access for first-time buyers and small families.
89. 10% elderly persons housing, catering to older residents and promoting inclusive communities.
90. All homes achieve National Described Space Standards.
91. 68.8% of homes to be build to enhanced Accessibility Standard M4(2), ensuring adaptability for aging population.

#### *Compliance and Policy Alignment*

92. The proposal fully complies with local and national planning policies, including Policies 4 and 29 of the County Durham Plan. The scheme strongly supports all three pillars of Sustainable Development; economic, social, and environmental, with significant benefits that decisively weigh in favour of approval.

#### **Key Benefits**

### *Economic Benefits:*

93. Creation of an estimated 68 direct construction jobs per year and 91 indirect and induced jobs per year over the six-year construction period.
94. Facilitation of £1.2m in first-occupation retail spend and £4.7m annual household expenditure, supporting the local economy.
95. Additional £268,000 in annual Council Tax revenue, alongside £928,000 in Section 106 contributions towards education, healthcare, and open space enhancements.

### *Social Benefits:*

96. Delivery of 170 high-quality homes, enhancing housing choice across size, type, and tenure, while promoting sustainable communities.
97. Inclusion of policy-compliant affordable housing, elderly persons' housing, National Space Standards and M4(2) Enhanced Accessibility Standards to address a wide range of local housing needs.

### *Environmental Benefits:*

98. Creation of a landscape-led development featuring multifunctional greenspaces that integrate seamlessly with residential areas.
99. Achievement of Biodiversity Net Gain through offsite ecological improvements.
100. Construction of all homes to a minimum of 2021 Part L Building Regulations standards (31% carbon emissions reduction) with later plots future-proofed to accord with the anticipated forthcoming Future Homes Standard (80% carbon emissions reduction).

### *Collaboration and Conclusion*

101. Persimmon Homes has worked closely with the Council, statutory consultees, and internal stakeholders to refine the scheme. Following these adaptations, there are no outstanding objections that would, on balance, justify refusal.
102. In summary, this application seeks to deliver a sustainable, high-quality development on a site allocated for residential use in the County Durham Plan. The scheme provides much-needed family housing, achieves substantial environmental, economic, and social benefits, and aligns with local and national policy. There are no adverse impacts that would significantly and demonstrably outweigh the benefits of this proposal and as such we would politely request that members support the Officers recommendation to approve this application.

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## **PLANNING CONSIDERATION AND ASSESSMENT**

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103. 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.
104. 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, along with advice set out in the Planning Practice Guidance notes. Other material considerations include representations received.
105. In this context, it is considered that the main planning issues in this instance relate to the Principle of Development, Locational Sustainability, Highway Issues, Landscape and Visual Impact, Design and Layout, Impact upon Heritage Assets, Residential Amenity, Drainage and Flood Risk, Ecology and Biodiversity Net Gain, Ground Conditions and Land Stability, Planning Obligations, Other Matters, and Public Sector Equality Duty.

### Principle of Development

106. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF is a material planning consideration. The County Durham Plan (CDP) is the statutory development plan and the starting point for determining applications as set out in the Planning Act and reinforced at NPPF Paragraph 12. The CDP was adopted in October 2020 and provides the policy framework for the County up until 2035 and is therefore considered up to date.
107. NPPF Paragraph 11c requires applications for development proposals that accord with an up to date development plan to be approved without delay. NPPF Paragraph 12 states that where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.
108. This site is allocated in the County Durham Plan under Policy 4 (H19), which identifies an indicative yield of 200 dwellings. Planning applications for housing on these allocations, that are in accordance with the site-specific requirements in Policy 4, will be approved if the proposed scheme is in accordance with other relevant policies in the Plan. The site-specific requirements for H19 requires the development to:
- include structural planting along the southern boundary and to the south of Redmire Drive to complement that to the south of Langdon Close;



- provide a substantial area of open space for public access that connects with existing adjoining housing and the Lanchester Valley Walk;
- contribute to Delves Lane Community Centre for the benefit of new and existing residents;
- reinforce the existing screening around Delves Lane Primary School;
- retain the ditch and stream running through the site to create a wildlife corridor (this could also form part of a SuDS solution for the development);
- and consider potential impacts on the setting of High Knitsley Farm (Grade II listed).

109. Local residents have written letters of objection to express concerns that there are more favourable brownfield sites to develop before considering greenfield sites such as this and there is sufficient new development consented/pending consideration in the surrounding area. Although the CDP and NPPF encourages the use of previously developed land, they do not preclude the development of greenfield land, nor do they impose any sequential requirement. However, any adverse impacts of development on greenfield land should be considered in the planning balance. For the purposes of clarification, the site is not Greenbelt.

110. The principal of housing on the site is therefore supported. The overall acceptability of the proposal is dependent on whether site specific requirements are achieved and the scheme's overall compliance with other relevant policies. Clearly this assessment can only be considered following an examination of all the relevant issues.

### *Housing Land Supply*

111. The provisions of Paragraph 78 of the NPPF maintains the requirement for Local Planning Authorities (LPAs) to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirement set out in adopted strategic policies, or against their local housing need where the strategic policies are more than five years old. Policy 1 of the County Durham Plan (CDP) states that in order to meet the needs and aspirations of present and future residents of County Durham, and to deliver a thriving economy, the following levels of development are proposed up to 2035:

- a. 300 hectares of strategic and general employment land for office, industrial and warehousing purposes; and
- b. a net minimum of 24,852 new homes of mixed type, size and tenure over the period 2016 to 2035 (1,308 new homes per year).

112. It was established under the adoption of the CDP that the Council can demonstrate in excess of 5 years housing land supply (5.97 years). The CDP was adopted in October 2020 and therefore, in accordance with Paragraph 78 of the NPPF, a five year supply of deliverable housing sites, with the appropriate buffer can be demonstrated.

113. Residents note with concern that the area has seen significant redevelopment with further applications recently approved or pending determination. On this

basis, they do not consider any further housing is required. Notwithstanding that a housing land supply in excess of 5 years can be demonstrated, the CDP does not seek to cap the growth of housing and Paragraph 61 makes it clear that one of the Government's key objectives is to significantly boost the supply of homes. As such significant weight is attached to the provision of market housing. Furthermore, this site is one of the sites identified within the CDP to meet the Council's 5 year housing land supply.

### Locational Sustainability

114. Policy 21 of the CDP requires all developments to deliver sustainable transport by providing appropriate, well designed, permeable and direct routes for walking, cycling and bus access, so that new developments clearly link to existing services and facilities together with existing routes for the convenience of all users. Policy 29 of the CDP requires that major development proposals provide convenient access for all users whilst prioritising the needs of pedestrians, cyclists, public transport users, people with a range of disabilities, and emergency and service vehicles whilst ensuring that connections are made to existing cycle and pedestrian networks. Specifically, the NPPF sets out at Paragraph 110 that significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. At Paragraph 114 the NPPF states that sustainable transport modes are prioritised taking into account of the vision for the site, the type of development and its location whilst Paragraph 117 amongst its advice seeks to facilitate access to high quality public transport.
115. The County Durham Settlement Study 2018 is an evidence-based document which seeks to provide an understanding of the number and range of services available within the settlements of County Durham. The site lies in the Templetown area which forms part of the Consett Cluster comprising of twelve named areas. Although historically settlements in their own right, they all effectively function as part of Consett. The Consett Cluster is ranked 3rd within the County based on the services and facility within the area and is, therefore, considered capable of accommodating appropriate housing growth.
116. However, although the Consett Cluster is, in general, considered to be served by an appropriate range of services and amenities and the site allocated for housing within the CDP therefore ultimately deemed a sustainable location for development, consideration is required to be given as to the ability of future occupiers to access these. In this respect, the application is accompanied by a Transport Assessment, Travel Plan and Proposed Sustainable Infrastructure and Site Accessibility Note, which assess the accessibility of the site to local services and facilities, by foot, bicycle and bus, as well as impacts upon the highway network in terms of vehicular traffic.

### *Walking*

117. Guidance on acceptable walking distances comes from several sources. The Chartered Institution of Highways and Transportation (CIHT) "Guidelines for Providing Journeys on Foot" published in 2000 lists desirable, acceptable and

preferred maximum distances for Commuting and Schools as 500m, 1000m and 2000m respectively. For facilities/services elsewhere, the desirable, acceptable and preferred maximum distances are 400m, 800m and 1200m. The guidelines note that based on the average walking speed, a 10-minute walk equates to around 800m. Manual for Streets (MfS) published in 2007 indicates that walkable neighbourhoods are typically characterised as having a range of facilities within a 10-minute (800m) walking distance. This is not an upper limit and MfS refers to walking as having the greatest potential to replace short car trips, particularly those under 2km.

118. The CIHT's 2015 "Planning for Walking" does not repeat reference to a maximum acceptable walking distance of 2000m. The document refers to Walking Neighbourhoods as having a range of facilities within a 10-minute walk (around 800 metres). The most up-to-date reference to walkable neighbourhoods is in the 2021 National Design Guide (NDG). Here walkable is referred to as local facilities within a 10-minute walk (800m radius).
119. Since the CIHT 2000 guidance and the 2007 MfS were published, the thrust of guidance on walkability has moved on and crystallised to a common range of up to 800m or a 10-minute walk distance. As such, the 2km distance referred to above would not be an appropriate measure to apply. Similarly, given that more recent guidance relates to a single measure, 800m or 10 minutes, the use of desirable, acceptable and preferred maximum distances is not appropriate either.
120. Notwithstanding the references to an 800m radius, the approach adopted by the LPA and the developer is to identify an actual walk distance and time. This is considered the most appropriate measure given it would be impossible to walk the radius. The mid-point dwelling has been used to assess distance and walking times. Whilst accepting that on any scheme, there will be some dwellings closer to facilities and some will be further, it is considered that in coming to an overall conclusion on accessibility this is the most appropriate measure to take.
121. The shortest actual walking routes to the nearest facilities and amenities from the mid-point dwelling are as follows:

*Within the Recommended 800m distance / 10 minute walk time*

- Templetown Park (equipped children's play area) (500m)
- Delves Lane Primary School (620m)
- Delves Lane Methodist Church and Community Hall (700m)
- Hownsgill Industrial Estate, including Eddis caravans and small industrial units (700m-1.2km)
- Delves Lane convenience store, takeaways, community centre and other retail shops (790-850m)
- Delves Lane (680m) and Knitsley Lane (790m) bus stops

*Beyond the Recommended 800m distance / 10 minute walk time*

- Briardale Convenience Store and Post Office (1.1km)
- Delves Lane employment site, including car sales, trade counters and industrial units (1.1-1.5km)

- Lidl supermarket (1.2km)
- Greggs restaurant (1.2km)
- Herminston Retail park including Morrisons supermarket, B&Q superstore, gym, KFC restaurant, Costa coffee shop and other retail outlets (1.3-1.6km)
- B&M superstore (1.4km)
- Consett Town Centre including retail health and leisure destinations (1.4-2km)
- Tesco Extra supermarket (1.6km)
- Consett Football Club and playing pitches (1.6km)
- Derwentside College (1.6km)
- Consett Medical Centre (1.6km)
- Consett Academy (2.2km)

122. As outlined above, a number of key services which would serve the day to day needs of residents are located within the recommended 800m distance / 10 minute walk time. The walking routes into Consett town centre and the facilities and services within the surrounding area are (or will be) along adopted highways. It is also noted that the developer has proposed to undertake a series of works to improve existing infrastructure and connections (see Highway Issues section for further details) for the benefit of new and existing residents. Furthermore, with proposed pathways designed to achieve adoptable gradients, there are no significant topographical restrictions for connections to the east where the majority of local services and amenities lie. These factors, primarily with the mitigations proposed, are likely to provide the option for future residents to access these facilities on foot.

123. Consett town centre and a variety of other key services including the post office, larger scale retail opportunities and the medical centre are all well outside the recommended 800m distance / 10 minute walk time. Whilst pedestrian access is afforded along adopted highways, given topographical challenges and the distances involved it is considered unlikely the majority of residents would choose to walk to these particular services. Instead, their likely preference would be to utilise other modes of transport, particularly in winter and periods of bad weather.

124. To conclude, an array of essential day to day services would lie within the recommended walking distances and pedestrian routes to these would not be unattractive walks following the implementation of required mitigation. As such, residents have genuine and realistic opportunities to walk to them rather than resorting to using the private car. For those that lie outside recommended walking distances, other opportunities to access them by sustainable transport modes are considered below.

### *Cycling*

125. Cycling is also likely to be an attractive option and it is recognised the site lies in close proximity to Sustrans National Cycle Network route (NCN 14) with a direct connection proposed onto it alongside a financial contribution to mitigate the impacts of the development and provide improvements to the route (see

Planning Contributions section). Sustrans National Cycle Network route (NCN 7) lies approximately 850m to the north. These routes afford cycle connections through to Consett town centre and further afield including the key regional and sub-regional employment and retail centres of Durham, Sunderland and Newcastle.

126. Consett town centre and a variety of other key services including the post office, larger scale retail opportunities and the medical centre that lay well outside the recommended 800m distance / 10 minute walk time results in them being unlikely to be accessed on foot. Nonetheless, they are easily accessible by cycling and in the main, opportunities to cycle to such destinations would be along some dedicated routes. As such, there is a realistic prospect that future residents would substitute both walking and cycling in place of the private car to access a vast range of key day to day services.
127. To accord with the requirements of Policy 21 of the CDP and help increase cycle ownership and use within the development, a condition is proposed to ensure cycle storage provision is available for each plot.

#### *Public Transport*

128. CIHT guidance and the Building for Life SPD highlight that the preferred walking distance to a bus stop is ideally 400m. People may be inclined to walk further than that depending on the nature of their journey and the attractiveness of the destination for either employment or shopping. Again, taking the mid-point dwelling, the walk to existing bus stops would be approximately 680m to those on Delves Lane and 790m to the ones on Knitsley Lane. Clearly, both lie outside the preferred walking distances of 400m.
129. In terms of the bus stops on Delves Lane, they are serviced by two regular services (V1 and X5) to the centres of Consett and Durham City. Buses arrive every 20 minutes at peak times and operate into the evenings and across the weekend. Four scholar services also serve these bus stops in the morning and afternoon, connecting residents to the secondary schools of Consett Academy and St Bedes, Lanchester.
130. In terms of the bus stops on Knitsley Lane, they are served by the V5 which calls once an hour and connects the site to Consett Town Centre and the surrounding villages including employment opportunities. The service operates into the evenings and across the weekend. Two of the same scholar services that serve Delves Lane also stop at these bus stops.
131. Paragraph 5.223 of the CDP directs that “when identifying new development sites the proximity and frequency of bus services is a key consideration. As part of major planning applications, developers should therefore consider the proximity and impact on local bus routes. Where sufficient demand will be generated, developers will be required to make a financial contribution to allow the council and bus operators to work together to improve bus provision for a particular site. Where possible, bus routes should penetrate new development

sites through permeable routes and bus priority measures should be considered”.

132. To achieve the above, the developer explored various options for providing a bus link through the site. After extensive discussions with both the local bus operator and the Council, the following options were discounted;

- Knitsley Lane (to the west) – Given this is a narrow country lane which does not benefit from public footpath links along a significant portion of the route, the Highways Authority conclude that it would not be safe to run a bus service down this road. Any potential upgrades to existing infrastructure would have a significant and transformative adverse impact, urbanising what is currently a pleasant and attractive country lane.
- Delves Lane Industrial Estate (to the south) – Topographical constraints and issues of landownership result in a route being unfeasible.
- Lea Side/Fell Side Cross (to the east) – Topographical constraints and existing road widths running between terraced streets lead the Highways Authority to conclude this route would be unfeasible to support a bus route.
- Redmire Drive (to the northeast) – Redmire Drive (which exits onto Delves Lane), the main route through the existing housing estate to the northeast, was designed with 6.75m wide roads. Although in theory this would provide sufficient road widths to accommodate a local bus service, it is recognised this is an established residential area and site observations show a high prevalence of cars parked on the pavement. As a result, buses would likely struggle to navigate the route and bus stop provision would be difficult to accommodate. Concerns have also been raised that such a connection would result in a rat-run for commuters seeking to avoid congestion in other areas of the network. Whilst the potential for a bus only route enforced by use of AMPR cameras was explored, this was discounted as it would set a precedent (they are typically only used in larger towns and cities rather than local estates) and the Council would ultimately be responsible for future liability costs. Furthermore, in order to facilitate access from Redmire Drive onto the Ovington Court spine road, a 3<sup>rd</sup> party ransom strip issue would need to be overcome.

133. As no suitable surrounding road connections could be made due to a combination of 3<sup>rd</sup> party ownership, inadequate road widths and topographical constraints, the developer originally proposed to include a bus turning circle adjacent to the site entrance. The developer held discussions with the bus service provider to establish the financial subsidy required to run a regular service to the site. Go North East advised that it would not be feasible to divert any existing services to the site and as such a new shuttle bus to run between the site and Consett Bus Station would be required, where onward connections to other destinations could be made. Go North East calculated that the necessary bus subsidy would be £200k per year of build. Assuming a delivery rate of 30 dwellings per annum, the development would take 6 years to complete generating a total bus subsidy cost in the region of £1.2m. Once funding ceased, Go North East advised it was unlikely the route would be commercially viable

without some form of additional funding. With the developer's bus subsidies falling away, such costs would fall to the Council should they wish to maintain the route. Notwithstanding, given walking distances to existing stops falls outside the recommended 400m walking distances, the Integrated Passenger Transport Team advise that a properly located bus turning circle is required alongside a S106 contribution to provide funding for a shuttle service to Consett Town Centre. They note it is common for local bus services to require ongoing subsidies from the Local Authority in order to be viable and continue to operate.

134. The developer, noting that the bus service was highly likely to cease operation once their subsidy payments stopped, decided to remove the bus turning circle from the scheme and instead focused on improving other sustainable transport provision to enhance accessibility. They assert that such cycle/walkability features which will be embedded into the development, would transcend the build period and result in features benefiting local residents (existing and proposed) in perpetuity whilst also continuing to meet acceptable standards for walking distances to services. Amendments to the scheme include;

#### *Onsite*

- A significantly enhanced internal footpath/cycleway network that links into existing infrastructure (to the north, south, east and west).
- A 3m shared footpath/cycleway is proposed along the northern boundary providing a connection from Knitsley Lane extending down the eastern boundary and connecting to Lanchester Valley Railway Path.
- Main routes are proposed for adoption therefore would be tarmacked and lit. All footways/cycleways within the open space of the development would be formed of a consolidated material to ensure safe usability in all weathers. All have been designed to ensure acceptable gradients are achieved.
- In recognition of the sloped nature of the site, 10no. park benches are proposed across the site, in key location, to offer regular resting points.

#### *Offsite*

- To the west, a footway/cycleway link is established onto Knitsley Lane.
- To the north, a new shared footway is proposed on the eastern side of Ovington Court before heading east and connecting to Askrigg Close. In addition, a 2m footpath connection adjoining the existing footway adjacent to the Ovington Court Play Area and a new pedestrian refuge island is proposed.
- To the east, a new footway/cycleway link is established onto Fellside. The proposals incorporate an uncontrolled crossing point onto an existing footpath provision to the east of Fellside; providing onward connections into Delves Lane. Both off-site routes will be surfaced, 3m wide and will benefit from streetlighting and relevant wayfinding signage.
- To the south, a new footway/cycleway link is established onto the Lanchester Valley Railway Path. A financial contribution of £51,000 is proposed to mitigate the impacts of the increased usage and to support improvements to Lanchester Valley Railway Path (see Planning Obligations section).

135. Both Policy 21 (a & b) of the CDP and Paragraph 117 (a & b) of the NPPF set out a hierarchy for delivering, accommodating and facilitating investment in safe sustainable modes of transport. Priority should be given to the addressing the

needs of those with mobility issues or disabilities, pedestrian and cycle movements, followed by facilitating access to high quality public transport. The NPPF includes the caveat - so far as possible - in relation to public transport accessibility.

136. Due to higher abnormal costs associated with this particular site (coal mining legacy and topographical constraints), the developer asserts that it would not be financially viable for them to provide the bus subsidy payment (and associated infrastructure costs associated with the turning circle) alongside the aforementioned package of measures primarily aimed at enhancing sustainable transport accessibility by other means especially when considering the range of other obligations they are required to commit to (see Planning Obligations section). Whilst this has not been viability tested, a bus subsidy contribution in the region of £1.2m is deemed to be a significant contribution (higher than all the others combined) especially in light of other obligations required to mitigate the impacts of the development and achieve policy compliance. Technical reports also confirm site constraints, albeit not the specific costs associated with remediating these. As per the requirements of Policy 21 of the CDP and Paragraph 117 of the NPPF, the developer has opted to focus investment towards those with mobility issues or disabilities, pedestrian and cycle movements and has so far as possible, tried to enhance accessibility to public transport.
137. Taken in the round, it is considered that the developer has fully explored opportunities to provide bus routes to the site and the scheme as currently proposed responds appropriately to the site-specific challenges of this Policy 4 housing allocation. Whilst existing bus stops lie outside the preferred 400m walking distance, well served routes to Consett and Durham, operate within 800m of site. The walking routes to bus stops on Delves Lane would (or will be) along adopted well-lit highways and would likely be regarded by residents as attractive routes. Furthermore, even if the developer committed to the bus subsidy, it would only result in a new shuttle bus running between the site and Consett Bus Station. Onward connections would be required to key sub regional and regional employment and retail centres thereafter. The shuttle bus service would likely to be limited in terms of hourly provision, including evening and weekend coverage and wouldn't result in access to high quality public transport like the services provided at existing stops. Furthermore, the service would be unlikely to be commercially viable once the funding ceased and would likely fall away unless the Local Authority stepped in to cover the subsidies required.
138. Conversely, the alternative package of measures proposed by the developer to improve other sustainable transport provision would be more likely to enhance overall accessibility and would result in features benefiting local residents (existing and proposed) which would be retained in perpetuity. Given the distances to bus stops are within the 800m recommended walking distance, the nature of the services available and that routes to those bus stops are considered to be attractive, there is a realistic prospect that future residents would substitute public transport in place of the private care to access a vast range of key day to day services.



### *Travel Plan*

139. A Travel Plan is a package of measures implemented to reduce the number and length of car trips generated by the development. Travel Plans strive to support, promote and encourage sustainable mobility by offering alternative transport choices and therefore reducing the overall need to travel by car.
140. The Travel Planning Officer has been consulted and following receipt of an updated Travel Plan in line with officer feedback and providing an enhanced package, they have no objections.

### *Agreed Travel Plan Measures*

- Appointed of 3rd party Travel Plan Co-ordinator as point of contact for residents to advise on Sustainable Transport options.
  - Provision of Travel Plan Information Pack to all residents
  - Facebook page providing promotional material, incentives, events and initiatives to encourage residents to engage with the goals of the Travel Plan
  - Bus Passes – All residents to be offered a 2 month bus pass free of charge.
  - Residents Letter – Annually delivered to all residents onsite to raise awareness of the annual residents travel survey and Facebook page
  - Information sharing on benefits of car sharing and of car sharing schemes
  - Personal Sustainable Travel Planning.
141. The measures and monitoring programme set out in the Travel Plan are considered acceptable in order to reduce reliance on the private motor car and to promote sustainable transport methods in accordance with Policies 21 and 29 of the NPPF and with Paragraph 118 of the NPPF. This can be secured via condition.

### *Conclusions on Locational Sustainability*

142. The thresholds referred to in this section are guidance and not a binding code, however, are an important tool in assessing the development against sustainability objectives of the MfS, the NPPF and CDP. MfS seeks to encourage a reduction in the need to travel by the car by ensuring that the day to day needs of most residents are within walking distance. The NPPF seeks to manage patterns of growth through focussing development on locations that are or can be made sustainable through limiting the need to travel and offering a genuine choice of transport modes. The development plan objective is to locate new development where the opportunity for sustainable development patterns is maximised.
143. The Council's Active Travel Officer is in the main content with the applicant's responses against the initial comments that were provided. Concerns persist regarding the fact that there are still several key facilities outside the of the 800m walking distance from the mid-point of the site and they aren't clear how the package of measures proposed by the developer will make a material difference to improving the active travel routes to/from the urban core of Consett where the majority of key facilities and amenities are located. This is particularly prevalent

given the lack of any immediate public transport routes in the immediate local area (i.e. more than 400m away).

144. Notwithstanding the concerns raised by both Integrated Passenger Transport and Active Travel sections, taking all relevant matters into account, it is considered that the site has access to an array of services and facilities which would help serve the proposed development and that these are within relatively easy reach of the site via walking, cycling and/or public transport. Opportunities to enhance provision and accessibility to sustainable modes of transport have been fully explored and with the exception of the bus subsidy option, which has its own limitations, have or can be realised through the proposed site layout, imposition of conditions and the developer entering into a planning obligation. This provides existing and future residents with realistic alternative options to the private motor car, following the hierarchical order set out in both the CDP and NPPF, to access a wide range of day-to-day services.
145. Recognising the importance of establishing the internal connections and off-site footway enhancements at the earliest possible opportunity, a footpath phasing plan has been provided by the developer and will be secured via condition.
146. Taken in the round, no overall objection is raised having regards to the locational sustainability of the site. The development would promote accessibility by a range of sustainable travel methods in accordance with Policies 21, 26 and 29 of the CDP and Part 9 of the NPPF.

#### Highway Issues

147. Policy 21 of the CDP outlines that development should not be prejudicial to highway safety or have a severe cumulative impact on network capacity. In addition, it expects developments to deliver well designed pedestrian routes and sufficient cycle and car parking provision. Similarly, Policy 29 advocates that convenient access is made for all users of the development together with connections to existing cycle and pedestrian routes. Specifically, the NPPF sets out at Paragraph 115 that safe and suitable access should be achieved for all people. Additionally, Paragraph 116 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
148. A Transport Assessment (TA) has been submitted to consider the potential highway and transport related impacts associated with this proposal and any mitigation required. In consultation with the Highways Authority, two Technical Notes (TN) were later submitted to assess the potential cumulative development related transportation impacts arising from this site in conjunction with several committed developments (DM/21/03839/FPA Delves Lane, DM/19/01987/OUT Community Hospital, DM/17/02333/OUT Gloucester Road and CMA/1/93 Berry Edge) and multiple pending planning application scenarios (DM/24/00593/FPA Phase 6 Berry Edge and DM/21/01245/FPA Knitsley Lane) across various junctions in and around the Consett area. The modelling took into account the highway improvement schemes secured through committed developments

(DM/19/01987/OUT and DM/21/03839/FPA). Overall, the information included within the assessment and methodology used have been considered acceptable.

149. The modelling results demonstrate that so long as all of the approved highway improvement schemes from the committed developments of DM/19/01987/OUT and DM/21/03839/FPA are implemented, then the Regents Park, Knitsley Lane and Templetown developments have the potential to all come forward together without causing a significant impact to the wider highway network. Whilst the additional traffic from the proposed development(s) does add to traffic at the assessed junctions, it is considered that the impact of this additional traffic would not be classified as 'severe' as set out in the policy test of Paragraph 116 of the NPPF. Therefore, it is considered that no further additional mitigation schemes are needed to facilitate these developments. Notwithstanding, conditions are still required to secure the highway improvement schemes secured through committed developments DM/19/01987/OUT and DM/21/03839/FPA. In practice, this equates to the requirement for the developer to deliver five improvement schemes across four junctions (Genesis Way, Ovington Court, Durham Road and Redmire Drive roundabouts) by specified triggers within the build phase. Overall, the Highway Authority conclude that whilst there would be a modest impact at some junctions, with the mitigation measures proposed it would not result in a severe impact and the development should not, therefore, be refused on transport and highway impact grounds.
150. Vehicular access to the site would be provided through the continuation of the Ovington Court distributor road. This access point would comprise a new 5.5m wide, single point of vehicular access into the development site with 1.8m footways to either side to connect to both new and existing footway infrastructure. A raised speed table, internal to the site entrance, would help reduce traffic speeds entering into the development.
151. A new shared use path is proposed external to the site, running alongside the eastern boundary of Ovington Court and connecting to Askrigg Close. Pedestrian crossing points with a refuge island would be provided. To the north, an onward 2m wide footpath connection be provided linking the development site to Templetown Park and existing adopted footpaths.
152. To the east, the internal shared used path would be extended outside the site boundary to provide a connection to Fell Side. An onward 2m wide footpath is proposed to part of the northern boundary to Lea Side/Fell Side Cross before the introduction of a series of uncontrolled crossing points to existing adopted streets providing improved access to Delves Lane for those with mobility issues or disabilities. The developer has committed to providing all of these off-site improvement works prior to first occupation. Appropriately worded conditions could secure all the necessary highway improvement works.
153. Internally, the scheme has been amended to address areas of initial concern raised by the Local Highway Authority. The raised table feature at the site entrance would reduce vehicle speeds upon entering the site, parking provision and distribution is now considered to be appropriate as too are footpath connections both internal and external to the site. In the event of an approval, a

condition to secure the estate roads being designed and constructed to meet adoptable highway standards and two informatives relating to the creation of a 20mph speed limit controlled by a Traffic Regulation Order and entering into an adoption agreement would be required. A condition would also be required to secure all dwellings being provided with electric vehicle charging points.

154. Overall, the highway impacts of the proposed development are considered to be acceptable and in accordance with Policies 21 and 29 of the CDP as well as Part 9 of the NPPF.

#### Landscape and Visual Impact

155. Policy 39 of the CDP states proposals for new development will be permitted where they would not cause unacceptable harm to the character, quality or distinctiveness of the landscape, or to important features or views. Proposals would be expected to incorporate appropriate measures to mitigate adverse landscape and visual effects. Policy 26 of the CDP outlines developments are expected to provide new green infrastructure and ensure provision for its long-term management and maintenance. Similar requirements are outlined in Policy 29. Criteria I specifically requires that in the case of edge of settlement development, provide for an appropriate level of structural landscaping to screen or assimilate the development into its surroundings and provide an attractive new settlement boundary. Policy 40 of the CDP seeks to avoid the loss of existing trees and hedgerows unless suitable replacement planting is provided. Parts 12 and 15 of the NPPF promotes good design and sets out that the planning system should contribute to and enhance the natural and local environment by (amongst other things) recognising the intrinsic character and beauty of the countryside. Paragraph 136 of the NPPF sets out that planning decisions should ensure that new streets are tree-lined.
156. The site lies in the West Durham Coalfield County Character Area which forms part of the larger Durham Coalfield Pennine Fringe National Character Area (NCA 16). The site lies within an area identified in the County Durham Landscape Strategy (2008) as a Landscape Improvement Priority Area with a strategy of enhance. The site does not lie in an area covered by any national or local landscape designations however an Area of Higher Landscape Value (AHLV) lies approximately 370m to the southwest. Trees within the site are not covered by a Tree Preservation Order (TPO).
157. The site comprises of reclaimed valley farmland situated at the bottom end of Ovington Court. The land falls from north to south, with around 35m level difference between the highest and lowest points on site. The site is divided into four not intensively managed fields which were previously used for horse grazing. Hedgerow trees are present within the centre of the site and service as field boundaries with a low stone wall forming the western boundary. A small burn runs through the centre of the site. To the south of Langdon Close, out width of the development site, lies an established woodland belt. The site is visible at close range from the existing housing in the immediate vicinity, although it is well screened from Langdon Close. The Lanchester Valley Railway Path (National Cycle Route 14) passes to the south of the site and the site is visible from this

route. There are view across the valley to the site and the edge of the settlement from rights of ways, roads and residence to the south-west, south and south-east of the site.

158. The site currently forms a green buffer to the southern edge of the settlement and development of the site would represent an incursion into open countryside. Areas of reclaimed valley farmland would be lost including trees and hedgerows where access is required and built development is proposed. The development of this site for housing would have a transformative and significant adverse impact on the immediate local landscape character appreciated most in views of the immediate locality. The impact on the surrounding area would be of a lower magnitude given the proposed design and landscape mitigation which includes amenity open space, tree planting and SUDs areas to the southwestern boundary which aims to create a new green settlement edge. This approach would also minimise any potential harm to an Area of Higher Landscape Value (AHLV) some 370m to the south of the site. Development of the site will extend the settlement edge southwards into the surrounding countryside. The development would however be read as an extension to the urban form of Consett but not necessarily affect the general character of the area to a substantial degree. The proposal does not contribute to coalescence with neighbouring settlements, would not result in ribbon development or inappropriate backland development.
159. The revised landscape strategy plan now reflects the advice given by Landscape Officers and as part of the wider Design Review and Enhanced Design Review process. The proposed layout retains existing landscape features where not required for the development. There would be a tree lined approach along the main access road. Development responds positively to the existing houses being outward facing and including buffer zones. Native hedge planting is proposed to soften rear boundary treatment, significant additional tree planting in open space, sufficient buffer and structural planting and SuDs treatment. Over time these landscape mitigation measures would help to progressively reduce the impact of the development within the immediate locality and in addition to wider views. Details of hard and soft landscaping, in accordance with the principles established within the landscape strategy are required to be secured by condition in the event of an approval. This would also secure a phased delivery to ensure landscaping is brought forward at the earliest possible opportunity. Any loss to landscape features is considered minimal and would be more than compensated for by the additional tree and hedge planting. A condition would be required to ensure existing features are suitably protected during the construction phase.
160. Site specific requirements for this housing allocation (see H19, Policy 4) include the requirement to provide structural planting along the southern boundary and to the south of Redmire Drive to complement that to the south of Langdon Close in addition to reinforcing the existing screening around Delves Lane Primary School. Local residents have raised concerns over the proximity of construction to the existing retaining wall to the rear of Redmire Drive. The developer has provided a section through existing retaining wall and buffer planting illustrating the proposed native shrub planting, stand off distances from the retaining wall, the proposed footpath and tree planting proposed between the footpath and the

proposed dwellings. There is in the region of 35m between the opposing rear fence lines of existing and proposed residents within this area of the site. The revised scheme includes sufficient structural and screening planting to satisfy the objectives of the policy.

161. Overall, it is recognised that there would be some adverse landscape and visual impact arising from the development which needs to be considered in the planning balance. Whilst the development of the site would result in an incursion into the surrounding countryside, any identified harm needs to be considered in the context that the development will be read as an extension to the urban form of the settlement and would not necessarily change the character of the area to a substantial degree. The scheme would provide the appropriate level of structural landscaping to screen or assimilate the development into its surroundings and provide an attractive new settlement boundary. The impact of the development will progressively reduce over time as the proposed landscaping establishes. Internally, the scheme mitigates against the existing landscaping features that would be lost and represents good design through providing features such as tree-lined streets. The site-specific housing allocation requirements to provide additional screening to particular areas of the site are also achieved. The proposals would therefore not conflict with Policies 4, 26, 29, 39 and 40 of the CDP and Parts 12 or 15 of the NPPF.

#### Design and Layout

162. Policy 29 of the CDP outlines that development proposals should contribute positively to an area's character, identity, heritage significance, townscape and landscape features, helping to create and reinforce locally distinctive and sustainable communities. Parts 12 and 15 of the NPPF also seek to promote good design, while protecting and enhancing local environments. Paragraph 135 of the NPPF also states that planning decisions should aim to ensure developments function well and add to the overall quality of the area and establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit.
163. In recognition of national planning advice and to achieve high quality housing developments DCC has adopted an in-house review process to assess schemes against the Building for Life 12 (BfL 12) Standards. The Building for Life Supplementary Planning Document (2019) (BfL SPD) formalises the review process and establishes the guidelines and standards for its operation and is linked to the Sustainable Design Policy (29) in the CDP. The scheme was considered against the BfL standard through a series of 12 questions. The scoring is based on a traffic light system with the aim of the proposed new development to secure as many "greens" as possible, minimise the number of "ambers" and avoid "reds". The more "greens" achieved the better the development will be, "ambers" are usually concerns that can be raised to "green" with revisions, whereas a "red" gives a warning that a particular aspect needs strong reconsideration. Following amendments to the scheme, it scored very positively achieving 11 greens and 1 amber.

164. The development is considered to represent good design and the scheme has been significantly improved since it was first submitted. In response to earlier feedback, stronger and more appropriately designed character areas are proposed, elevational treatment has been enhanced, unit numbers have reduced, development is outward facing, corner turners have been successfully introduced to add to the streetscape and provide informal surveillance of shared spaces, additional greenspace has been provided to create buffers with existing development in addition to allowing the creation of a perimeter path and overdominance of car parking has been reduced. Conditions are recommended to secure materials and boundary enclosure details.
165. The Council's Urban Design Officer raises no objection to the development. The overall design and layout of the development would be compliant with Policy 29 of the CDP and Part 12 of the NPPF in this respect.

#### Impact upon Heritage Assets

166. Policy 44 of the CDP sets out development will be expected to sustain the significance of designated and non-designated heritage assets, including any contribution made by their setting. Development proposals should contribute positively to the built and historic environment and should seek opportunities to enhance and, where appropriate, better reveal the significance and understanding of heritage assets whilst improving access where appropriate. The NPPF advises that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.
167. The Planning (Listed Buildings and Conservation Areas) Act 1990 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. Any such harm must be given considerable importance and weight by the decision-maker. Under the Act, special attention to the desirability of preserving or enhancing the character and appearance of a conservation area must be equally considered.
168. There are no designated or non-designated heritage assets within the immediate proximity of the development site. The nearest listed buildings, the Grade II High Knitsley Grange Farmhouse and Grade II Barn West of High Knitsley Farmhouse, lie approximately 600m to the southwest. One of the site specific requirements of the housing allocation (H19) is to consider the potential impacts on the setting of High Knitsley Farm.
169. The heritage values of these listed buildings are best experienced, appreciated and understood at close visual receptors, sequential views approaching along the lanes and from some wider vantage points mainly relating to its position in

the landscape. Whilst it is anticipated that there would be intervisibility between the listed buildings and the new housing, these would be long distance views and set against the backdrop of existing built development. Lanchester Valley Railway Path will continue to provide a definitive edge and separation between the more rural landscape to the south in which these buildings are set and the main settlement to the north. The proposed design and landscape mitigation which includes materials in muted tones, amenity open space, tree planting and SUDs areas to the southwestern boundary aims to create a new green settlement edge and help blend the housing development into its surroundings.

170. Blackhill Conservation Area is located approximately 1.7km to the north of the proposed built development. Iveston Conservation Area is located approximately 2.2km to the east. There would be no intervisibility between the development site and aforementioned conservation areas due to existing vegetation, intervening development and the typography of the land. As a result, there would be no impact on their setting.
171. The line of the Lanchester Valley Branch of the North Eastern Railway, now the Lanchester Valley Railway Path, is visible on the first edition OS map circa 1860 and is considered a non-designated heritage asset (NDHA). It lies within approximately 90m of the site's main southwestern boundary and a direct connection from the site is proposed onto it. The main significance of the Lanchester Valley Railway Path relates to the preservation and legibility of the route, its usability/community value as a well-used route for pedestrians and cyclists and its intimate green lane character enclosed by trees and vegetation. None of these attributes would be lost or diminished as a result of the development. Due to the existing vegetation and topography along the route, in addition to the additional landscape planting to the site boundaries, it is anticipated there would be limited inter-visibility between the designated heritage asset and the site. Furthermore, the developer has committed to providing a financial contribution towards the mitigation and enhancement of the Lanchester Valley Railway Path alongside a scheme of interpretation boards which tell the history of the area. Such measures would help to better reveal the understanding of the NDHA (see Community Initiatives section of the report) and improving access to it via a direct connection onto it from the development site.
172. Whilst there will be changes in views and thus setting of both High Knitsley Farm and Lanchester Valley Railway Path, it is considered this change would not be harmful based on the proposed development under consideration. It is therefore considered that the proposal would have no adverse impact on heritage assets within the vicinity of the site in accordance with Policies 4 and 44 of the CDP and Part 16 of the NPPF. Design and Conservation Officers raise no objection to the scheme on these grounds.
173. Paragraph 207 of the NPPF states that where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, Local Planning Authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.



174. An archaeological evaluation report has been submitted in support of this application including the results of trial trenching fieldwork. The evaluation has provided sufficient information to characterise the archaeological potential of the site, indicating an absence of archaeological deposits or therefore no further mitigation will be necessary. On this basis, the Council's Archaeologist raises no objection and confirms no further work is required. The proposal is therefore considered to comply with Policy 44 of the CDP and Part 16 of the NPPF.

#### Residential Amenity

175. Policies 29 and 31 of the CDP outline that developments should provide high standards of amenity and privacy, minimise the impact of development upon the occupants of existing adjacent and nearby properties and not lead to unacceptable levels of pollution. A Residential Amenity Standards Supplementary Planning Document (SPD) has been adopted by the Council. Parts 12 and 15 of the NPPF require that a good standard of amenity for existing and future users be ensured, whilst seeking to prevent both new and existing development from contributing to, or being put at unacceptable risk from, unacceptable levels of pollution.

176. Guidance within the SPD advocates separation distances of 21m between facing principal elevations and 18m between bungalows, 13m between principal and two storey gable elevations and 10m to a single storey. The length of gardens will generally be dictated by the minimum distancing standards but should be no less than 9 metres unless site specific circumstances allow for a reduction in size. The layout demonstrates that minimum separation distances between proposed properties and existing dwellings would be achieved. Internal arrangements are also considered to provide an adequate level of amenity although it is acknowledged that on some occasions where they fall slightly short of the required standards. As an example, some front to front distances fall slightly short (there is approximately 18.5m between the facing elevations of plots 107 and 114). Front to front arrangements have a tendency to fall short where corner turners are used however such features improve the overall character and appearance of the street. Garden lengths are all acceptable. It is not considered that arrangements fall short to an unacceptable degree and are such that the privacy and amenity of existing and prospective occupiers will be safeguarded.

177. Overall, it is considered that the layout arrangements are acceptable, provide adequate levels of private amenity space and would not lead to any unacceptable impacts with regards to loss of light, overshadowing, loss of privacy or overbearing impact in accordance with the requirements of Policies 29 and 31 of the CDP and Parts 12 and 15 of the NPPF.

178. The proposed housing would be in close proximity to existing residential areas and adjacent industrial estates, therefore, the noise arising from this and the impact to future occupants needs to be considered. The submitted noise assessment established the soundscape was exceptionally quiet, reflecting a rural location and measured noise levels from nearby commercial businesses were regarded as insignificant (low impact). Due to slightly elevated noise levels, a design strategy in relation to glazing has been proposed. Environment,

Health and Consumer Protection (Nuisance) Officers have reviewed the submission and recommend the mitigation measures outlined within the report are secured via condition. Subject to this condition being imposed, it is not considered that there would be any unacceptable noise impacts upon dwellings from the adjacent industrial estate. This satisfies the requirements of Policies 29 and 31 of the CDP and Parts 12 and 15 of the NPPF.

179. There is the potential for disturbance during the construction period, therefore, a construction management plan (CMP) has been submitted by the developer to address construction related impacts. It sets out measures to control emission of dust, dirt, noise and vibration, mud and other materials migrating onto the highway, construction traffic routes, access and egress points, directional signage, compounds, material management and storage, as well as detail in relation to other construction management requirements. The revised CMP has been reviewed by both the Environment, Health and Consumer Protection Team and Monitoring and Compliance Officers and found to be suitably comprehensive. It includes details of methods for piling foundations including measures to suppress any associated noise and vibration. The information provided demonstrates that there will be no unreasonable impact from those operations should the CMP be followed. Subject to the imposition of such a condition to secure adherence to the agreed CMP and one controlling hours of working, construction related impacts could be adequately mitigated. Disruption arising during the construction process is temporary and the suggested conditions would help to mitigate any significant adverse impacts.
180. The site is not within or adjacent to an Air Quality Management Area (AQMA) and it is not considered that the development would have any significant effect on air quality based upon the conclusions of the submitted Air Quality Assessment. Environment, Health and Consumer Protection raise no objection to the scheme following the submission of additional clarification and there is no requirement to undertake any further assessment. With respect to the construction phase of the development, the CMP includes dust management strategies. On balance, it is not considered there would be an adverse impact on the environment having regard to Policy 31 of the CDP and Paragraph 192 of the NPPF.
181. The development would not lead to a significant reduction in residential amenity for existing or future residents, subject to appropriate conditions. Overall, the scheme would comply with Policies 29 and 31 of the CDP and Parts 12 and 15 of the NPPF.

#### Drainage and Flood Risk

182. Policies 35 and 36 of the CDP relate to flood water management and infrastructure. Policy 35 requires development proposals to consider the effects of the scheme on flood risk and ensure that it incorporates a Sustainable Drainage System (SuDs) to manage surface water drainage. Development should not have an adverse impact on water quality. Policy 36 seeks to ensure that suitable arrangements are made for the disposal of foul water. National advice within the NPPF and PPG with regard to flood risk advises that a

sequential approach to the location of development should be taken with the objective of steering new development to Flood Zone 1 (areas with the lowest probability of river or sea flooding). When determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere and only consider development appropriate in areas at risk of flooding where a sequential test and some instances exception test are passed, informed by a site-specific flood risk assessment.

183. The application is accompanied by a Flood Risk Assessment (FRA) and Drainage Strategy which highlights that the application site is within Flood Zone 1 with a low flood risk probability. Environment Agency surface water flood maps show that most of the site is not classified as being at risk from surface water flooding. Some areas within the site are identified as being at high, medium and low risk of surface water flooding, primarily around the existing watercourse sections of which will need to be culverted at road crossing points. Finished floor levels will be raised sufficiently, site levels redesigned and a positive network drainage installed so existing and proposed dwellings will be at low risk from surface water flooding.
184. The drainage strategy includes the incorporation of Sustainable Urban Drainage (SUD's) including permeable paving, swales and attenuation tanks to treat and attenuate surface water runoff. Drainage and Coastal Protection Officers advise that this approach would be in compliance complies with National Standards and Council Policies in providing sustainable surface water management solutions and ensuring the prevention of flood risk to and from the proposed development. A conditional approach can be applied to secure the development takes place in accordance with the agreed scheme.
185. In relation to foul water, it is proposed to connect to the existing sewerage network to the northeast of the site. This connection will require a foul water pumping station located to the southern site boundary. Northumbrian Water raise no objections to this approach subject to the imposition of a condition.
186. A water main crosses the site close to its northern boundary. It is proposed to divert this to suit the site layout along with its associated easement.
187. On this basis no objections to the development on the grounds of flood risk or drainage are raised having regards to Policies 35 and 36 of the CDP and Part 14 of the NPPF.

#### Ecology and Biodiversity Net Gain

188. Policies 26, 35, 41 and 43 of the CDP seek to secure net gains for biodiversity and coherent ecological networks. Policy 43 relates to protected species and nationally and locally protected sites. Part 15 of the NPPF seeks to ensure that developments protect and mitigate harm to biodiversity interests, and where possible, improve them. 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. 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.

189. A Preliminary Ecological Appraisal (PEA) has been submitted in support of the proposal. Subsequent surveys for reptiles, breeding birds, botany, dingy skipper and bats were also commissioned with the breeding birds and bats survey results presented as separate reports. The appraisal notes no statutory designated sites falls within 2km of the site boundary. A non-statutory site, Knitsley and High House Wood Local Wildlife Site (LWS), lies 650m to the southwest of the site. The development is not predicted to have any impact on statutory sites though there may be increased footfall to the LWS.
190. The submitted surveys outline the potential impacts of the development to both habitats and species as well as a series of recommendations to minimise these. The mitigation measures can be secured via condition. No interference with protected species is identified as a result of the development. A European Protected Species Licence is therefore not considered to be required as a result of the development having regards to the requirements of the Habitats Directive brought into effect by the Conservation of Habitats and Species Regulations 2017 and the Council's Ecologist is satisfied with the submitted assessments. Conditions secure the package of mitigation measures, a Construction Environmental Management Plan, a low level lighting scheme and the installation of bat and bird boxes would ensure the scheme's compliance with Policy 43 of the CDP and Part 15 of the NPPF.
191. Site specific requirements for this housing allocation (see H19, Policy 4) include the requirement to retain the ditch and stream running through the site to create a wildlife corridor. The watercourse is to be retained and enhanced through the introduction of a number of weirs to retain larger volumes of standing water, enriching the habitat value of the feature. Additionally, the areas surrounding the watercourse bank sides will benefit from wildflower seeding. As such, the scheme meets the requirements of the policy in this regard.
192. From the 12<sup>th</sup> of 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 the 13<sup>th</sup> of September 2021 and so is not legally required to deliver biodiversity net gains of at least 10%.
193. Notwithstanding the above, Policy 41 of the CDP seeks to secure net gains for biodiversity and coherent ecological networks, and Paragraph 180 d) of the

NPPF advises that planning decisions should contribute to and enhance the natural and local environment by minimising impacts on and providing net gains for biodiversity. Paragraph 193 d) of the NPPF also advises that opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate.

194. The application is supported by a Biodiversity Net Gain Assessment and a completed version of DEFRA's Biodiversity Metric. Site design has sought to retain as much higher value habitat as possible with an emphasis on retaining and enhancing higher value habitats. Small areas of land adjacent to the site are also within the developer's ownership and will be utilised for ecological enhancement. Habitats within undeveloped areas on site will be protected throughout construction works via the erection of heras style fencing to ensure they are not accidentally damaged. An additional 4.81ha parcel of land owned by the developer off Barley Mill Road, Consett will be used as an off-site compensation area. This site is located approximately 2.7km north west of the site and is currently a pasture field with woodland and scrub habitats.
195. The on-site post development site will provide 46.56 units for habitats, and 4.60 units for hedgerows. The off-site areas will provide 41.99 units for habitats, resulting in a combined total of 88.55 habitat units and 4.60 hedgerow units. The metric indicates a predicted net gain of 0.32 habitat units, constituting a change of +0.49%. This would result in an overall net gain and therefore compliance with Policies 26, 35 and 41 of the CDP and Part 15 of the NPPF. A detailed habitat creation and management document, including a monitoring strategy for a minimum of 30 years will need to be secured under Section 39 of the Wildlife and Countryside Act 1981.

#### Ground Conditions and Land Stability

196. Policy 32 of the CDP requires sites to be suitable for use taking into account contamination and unstable land issues. Paragraph 196 of the NPPF requires sites to be suitable for their proposed use taking account of ground conditions and any risks arising from land instability and contamination.
197. Given the sensitive end use of the site, a series of reports have been submitted in support of the application considering the issue of land contamination. Environmental Health Officers have reviewed Phase 1 (preliminary risk assessment), 2 (site investigation) and 3 (remediation strategy) reports noting they are satisfied with the proposed remedial works. To ensure the site is suitable for its intended use taking account of any risks arising from contamination, they recommend a conditional approach to ensure that remedial works are carried out in accordance with agreed strategy and to secure the submission of a Phase 4 (verification) report. An informative relating to unforeseen contamination should also be included. The proposal would therefore accord with Policy 32 of the CDP and Paragraph 196 of the NPPF.
198. The application site lies within the coal mining high risk area with the Mining Remediation Authority records indicating parts of the site lie within an area where

shallow coal mining has taken place. The application is supported by a Phase 2 Geoenvironmental Appraisal. The report confirms that all plots within the scope of the former opencast will incorporate piled foundations to mitigate stability risks. The Mining Remediation Authority deems this to be a proportionate approach and that it will be a matter for the Building Regulations process to ensure. Identified shallow coal mining workings will require stabilising in parts of the site and further intrusive investigations of adit 1 are required to help inform the exact extent of remedial stabilisation works and any mitigation measures necessary to ensure the safety and stability of the site as a whole.

199. The Mining Remediation Authority has recommended that such works are conditioned, that a verification report is submitted confirming the remedial works have been completed and the site has been made safe, stable and suitable for its proposed use. Subject to the imposition of these conditions, the proposal will meet the requirements of Policy 32 of the CDP and Part 15 of the NPPF.

#### Planning Obligations

200. CDP Policy 25 states that new development will be approved where any mitigation necessary to make the development acceptable in planning terms is secured through appropriate planning conditions or planning obligations. Such mitigation will relate to the provision, and/or improvement, of physical, social and environmental infrastructure taking into account the nature of the proposal and identified local or strategic needs.
201. Policy 25 goes on to state that developers will be required to enter into Planning Obligations which are necessary to make the development acceptable, directly related to the development, and fairly and reasonably related in scale and kind to the development, in order to secure the mitigation that is necessary for a development to be acceptable in planning terms. In this regard, CDP Policy 25 reflects NPPF Paragraph 58.

#### *Addressing Housing Need*

202. Part 5 of the NPPF is clear that developments should help to address housing needs. Policy 15 of the CDP states that affordable housing will be sought on sites of 10 or more units, for up to 25% of units in the highest value areas to 10% in the lowest. On sites of 10 or more units, 10% of the homes provided should be for affordable home ownership (starter homes, discount market sale housing and other affordable routes to home ownership). Any contribution above 10% should be provided as affordable housing for rent in order to meet the requirements of Policy of the CDP.
203. The site falls within a low value area, meaning this development would be required to deliver 10% affordable housing solely in the form of affordable home ownership. The Spatial Policy Team have confirmed for this scheme, the requirement would equate to 17 units for affordable home ownership of which a minimum of 4 units required to be First Homes. To meet these requirements, the scheme proposes the following affordable housing provision;

- 17no. affordable homes comprising;
  - 4no. First Homes comprising 4no. 2 bed dwellings
  - 13no. Discounted Market Sale Homes comprising 7no. 2 bed and 6no. 3 bed dwellings

204. The Council's Affordable Housing Officer notes the above provision and raises no objection based on the tenure and discount levels have already been agreed. The requirements of Policy 15 of the CDP and Paragraph 66 of the NPPF. The affordable housing would be secured in perpetuity through a planning obligation under S106 of the Town and County Planning Act 1990 (as amended).

#### *Public Open Space Provision*

205. Policy 26 of the CDP outlines that new residential developments will be required to make provision for open space to meet the needs of future residents having regard to the standards of open space provision set out in the Open Space Needs Assessment (OSNA). Where it is determined that on-site provision is not appropriate, the Council will require financial contributions to be secured through planning obligations towards the provision of new open space, or the improvement of existing open space elsewhere in the locality. Paragraph 98 of the NPPF highlights that access to a network of high-quality open spaces and opportunities for sport and physical activity is important for the health and well-being of communities. Paragraph 135 requires amongst its advice that developments function well and optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space).

206. As per the requirements of Paragraph 103 of the NPPF, the Council's Open Space Needs Assessment (OSNA) 2018 is considered the most up to date assessment of need. It identifies the five typologies required (allotments; amenity/natural greenspace; parks, sports and recreation grounds; play space (children) and play space (youth)), sets out requirements for public open space on a population pro rata basis and whether provision should be either within the site, or through a financial contribution towards offsite provision, in lieu taking into consideration factors such as the scale of the development, existing provision within suitable walking distances and the level of contribution sought.

207. Given the scale of the development, it would generally be expected that amenity open space and children's play space (non-equipped) would be provided on site with financial contributions secured towards providing offsite provision for remaining typologies. Although parks/recreational areas would normally be expected to be accommodated within larger development schemes (250+ units) there is no objection in principle to a development seeking to mitigate its own impact in this regard.

208. The site layout demonstrates that large areas of green space (equating to 5.4964ha) would be provided on site fulfilling and significantly exceeding the open space/natural green space (requirement is for 0.561ha), children's play space (requirement is for 0.0187ha) and parks/recreational grounds (requirement is for 0.5236ha) requirements. This would comprise of a non-

equipped children's trim trail, 1.8km of off-highway footpath / cycleways, all provided to adoptable gradients which provide attractive, safe routes for walking, cycling and jogging through and around the site, environmental enhancements to the beck, amenity and structural planting. Open space would come forward on a phased basis as the development site progresses. Triggers for delivery would be conditioned so that it is delivered at the earliest and safest opportunity given this would be an active construction site.

209. It is acknowledged that the open space is likely to be attractive to future residents of the estate and indeed those within the wider area especially as this typology is not currently present within this part of ward. The land would provide a variety of benefits including but not restricted to providing an attractive new settlement edge to Templetown. Its inclusion within the scheme can be afforded weight in the planning balance.
210. It has been advised that a private management company would be used to manage and maintain the areas of open space within the development, including the proposed children's play area, funded by future residents paying an annual service charge. Conditions can secure the details of the future management and maintenance arrangements, as well as the proposed non-equipped children's play area, in addition to timescales setting out the delivery of public open space.
211. A contribution of £126,412 would be required for off-site provision in lieu of those typologies not provided for onsite (allotments and youth play space). Having regard to the OSNA, the availability and the proximity of existing facilities to the development this is considered to be acceptable and in accordance with the Council's standard approach.
212. The approach as detail above would satisfy the OSNA requirements, Policy 26 of the CDP and Paragraph 103 of the NPPF with regards to the provision of public open space.

### *Education*

213. Paragraph 98 of the NPPF recognises the need for planning decisions to ensure an integrated approach when considering the location of new housing, economic uses and community facilities and services. Paragraph 100 goes on to advise that it is important that a sufficient choice of early years, school and post-16 places are available to meet the needs of existing and new communities.
214. Based on the methodology set out in the Development Viability, Affordable Housing and Financial Contributions SPD (2024), the proposed development of 170 dwellings is likely to generate an additional 45 primary age school pupils, 22 secondary age school pupils and 1.7 SEND pupils.
215. The Council's Education Provision Lead Officer has advised that the development is located within the Consett local school place planning area. There are five schools - Delves Lane Primary School, Consett Infant and Nursery School, Consett Junior School, The Grove Primary School and Leadgate Primary



School – that could serve the development based on a 2 mile safe walking distance.

216. Based on the projected rolls of the schools, taking into account the likely implementation timeframe of the development, build rates and other committed there would be sufficient space to accommodate the pupils of primary school age generated by the development in existing local primary schools whilst additional primary teaching accommodation.
217. In relation to secondary schools, the development is located within the North Durham local school place planning area, with the nearest school to the proposed the development being Consett Academy which is located 2.4km away.
218. However, there would not be sufficient space to accommodate pupils of secondary school age generated by the development in local secondary schools whilst maintaining a 5% surplus. In order to mitigate the impact of the development on secondary school provision, a financial contribution of £534,864 (22 x £24,312) would be required to facilitate the provision of additional teaching accommodation.
219. With regard to SEND pupils, there is a shortage of SEND places across the county. In order to mitigate the impact of the development on SEND provision, a contribution of £142,766 (1.7 x £83,980) would be required.
220. With respect to early years and post 16 provision, given the recent adoption of the SPD, the length of time that this application has been pending determination and that the Council's evidence base is still developing in this regard, no contribution has been sought in this instance.

#### *Health Care*

221. The closest GP practice to the site is Consett Medical Centre, which is located 1.6km away from the centre of the site. The NHS North East and North Cumbria Integrated Care Board have confirmed that this practice falls within the Derwentside Primary Care Network which are at full capacity and would require additional space to deliver their services to an increased number of patients. Therefore, they recommend that a financial contribution of £82,100 would be required to provide additional / extended accommodation to mitigate the impact of the development and provide additional capacity for local GP surgeries. This figure is calculated using the NHS Property Service build cost rate of £3,000 per square metre.

#### *Public Rights of Way and Sustrans National Cycle Network*

222. Policy 26 of the CDP sets out 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. Paragraph 105 of the NPPF outlines that decisions should protect and enhance public rights of way and access including taking opportunities to provide better facilities for users, for example by adding links to existing rights of way networks.

223. There are no Public Rights of Way (PROW) within or immediately adjacent to the site. Public Footpath no. 43 (Consett) and Byway no. 38 (Consett) lie approximately 300m to the north and 375 to the northeast of the site boundary respectively. Neither are considered to be adversely impacted by the proposals.
224. There also a number of unregistered paths/desire lines which cross the site. The developer has advised that the landowner deposited a declaration under Section 31(6) of the Highways Act in 2019 to declare that “within the site no byways, restricted byways, public bridleways or public footpaths or other ways are dedicated across the land. The declaration was accepted. Additional signs were erected granting permissive rights of access such that no access claims could be claimed. Notwithstanding, routes appear to have been broadly retained within the proposed layout in addition to an extensive network of new paths.
225. Sustrans National Cycle Network Route No. 14 (NCN14), also known as the Lanchester Valley Railway Path, lies in close proximity of the site’s south boundary. As the site proposes to make a direct connection onto this already popular recreation and utilitarian walking, cycling and horse-riding route, it is envisaged it would experience increased usage by future residents of the estate. To mitigate the impacts of this increased footfall, Countryside Services have requested a financial contribution to mitigate impacts arising from increased usage and to support improvements to the route including to surfacing, drainage, re-configuration of the Knitsley Lane crossing, signage and bins. A contribution of £51,000 (£300 per dwelling) has been agreed with the developer.

### *Community Initiatives*

226. A site-specific requirement of Housing Allocation H19 is that the development contributes to Delves Lane Community Centre for the benefit of new and existing residents. It is noted that Miller Homes have recently been granted planning permission for 288 dwellings at land to the north of Delves Lane (DM/21/03839/FPA). Given that both sites fall within the same ward boundary (Delves Lane), the close proximity of that site to the community centre (within 460m at its closest point) and that future residents would place additional pressure on the service, a contribution of £57,600 (£200 per dwelling) was secured by means of a planning obligation under Section 106 of the Town and Country Planning Act 1990 (as amended) to mitigate any potential impacts to the community centre and provide enhanced facilities for new and existing residents.
227. Following meetings with two Local Members from the Delves Lane Ward, it was concluded that the community centre has benefitted from significant recent investment (including future funding arising as a result of DM/21/03839/FPA) therefore money could be better spent elsewhere in the community. To comply with the site-specific requirements of the allocation, a contribution of £8,500 (£50 per dwelling) would be secured for the community centre. A further contribution of £34,000 (£200 per dwelling) would be secured towards the provision or maintenance of environmental or community schemes. This would allow a more flexible remit for the funding secured to spent on local schemes and initiatives

thereby helping to mitigate the impacts arising from the development as well as meeting the policy specific criteria.

228. Members also expressed their desire for artwork, interpretation boards and public seating to be included within the overall design. In response, the developer has committed to providing a scheme of interpretation boards on the route leading down to the Lanchester Valley Railway Path which tell the history of the area and therefore better revealing the understanding of the NDHA. This requirement would be secured via condition. In recognition of the sloped nature of the site, 10no. park benches are proposed across the site in key locations, to offer regular resting points and to contribute to the parkland open space typology. These measures would be in accordance with Policies 26 and 44 of the County Durham Plan and Parts 8 and 16 of the National Planning Policy Framework.

### *Planning Obligations Summary*

229. NPPF Paragraph 56 states that local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition.

230. Under the provisions of Section 106 of the Town and Country Planning Act 1990 (as amended) the applicant has agreed to the following;

- provision of 10% affordable housing units on site equating to 17 units for affordable home ownership;
- £126,412 towards improving offsite open space and recreational provision within Delves Lane Electoral Division;
- £534,864 towards secondary education provision;
- £142,766 towards SEND education provision;
- £82,110 to increase GP surgery capacity;
- £51,000 towards improvements to the Sustrans National Cycle Network Route No. 14 (NCN14), also known as the Lanchester Valley Railway Path, within the vicinity of the development;
- £8,500 towards improving the facilities and services at Delves Lane Community Centre;
- £34,000 towards the provision or maintenance of environmental or community schemes;

231. Under the provisions of Section 39 of the Wildlife and Countryside Act 1980 (as amended) the applicant has agreed to;

- to secure the long term management and maintenance, including a monitoring strategy of the biodiversity land;

232. Policy 25 of the CDP, Paragraph 58 of the NPPF and Paragraph 122 of the Community Infrastructure Levy Regulations 2010 set out three planning tests which must be met in order for weight to be given to a planning obligation. These being that matters specified are necessary to make the development acceptable

in planning terms, are directly related to the development, and are fairly and reasonably related in scale and kind to the development. In this case, the above obligations are considered to meet these tests and have been sought from the developer to mitigate the impacts of the development, secure biodiversity net gain and to meet an identified affordable housing need in the County.

## Other Matters

### *Meeting the Needs of Older People and People with Disabilities*

233. Policy 15 of the CDP aims to meet the needs of older people and people with disabilities, achieving this in two ways.
234. The first part is that 66% of dwellings should be built to Building Regulations Requirement M4(2) (accessible and adaptable dwellings) standard unless site specific factors indicate otherwise. The developer has indicated 117 units would be constructed to M4(2) thereby meeting and slightly exceeding the policy requirements (68.8%). A condition is proposed to ensure that this is achieved.
235. The second part includes the requirement that on sites of 10 or more units, a minimum of 10% of the units should be designed so as to increase the housing options for older persons and people with disabilities comprising of level access flats and bungalows or housing products which can be shown to meet the specific needs of a multi-generational family. These properties should also be built to M4(2) standard and would contribute to meeting the 66% requirement set out above. They should be situated in the most appropriate location within the site for older people.
236. In order to meet this requirement, the layout includes 17no. three bed roomed bungalows which would all be built to Building Regulations Requirement M4(2) (accessible and adaptable dwellings) standard.
237. Subject to the above and the imposition of the suggested condition, it is considered that the proposed mix of housing would sufficiently contribute to meeting the needs of older people and people with disabilities in accordance with Policy 15 of the CDP and Paragraph 63 of the NPPF.

### *Nationally Described Space Standards*

238. Policy 29 of the CDP states that all new residential development will be required to comply with the Nationally Described Space Standards (NDSS). Paragraph 135 of the NPPF references the need to secure a high standard of amenity for existing and future users with a footnote referring to the use of NDSS in policies.
239. The Spatial Policy Team raised a concern as to whether all properties would achieve NDSS standards as there are two house types (Deepdale and Marston) that contain a 'study'. The developer confirmed that all house types would be NDSS compliant, and it is Permissions Homes stance that all the plots be marketed as the NDSS compliant number of bedrooms. Accordingly, the Deepdale will be marketed as a 2 bed dwelling and the Marston as a 4 bed

dwelling. Whilst these house types may be advertised for sale elsewhere as 3 and 5 bed homes, this will only be where the planning permission for the scheme did not require NDSS compliance. As such, the scheme meets the requirements of Policy 29 with regards to NDSS.

#### *Housing Mix*

240. Policy 19 requires an appropriate mix of dwellings, types and sizes. Paragraph 63 of the NPPF states that the size, type and tenure of housing needed for different groups in the community should be assessed.
241. In terms of housing mix, the development would provide a range of 2 (20no.), 3 (103no.), 4 (39no.) and 5 (8no.) bedroomed units including detached, semi-detached houses, terraced and bungalows options therefore in compliance with Policy 19 of the CDP and Part 5 of the NPPF.
242. Overall, the scheme meets the identified housing needs of the County in relation to affordable housing provision, older people and people with disabilities and provides housing of a suitable mix and size in accordance with the requirements of Policy 15 of the CDP and Part 5 of the NPPF.

#### *Measures to Minimise Carbon Emissions*

243. Policy 29 (o) of the CDP refers to achieving specific reductions in CO<sub>2</sub> emissions for new buildings based upon Building Regulations in place at the time the CDP was adopted (2020). The policy would not apply in the event that Building Regulations were enhanced. Part L regulations have indeed been enhanced therefore Policy 29 (o) requirements are not applicable to this application.

#### *Broadband Connection*

244. Policy 27 of the CDP outlines that new residential development should be served by a high-speed broadband connection. Part 10 of the NPPF also has similar aims. The developer has confirmed that the site will be served by fibre broadband and a condition can be imposed to secure this.

#### *Mineral Safeguarding*

245. The site lies within a Mineral Safeguarding Area due to it lying within a coal resource area. Policy 56 of the CDP states that planning permission will not be granted for nonmineral development that would lead to the sterilisation of mineral resources within such areas unless specific criteria apply. For criteria a) of the Policy to be met, applicants should demonstrate to the satisfaction of the local planning authority that the mineral in the location concerned is no longer of any current or potential value as it does not represent an economically viable and therefore exploitable resource. The criteria d) exemption relates to there is an overriding need for the non-minerals development which outweighs the need to safeguard the mineral.

246. The Council's Spatial Policy team, having reviewed the Minerals Assessment, considers the mineral in the location concerned is no longer of any current or potential value as it does not represent an economically viable and therefore exploitable resource. Furthermore, there does not appear to be any current market interest in doing so and commercial scale extraction is unlikely to be supported due to the proximity of the site to local residents and businesses. In any event, this is an allocated housing site within the CDP and the need to deliver the Council's housing requirements would outweigh the need to safeguard the mineral. On this basis, no objection is raised on the grounds of either Policy 56 of the CDP or Part 17 of the NPPF.

#### *Loss of Agricultural Land*

247. An Agricultural Land Classification Statement has been submitted in support of the application. It identifies that the development would result in the loss of approximately 12.57ha of agricultural land. The Agricultural Land Classification of the land is predominantly Grade 4 (poor), with one parcel of Grade 3b (moderate). The development of the site would not result in the loss of best and most versatile land (land in grades 1, 2 and 3a of the Agricultural Land Classification) or conflict with Policy 14 of the CDP and Paragraph 187 of the NPPF.

248. Soil is a fundamental and finite resource that fulfils many important functions and ecosystem services and some of the most fundamental impacts on this resource can occur as a result of construction activity. Where development proposals are permanent it is important that soil resources are used effectively on undeveloped areas of the site for landscape, habitat or garden creation or used appropriately on other suitable sites. Policy 14 of the CDP requires all development proposals relation 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. A soil resource management strategy can be secured by condition.

#### *Other Issues Raised*

249. The proposal has generated a relatively limited amount of public interest, with 11 letters of objection received. The objections, queries and concerns raised have been taken account and addressed within the report, where appropriate. Issues which have not previously been addressed are considered below.

250. The application was advertised in accordance with statutory requirements giving local residents the opportunity to comment on the scheme.

251. People who do not clean up their dog's waste commit an offence under a Public Space Protection Order. It is a matter that falls outside the planning remit.

252. Loss of a view and property devaluation are not material planning considerations.

## Public Sector Equality Duty

253. 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.
254. In this instance, officers have assessed all relevant factors and do not consider that there are any equality impacts identified.

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## **CONCLUSION**

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255. Section 38(6) of the Planning and Compulsory Purchase Act 2004 sets out that planning applications be determined in accordance with the development plan unless material considerations indicate otherwise. In light of the recent adoption of the CDP, the Council now has an up to date development plan. Paragraph 11 of the NPPF establishes a presumption in favour of sustainable development. For decision taking this means approving development proposals that accord with an up to date development plan without delay (Paragraph 11 c).
256. The site is an allocated housing site under Policy 4 of the CDP. Planning applications for housing on these allocations, that are in accordance with the site-specific requirements in this policy will be approved if the proposed scheme is in accordance with other relevant policies in the Plan. Through the course of this report, the overall acceptability of the scheme or otherwise has been considered taking account all of the issues and consideration of applicable policies.
257. Notwithstanding that a housing land supply in excess of 5 years can be demonstrated, the CDP does not seek to cap the growth of housing and NPPF Paragraph 61 makes it clear that one of the Government's key objectives is to significantly boost the supply of homes. As such significant weight is attached to the provision of market housing. It is acknowledged that within County Durham there is an acute need for affordable housing. In addition, the development would provide for specialist housing directed towards the elderly and those with mobility issues.
258. The development during construction would provide economic benefit to the local and regional economy. Moreover, spending by new residents would contribute to the viability of local services. The development would provide public open space in excess of that required by the OSNA alongside a suite of environmental benefits.
259. The development would include offsite highway improvements, and provide for financial contributions towards education, primary healthcare, public transport and public footpath improvements. Whilst these features are directly linked to the

development and are required to mitigate the impact of the development, they would provide some benefit to residents.

260. Taking all relevant matters into account, it is considered that the site has access to an array of services and facilities which would help serve the proposed development and that these are within relatively easy reach of the site via walking, cycling and/or public transport. Opportunities to enhance provision and accessibility to sustainable modes of transport have been fully explored and with the exception of the bus subsidy option, which has its own limitations, have or can be realised through the proposed site layout, imposition of conditions and the developer entering into a planning obligation. This provides existing and future residents with realistic alternative options to the private motor car, following the hierarchical order set out in both the CDP and NPPF, to access a wide range of day-to-day services. Taken in the round, the development would promote accessibility by a range of sustainable travel methods in accordance with Policies 21, 26 and 29 of the CDP and Part 9 of the NPPF.
261. The application site is neither locally, nor nationally designated in terms of its landscape quality. Whilst the development would alter the character of the landscape, overall, it is not considered that this would be significantly adverse as the development would be read as an extension to the existing settlement of Consett. The scheme provides an appropriate level of structural landscaping to assimilate the development into its surroundings and provide an attractive new settlement boundary which and the landscaping planting proposed would help to mitigate this impact. The impact of the development will progressively reduce over time as the proposed landscaping establishes. As such the proposals would not conflict with Policies 26, 29, 39 and 40 of the CDP and Parts 12 or 15 of the NPPF.
262. The proposal has generated public interest. The objections and concerns raised have been taken into account and addressed within the report. On balance the concerns raised were not felt to be of sufficient weight to justify refusal of this application in light of the benefits of the scheme and the ability to impose conditions and secure planning obligations under S106 of The Town and Country Planning Act 1990 (as amended) and secure net gains under S39 of the Wildlife and Countryside Act 1981 (as amended).
263. On balance, the proposal would comply with the development plan read as a whole and there are no material considerations which would indicate departure from that. The proposals are considered to be acceptable, and as such the application is recommended for approval.

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## **RECOMMENDATION**

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That the application be **APPROVED** subject to the completion of a legal agreement under Section 106 of the Town and Country Planning Act 1990 (as amended) and under Section 39 of The Wildlife and Countryside Act 1981 to secure the following:



- The requirement to enter into a S.39 Agreement to secure the long term management and maintenance, including a monitoring strategy of the biodiversity land;
- provision of 10% affordable housing units on site equating to 17 units for affordable home ownership;
- £126,412 towards improving offsite open space and recreational provision within Delves Lane Electoral Division;
- £534,864 towards secondary education provision;
- £142,766 towards SEND education provision;
- £82,110 to increase GP surgery capacity;
- £51,000 towards improvements to the Sustrans National Cycle Network Route No. 14 (NCN14), also known as the Lanchester Valley Railway Path, within the vicinity of the development;
- £8,500 towards improving the facilities and services at Delves Lane Community Centre;
- £34,000 towards the provision or maintenance of environmental or community schemes;

And subject to the following conditions:

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

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

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

Drg. no. CT-LP Location Plan received 19/12/2024

Drg. no. CT-001 Proposed Site Layout R25 received 16/12/2024

Drg. no. CT-101 Topo received 10/08/2021

Drg. no. CT-002 Materials Layout received 16/12/2024

Drg. no. CT-012 Parking Provision Layout received 16/12/2024

Drg. no. 149415/8001Q Landscaping Proposal Plan received 16/12/2024

Drg. no. CT-010 POS/Natural Space Layout received 16/12/2024

Drg. no. c-1792-01A Survey of Existing Trees received 26/06/2024

Drg. no. 149415/8006A Indicative Section Through Existing Retaining Wall and Buffer Planting received 16/10/2024

Drg. no. Landscape Illustrative Cross Sections 149415/8005 received 23/05/2024

Drg. no. Ad\_MA\_End\_R21G – 901 Addlebrough (R21) (Floorplan) received 26/06/2024

Drg. no. Ad\_MA\_End\_R21G – 907 Addlebrough (R21) (Elevation) received 26/06/2024

Drg. no. Dp\_CtP\_MA\_End\_R21G – 901 Deepdale (R21) (Floorplan) received 26/06/2024

Drg. no. Dp\_CtP\_MA\_End\_R21G – 907 Deepdale (R21) (Elevation) received 26/06/2024

Drg. no. Ga\_MA\_MA\_CtP\_Sem\_R21G - 901A Galloway (R21) (Floorplan) received 26/06/2024

Drg. no. Ga\_MA\_MA\_CtP\_Sem\_R21G - 905A Galloway (R21) (Elevation) received 26/06/2024

Drg. no. Sh\_MA\_CtP\_Det\_R21G – 901 Sherwood (R21) (Floorplan) received 26/06/2024

Drg. no. Sh\_MA\_CtP\_Det\_R21G – 907 Sherwood (R21) (Elevation) received 26/06/2024

Drg. no. Ch\_MA\_CtP\_Det\_R21G – 901 Charnwood (R21) (Floorplan) received 26/06/2024

Drg. no. Ch\_MA\_CtP\_Det\_R21G – 907A Charnwood (R21) (Elevation) received 26/06/2024

Drg. no. Bw\_MA\_Det\_CtP\_R21G – 901 Barnwood (R21) (Floorplan) received 26/06/2024

Drg. no. Bw\_MA\_Det\_CtP\_R21G – 907 Barnwood (R21) (Elevation) received 26/06/2024

Drg. no. Bw\_MA\_Det\_CtP\_R21G – 908 Barnwood Feature Plot (R21) (Elevation) received 26/06/2024

Drg. no. Dw\_Det\_R25 – 901 Darwin (R21) (Floorplan) received 26/06/2024

Drg. no. Dw\_Det\_R25 – 905A Darwin (R21) (Elevation) received 26/06/2024

Drg. no. Sa\_MA\_CtP\_Emd\_R21G – 901 Saunton (R21) (Floorplan) received 26/06/2024

Drg. no. Sa\_MA\_CtP\_Emd\_R21G - 907 21 Saunton (R21) (Elevation) received 26/06/2024

Drg. no. Th\_CtP\_End\_R21G – 901 Thrunton (R21) (Floorplan) received 26/06/2024

Drg. no. Th\_CtP\_End\_R21G – 907 Thrunton (R21) (Elevation) received 26/06/2024

Drg. no. Bu\_MA\_Det\_R21G – 901 Burnham (R21) (Floorplan) received 26/06/2024

Drg. no. Bu\_MA\_Det\_R21G – 907 Burnham (R21) (Elevation) received 26/06/2024

Drg. no. Bt\_MA\_CtP\_Det\_R21G – 901 Brampton (R21) (Floorplan) received 26/06/2024

Drg. no. Bt\_MA\_CtP\_Det\_R21G – 907 Brampton (R21) (Elevation) received 26/06/2024

Drg. no. Ma\_MA\_Det\_R21G - 901A Marston (R21) (Floorplan) received 26/06/2024

Drg. no. Ma\_MA\_Det\_R21G - 907A Marston (R21) (Elevation) received 26/06/2024

Drg. no. Bs\_MA\_Det\_R21 – 901 Brightstone (R21) (Floorplan) received 26/06/2024

Drg. no. Bs\_MA\_Det\_R21 – 905A Brightstone (R21) (Elevation) received 26/06/2024

Drg. no. Ar\_End\_R25 – 901 Addlebrough (R25) (Floorplan) received 26/06/2024

Drg. no. Ar\_End\_R25 – 907 Addlebrough (R25) (Elevation) received 26/06/2024

Drg. no. Ct\_End\_R25 – 901 Chiltern (R25) (Floorplan) received 26/06/2024

Drg. no. Ct\_End\_R25 – 907 Chiltern (R25) (Elevation) received 26/06/2024

Drg. no. Sh\_Det\_R25 – 901 Sherwood (R25) (Floorplan) received 26/06/2024  
Drg. no. Sh\_Det\_R25 – 907 Sherwood (R25) (Elevation) received 26/06/2024  
Drg. no. Dw\_DET\_R25 – 901 Darwin (R25) (Floorplan) received 26/06/2024  
Drg. no. Dw\_DET\_R25 – 905A Darwin (R25) (Elevation) received 26/06/2024  
Drg. no. Bw\_Det\_R25 – 901 Barnwood (R25) (Floorplan) received 26/06/2024  
Drg. no. Bw\_Det\_R25 – 907 Barnwood (R25) (Elevation) received 26/06/2024  
Drg. no. BW\_DET\_R25 – 908 Barnwood Feature Plot (R25) (Elevation) received 26/06/2024  
Drg. no. Sa\_End\_R25 – 901 Saunton (R25) (Floorplan) received 26/06/2024  
Drg. no. Sa\_End\_R25 – 907 21 Saunton (R25) (Elevation) received 26/06/2024  
Drg. no. Ke\_End\_R25 – 901 Kennet (R25) (Floorplan) received 26/06/2024  
Drg. no. Ke\_End\_R25 – 903 Kennet (R25) (Elevation) received 26/06/2024  
Drg. no. Bt\_Det\_R25 – 901 Brampton (R25) (Floorplan) received 26/06/2024  
Drg. no. Bt\_Det\_R25 – 907 Brampton (R25) (Elevation) received 26/06/2024  
Drg. no. Ma\_Det\_R25 – 901 Martson (R25) (Floorplan) received 26/06/2024  
Drg. no. Ma\_Det\_R25 – 907 Marston (R25) (Elevation) received 26/06/2024  
Drg. no. Bs\_Det\_R25 – 901 Brightstone (R25) (Floorplan) received 26/06/2024  
Drg. no. Bs\_Det\_R25 – 905A Brightstone (R25) (Elevation) received 26/06/2024  
Drg. no. R20-GD-02 Garage (Single) received 26/06/2024  
Drg. no. R20-GD-03 Garage (Double) received 26/06/2024  
Drg. no. GTC-E-EA-0003\_R1-4 Substation received 30/09/2024  
Drg. no. GTC-E-SS-0010\_R1-2\_1\_of\_1 Substation received 30/09/2024  
Drg. no. 30244/SL/0010 Rev A02 Pumping Station received 30/09/2024

Drg. no. 20-073-002C Active Travel Connections received 20/11/2024  
Drg. no. CT-FPPP Footpath Phasing Plan received 20/09/2024  
Drg. no. CT-HAP A Highways Adoption Plan received 17/09/2024  
Drg. no. JN1490-DWG-0007A Delves Land Roundabout received 17/12/2024  
Drg. no. 20-073/004 A692 / Delves Lane Roundabout received 17/12/2024  
Drg. no. 20-073/005 A692 / Leadgate Road Roundabout received 17/12/2024  
Drg. no. 001P Delves Lane / Gloucester Road Roundabout received 17/12/2024  
Drg. no. 20-073/002 A691 / Stockerley Lane T Junction received 17/12/2024

Drg. no. 20070-01-P5 Engineering Layout Sheet 1 received 16/12/2024  
Drg. no. 20070-02-P5 Engineering Layout Sheet 2 received 16/12/2024  
Drg. no. 20070-03-P5 Engineering Layout Sheet 3 received 16/12/2024  
Drg. no. 20070-04-P5 Engineering Layout Sheet 4 received 16/12/2024  
Drg. no. 20070-05-P5 Engineering Layout Sheet 5 received 16/12/2024  
Drg. no. 20070-06-P6 Engineering Layout Sheet 6 received 16/12/2024  
Drg. no. 20070-07-P2 Engineering Layout Sheet 7 received 16/12/2024

Drg. no. 20070-31-P6 External Works Sheet 1 received 16/12/2024  
Drg. no. 20070-32-P6 External Works Sheet 2 received 16/12/2024  
Drg. no. 20070-33-P7 External Works Sheet 3 received 16/12/2024  
Drg. no. 20070-34-P6 External Works Sheet 4 received 16/12/2024  
Drg. no. 20070-35-P7 External Works Sheet 5 received 16/12/2024

Drg. no. 20070-11-P1 Road & Sewers Longitudinal Sections Sheet 1 received 01/08/2004

Drg. no. 20070-12-P1 Road & Sewers Longitudinal Sections Sheet 2 received 01/08/2004

Drg. no. 20070-13-P1 Road & Sewers Longitudinal Sections Sheet 3 received 01/08/2004

Drg. no. 20070-14-P1 Road & Sewers Longitudinal Sections Sheet 4 received 01/08/2004

Drg. no. 20070-15-P1 Road & Sewers Longitudinal Sections Sheet 5 received 01/08/2004

Drg. no. 20070-91 P1 Drainage Construction Details Sheet 1 received 01/08/2024

Drg. no. 20070-92 P1 Drainage Construction Details Sheet 2 received 01/08/2024

Drg. no. 20070-81 P1 Highway Construction Details received 01/08/2024

Drg. no. 20070-51-P2 Surfaces Finishes and Kerb Layout received 16/12/2024

SuDs Maintenance Plan 20070-SuDS-01 Rev 1 received 06/09/2024

Drg. no. SSQ14674 Rev 2 Streetscape Play Area received 21/11/2024

Templetown Statutory Metric Calculation Tool 2024 6210 V02 received 17/12/2024

Drg. no. 149415/8001P Offsite Creation Plan received 18/11/2024

Air Quality Assessment 9305.1 Rev C by Apex Acoustics received 11/11/2024

Agricultural Land Classification received 11/10/2021

Affordable Housing Statement received 16/12/2024

Archaeological Evaluation 5774 by Archaeological Services Durham University received 07/06/2022

Bat Survey R01 by E3 Ecology received 10/08/2021

Breeding Bird Survey R02 by 3 Ecology received 10/08/2021

BNG Assessment 6210 R02 received 17/12/2024

Construction Management Plan Rev C (dated December 2024) received 16/12/2024

Cumulative Impact Assessment by Milestone received 11/07/2024

Ecological Appraisal (Land at Bridgehill) received 10/08/2021

Ecological Assessment R02 by E3 Ecology received 10/08/2021

Geophysical Survey 5430 by Archaeological Services Durham University received 10/08/2021

Hazard Ground Gas Assessment Letter by Coast Consulting Engineers received 10/06/2024

Health Impact Assessment received 19/08/2021

Meeting Housing Needs Assessment received 16/12/2024

Mineral Safeguarding Assessment received 10/06/2024

Noise Assessment LAE1306 by LA Environmental Consultants received 16/10/2024

Open Space Needs Assessment received 16/12/2024

Phase 1 Geoenvironmental Desk Study and Coal mining Risk Assessment by Patrick Parsons received 10/08/2021

Phase 2 Geoenvironmental Appraisal 21093-02 B by Coast Consulting Engineers received 10/06/2024

Landscape Delivery Phasing Plan CT-LEDPP received 04/12/2024

Remediation Strategy Report 21092-03 by Coast Consulting Engineers received 17/09/2024

Surface Water Construction Management Plan 20070-CSWMP-01 received 06/09/2024

Technical Note – February 2022 by Milestone received 16/08/2024

Transport Assessment by Milestone received 10/08/2021

Travel Plan Rev. B by Milestone received 09/10/2024

Tree Report Survey received 10/08/2021

Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with Policies 4, 15, 19, 21, 29, 31, 35, 36, 39, 40, 41 and 44 of the County Durham Plan and Parts 1, 2, 4, 5, 6, 8, 9, 11, 12, 14, 15 and 16 of the National Planning Policy Framework.

3. No site clearance, preparatory work, or development shall commence, nor any site cabins, materials or machinery brought on site until details of the ecological mitigation identified in the approved documents 'Ecological Assessment' and 'Breeding Bird Survey' have been submitted to and approved in writing by the Local Planning Authority. Thereafter, the mitigation measures will be implemented, maintained, and retained in perpetuity.

*Reason: In the interests of protected species and to comply with the objectives of Part 15 of the National Planning Policy Framework. Required pre-commencement to ensure that biodiversity interests are protected from the outset of development.*

4. No site clearance, preparatory work, or development shall commence, nor any site cabins, materials or machinery brought on site, until a scheme for the protection of the trees and hedges to be retained on site, to include details of fencing and any other measures, including special construction techniques where appropriate, have been submitted to and approved in writing by the Local Planning Authority. The scheme shall accord with British Standard BS 5837 2012 Trees in Relation to Design, Demolition and Construction - Recommendations (or in an equivalent British Standard if replaced).

The scheme for the protection of the retained trees shall be carried out as approved. The fencing shall be installed prior to any site clearance, preparatory work, or development taking place and any site cabins, materials or machinery being brought on site, and shall be retained for the duration of construction works.

If any access is required into the root protection area of any tree or hedge, this shall only take place in accordance with a method statement provided as part of the approved details. Otherwise, there shall be no access, storage, parking, excavation of trenches, or alteration of ground levels within the root protection area of any tree to be retained.

No removal of limbs of trees or other work shall be carried out to any tree or hedge to be retained on site during the construction phase of the development unless in accordance with a method statement provided as part of the approved details.

*Reason: To ensure the development is carried out in accordance with the appropriate best practice guidance to enable the long term retention of trees on site, in the interests of protecting the character and appearance of the area and to comply with Policies 29 and 40 of the County Durham Plan and Parts 12 and 15 of the National Planning Policy Framework. The details are required to be submitted and approved in advance of works commencing on site to ensure the trees and hedges on the site are protected against damage throughout the construction phase of the development.*

5. No site clearance, preparatory work, or development shall commence, nor any site cabins, materials or machinery brought on site, until a scheme for the protection of the blue lined biodiversity land (as identified on drg. no. CT-001 Proposed Site Layout R25 dated 12/12/2024) has been submitted to and approved in writing by the Local Planning Authority.

The scheme of protection shall be carried out as approved. The fencing shall be installed prior to any site clearance, preparatory work, or development taking place and any site cabins, materials or machinery being brought on site, and shall be retained for the duration of construction works.

*Reason: In order to ensure untouched habitat is protected from development and to help deliver Biodiversity Net Gain in accordance with Policy 41 of the County Durham Plan and Part 15 of the National Planning Policy Framework.*

6. No development including ground clearance or remediation works shall commence until a build programme and timetable for the construction of the critical surface water infrastructure has been submitted to and approved in writing by the Local Planning Authority. The programme must include, amongst other matters, details of the outfall structure, control devices, attenuation/storage, temporary control measures during the construction phase and measures to control silt levels entering the watercourse. The order of works to be undertaken must be identified and timescale for delivery. The development thereafter shall be completed in accordance with the details and timetable agreed.

*Reason: To ensure that critical surface water infrastructure is in place to adequately deal with and dispose of surface water prior to the construction of the development, in accordance with Policy 35 of the County Durham Plan and Parts 14 and 15 of the National Planning Policy Framework. Required to be a pre-commencement condition to ensure that water infrastructure is in place at an early stage of the development to adequately manage surface water.*

7. No development shall commence until a scheme of further intrusive site investigations have been undertaken to establish the risks posed to the development by a recorded mine entry (adit). A report shall thereafter be submitted to and agreed in writing by the Local Planning Authority setting out the findings of the intrusive site investigations including a scheme of remedial work and its timetable for implementation where required. Thereafter the development shall take place in accordance with the agreed details. The intrusive site

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

*Reason: The undertaking of intrusive site investigations, prior to the commencement of development, is considered to be necessary to ensure that adequate information pertaining to ground conditions and coal mining legacy is available to enable appropriate remedial and mitigatory measures to be identified and carried out before building works commence on site. This is in order to ensure the safety and stability of the development, in accordance with Policy 32 of the County Durham Plan and Part 15 of the National Planning Policy Framework.*

8. No development shall commence until a soil resource management strategy has been submitted to and approved in writing by the Local Planning Authority. The strategy shall clearly describe the proposed use of all soils on site and demonstrate that soil resources will be managed and conserved in a viable condition and used sustainably in line with accepted best practice. The strategy should detail soil handling, storage and replacement methods to be used appropriate to the grade of soil and intended afteruse. The strategy shall also include details of the proposed soil depths upon replacement and plant and machinery to be used as well as, where appropriate, steps to prevent the spread of any soil-borne plant or animal diseases. If soils are to be removed from site, then details of quantities and a programme for removal shall be submitted. Thereafter, development shall take place in accordance with the approved details.

*Reason: In the interests of the protection of soil resources and to comply with Policy 14.*

9. Prior to the construction of the first dwelling, details of refuse storage facilities and refuse storage plan shall be submitted to and approved in writing by the Local Planning Authority. The details should be in accordance with the approved 'Design and Access Statement incorporating Design Code (July 2023)' and are to include the location and design of the facilities and arrangement for the provision of the bins. The approved refuse storage facilities shall be implemented before the first occupation of any dwelling. Thereafter the refuse storage facilities and refuse storage plan shall operate in accordance with approved details.

*Reason: In the interests of highway safety in accordance with Policies 21 and 29 of the County Durham Plan and Part 9 of the National Planning Policy Framework.*

10. Prior to the construction of any hard surface or building above damp-proof course, full details of the proposed site levels, finished floor levels and all means of enclosure to be erected within the development shall be submitted to and approved in writing by the Local Planning Authority. The submitted details must include details of any retaining walls/structures required including their interaction with other means of enclosure such as garden fences within the site

along with the materials proposed to be used. The development shall thereafter be carried out in accordance with the approved details.

*Reason: In the interests of the amenity of the surrounding areas and neighbouring properties, in accordance with Policy 29 of the County Durham Plan and Parts 12 and 15 of the National Planning Policy Framework.*

11. Prior to the construction of any hard surface or building above damp proof course, details of the make, colour and texture of all walling and roofing materials of each dwelling shall be submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the approved details.

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

12. Prior to the construction above damp-proof course of any of the dwellings hereby approved, details of the location of integrated bat and swift, starling and house sparrow bird boxes, along with details of the type of box, shall be submitted to and approved in writing by the Local Planning Authority. The boxes shall be integrated into the external walls of at least 25% of the proposed dwellings, in accordance with the mitigation measures recommended in the hereby approved Breeding Bird Survey by E3 Ecology Ltd.

*Reason: In the interest of conserving protected species, in accordance with Policies 41 and 43 of the County Durham Plan, and with Part 15 of the National Planning Policy Framework.*

13. Prior to the construction of any hard surface or building above damp-proof course, full details of the surface treatment and construction of all hard-surfaced areas shall be submitted to and approved in writing the Local Planning Authority. The development shall be constructed in accordance with the approved details.

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

14. Prior to the construction above damp-proof course of any of the dwellings hereby approved, a report setting out how at least 66% of the total number of units approved of the development will conform to Buildings Regulations M4(2) standard shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter in accordance with the approved details.

*Reason: In order to address housing need requirements in accordance with Policy 15 of the County Durham Plan.*

15. Prior to the construction above damp-proof course of any of the dwellings hereby



approved, a scheme detailing the means of broadband connection to the site shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of ducting and cabling to be installed, and the entry point of such ducting and cabling into the site. Thereafter, the means of broadband connection to the site shall be carried out in accordance with the approved details prior to the occupation of the part of the development to which the connection relates.

*Reason: To ensure the development is served by an appropriate broadband connection, and to ensure its installation takes place at a suitable time within the construction phase, and to comply with the requirements of Policy 27 of the County Durham Plan.*

16. Prior to the construction of the substation hereby approved, full details of its design, appearance and scale shall be submitted to and agreed in writing by the Local Planning Authority. Once agreed, the substation shall be constructed in accordance with the details approved.

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

17. Prior to the construction of the pumping station and compound hereby approved, full details of its design, appearance and scale shall be submitted to and agreed in writing by the Local Planning Authority. Once agreed, the pumping station and compound shall be constructed in accordance with the details approved.

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

18. No dwelling shall be occupied until a signed statement or declaration prepared by a suitably competent person confirming that the site is, or has been made, safe and stable for the approved development has been submitted to and approved in writing by the Local Planning Authority. This document shall confirm the methods and findings of the intrusive site investigations and the completion of any remedial works and/or mitigation necessary to address the risks posed by past coal mining activity.

*Reason: To ensure that the remediation works are fully implemented as agreed and the site is suitable for use, in accordance with Policy 32 of the County Durham Plan and Part 15 of the National Planning Policy Framework.*

19. No dwelling shall be occupied until full engineering details of the estate roads and external footpath connections have been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved scheme.

*Reason: In the interests of highway safety in accordance with Policies 21 and 29 of the County Durham Plan and Part 9 of the National Planning Policy Framework.*

20. No dwelling shall be occupied unless and until the new estate roads serving the dwelling have been constructed to at least base course level that shall include temporary ramps and surfacing to allow movement by those with impaired mobility.

*Reason: To protect residential amenity and to address the needs of existing and future residents with mobility issues or disabilities in accordance with Policies 21 and 31 of the County Durham Plan and Part 9 of the National Planning Policy Framework.*

21. No dwelling shall be occupied until a scheme detailing the exact means of connection from the scheme onto the Lanchester Valley Railway has been submitted and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved scheme.

*Reason: To encourage sustainable transport modes of travel having regard to Policy 21 of the County Durham Plan and Part 9 of the National Planning Policy Framework.*

22. No dwelling shall be occupied until the off-site active connections as detailed on drg. no. 20/073/002 C have been fully completed and available for use.

*Reason: To reduce reliance on the private motor car and to promote sustainable transport methods in accordance with Policy 21 of the County Durham Plan and Part 9 of the National Planning Policy Framework.*

23. No dwelling shall be occupied until a scheme for the ongoing maintenance of the areas of public open space within the development hereby approved have been submitted to and approved in writing by the Local Planning Authority. In the event of proposals to maintain the public open space by means other than through transfer to the Local Authority then the scheme shall provide for details of an agreed maintenance and cutting schedule in perpetuity.

*Reason: In the interests of appearance of the area in accordance with Policy 26 and 29 of the County Durham Plan and Parts 12 and 15 of the NPPF.*

24. No dwelling shall be occupied until a scheme for the on-site children's play area as indicated on drg. CT-001 (Proposed Site Layout R25 dated 12/12/2024) has been submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall detail the appearance and layout of the play area alongside a maintenance schedule. The scheme shall be completed in accordance with the approved details thereafter and shall be made available for use prior to the occupation of the 60th dwelling.

*Reason: In the interests of providing adequate play facilities for prospective residents of a major housing scheme in accordance with Policy 26 of the County Durham Plan.*

25. No dwelling shall be occupied until detailed landscaping scheme, based on the principles shown on drg. nos. 149415/8001 Q (Landscape Proposals Plan), 149415/8005 A (Landscape Illustrative Cross Sections) and 149415/8006 A (Indicative Section Through Existing Retaining Wall and Buffer Planting) have been submitted to and approved in writing by the Local Planning Authority.

No tree shall be felled or hedge removed until the landscape scheme, including any replacement tree and hedge planting, is approved as above. Any submitted scheme must be shown to comply with legislation protecting nesting birds and roosting bats.

The landscape scheme shall include accurate plan based details of the following: Trees, hedges and shrubs scheduled for retention. Details of hard and soft landscaping including planting species, sizes, layout, densities, numbers. Details of planting procedures or specification. Finished topsoil levels and depths. Details of temporary topsoil and subsoil storage provision. Seeded or turf areas, habitat creation areas and details etc. Details of land and surface drainage. The establishment maintenance regime, including watering, rabbit protection, tree stakes, guards etc. Tree pit details. Bin collection point details.

The Local Planning Authority shall be notified in advance of the start on site date and the completion date of all external works.

Trees, hedges and shrubs shall not be removed without agreement within five years.

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

26. No dwelling shall be occupied until a scheme for the provision of interpretation boards on the site has been submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall detail the appearance of the interpretation boards, a maintenance schedule and a timetable for their implementation. The scheme shall be completed in accordance with the approved details and timings thereafter.

*Reason: In the interests of the amenity of the surrounding area and to better reveal the significance of the Lancaster Valley Railway Path in accordance with Policies 26 and 44 of the County Durham Plan and Parts 8 and 16 of the National Planning Policy Framework.*

27. No dwelling shall be occupied until the off-site highway works at the junction of A692 / Delves Lane Roundabout as shown indicatively on plan: JN1490-DWG-0007 A by Milestone Transport Planning have been constructed and are operational.

*Reason: To ensure that impacts from the development upon highway safety are mitigated in accordance with Policy 21 of the County Durham Plan and Part 9 of the National Planning Policy Framework.*

28. Throughout the completion phases of the development all documents submitted relating to Phase 4 as detailed below shall be carried out by competent person(s) and shall be submitted to and agreed in writing with the Local Planning Authority.

#### Completion

(a) During the implementation of the remedial works as detailed in Coast Remediation Strategy Report 21092-03 dated 16/09/2024 if any contamination is identified that has not been identified pre-commencement, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment shall be carried out in accordance with part b of the condition and where necessary a revised Phase 3 Remediation Strategy shall be prepared. The development shall be completed in accordance with any amended specification of works.

(b) Upon completion of the remedial works, a Phase 4 Verification Report (Validation Report) confirming the objectives, methods, results and effectiveness of all remediation works detailed in the Phase 3 Remediation Strategy shall be submitted to and agreed in writing with the Local Planning Authority within 2 months of completion of the development. If integrity testing of the membrane(s) was required a verification pro forma should be included.

*Reason: The site may be contaminated as a result of past or current uses and/or is within 250m of a site which has been landfilled and the Local Planning Authority wishes to ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems in accordance with Policy 32 of the County Durham Plan and Part 15 of the National Planning Policy Framework.*

29. All footpaths internal to the development hereby approved shall be delivered in accordance with the timings outlined on drg. no. CT-FPPP Footpath Phasing Plan.

*Reason: To encourage sustainable transport modes of travel having regard to Policy 21 of the County Durham Plan and Part 9 of the National Planning Policy Framework.*

30. Garage(s), hardstanding(s)/drive(s) to any dwelling hereby approved, shall be constructed and made available for use before the first occupation of that dwelling. Thereafter they shall be used and maintained in such a manner as to always ensure their availability at all times for the parking of private motor vehicles.

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

31. Prior to the occupation of the 10<sup>th</sup> dwelling, off-site highway works at the junction of A692 / Delves Lane Roundabout as shown indicatively on plan: 20-073/004 by Milestone Transport Planning shall be constructed and operational.

*Reason: To ensure that impacts from the development upon highway safety are mitigated in accordance with Policy 21 of the County Durham Plan and Part 9 of the National Planning Policy Framework.*

32. Prior to the occupation of the 10<sup>th</sup> dwelling, off-site highway works at the junction of A692 / Leadgate Road Roundabout as shown indicatively on plan: 20-073/005 by Milestone Transport Planning shall be constructed and operational.

*Reason: To ensure that impacts from the development upon highway safety are mitigated in accordance with Policy 21 of the County Durham Plan and Part 9 of the National Planning Policy Framework.*

33. Prior to the occupation of the 67<sup>th</sup> dwelling, off-site highway works at the A691 / Stockerley Lane T-Junction as shown indicatively on plan: 20-073/002 by Milestone Transport Planning shall be constructed and operational.

*Reason: To ensure that impacts from the development upon highway safety are mitigated in accordance with Policy 21 of the County Durham Plan and Part 9 of the National Planning Policy Framework.*

34. Prior to the occupation of the 141<sup>st</sup> dwelling, off-site highway works at the junction of Delves Lane / Gloucester Road Roundabout as shown indicatively on plan: 001P by iPRT shall be constructed and operational.

*Reason: To ensure that impacts from the development upon highway safety are mitigated in accordance with Policy 21 of the County Durham Plan and Part 9 of the National Planning Policy Framework.*

35. No external lighting shall be erected/installed until a detailed lighting strategy for the development hereby approved has been submitted to and approved in writing. All external lighting shall thereafter be completed in accordance with the approved details.

*Reason: To ensure retained habitat is protected and to conserve protected species in accordance with Policies 41 and 44 of the County Durham Plan and Part 15 of the National Planning Policy Framework.*

36. All dwellings hereby approved shall be provided with private cycle storage in accordance with the details submitted within the Council's Parking and Accessibility Supplementary Planning Document (2023) (or such replacement document) and said storage must be installed and available for use before occupation of each dwelling.

*Reason: To encourage sustainable transport modes of travel having regard to CDP Policy 21 and Part 9 of the National Planning Policy Framework.*

37. All planting, seeding or turfing and habitat creation in the approved details of the landscaping scheme shall be carried out in accordance with the timings outlined within the Landscape/Ecology Delivery Phasing Plan ref. CT-LEDPP December 2024.

No tree shall be felled or hedge removed until the removal/felling is shown to comply with legislation protecting nesting birds and roosting bats.

Any approved replacement tree or hedge planting shall be carried out within 12 months of felling and removals of existing trees and hedges.

Any trees or plants which die, fail to flourish or are removed within a period of 5 years from the substantial completion of the development shall be replaced in the next planting season with others of similar size and species.

Replacements will be subject to the same conditions.

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

38. All dwellings hereby approved shall be provided with electric vehicle charging points and said charging points must be installed and available for use before occupation of each dwelling.

*Reason: In the interests of sustainable construction and in accordance with Policy 29 of the County Durham Local Plan and Part 14 of the National Planning Policy Framework.*

39. The Construction Management Plan Rev C received 16/12/2024 shall be adhered to throughout the construction period and the approved measures shall be retained for the duration of the construction works.

*Reason: To protect the residential amenity of existing and future residents from the development to comply with Policy 31 of the County Durham Plan and Part 15 of the National Planning Policy Framework.*

40. Sound attenuation measures shall be undertaken in accordance with the mitigation detailed within the Noise Assessment received 16/10/2024. Such attenuation measures shall be completed in full accordance with approved details prior to first occupation of the dwelling to which they relate and be permanently retained thereafter.

*Reason: In the interest of the amenity of future occupants in accordance with Policies 29 and 31 of the County Durham Plan and Part 15 of the National Planning Policy Framework.*

41. The Residential Travel Plan ref. 20-073- N Rev. B by Milestone Transport Planning dated 30/09/2024 shall be implemented, monitored and reviewed in accordance with the approved details.

*Reason: To reduce reliance on the private motor car and to promote sustainable transport methods in accordance with Policy 21 of the County Durham Plan and Part 9 of the National Planning Policy Framework.*

42. The approved flood risk and foul drainage strategy shall be implemented in accordance with the approved document 'Flood Risk Assessment and Drainage Strategy - 4th September 2024 - Report No. 20070-FRA 01 Rev 4' prior to the first occupation of the development.

*Reason: In the interest of the adequate disposal of foul and surface water in accordance with Policies 35 and 36 of the County Durham Plan and Part 14 of the NPPF.*

43. The drainage scheme shall ensure that foul flows discharge to the foul sewer at manhole 6101, as indicated within approved document 'Flood Risk Assessment and Drainage Strategy - 4th September 2024 - Report No. 20070-FRA 01 Rev 4' and ensure that surface water discharges to the existing Sustainable Drainage System Pond.

*Reason: To ensure that foul water is adequately disposed of, in accordance with Policies 35 and 36 of the County Durham Plan and Parts 14 and 15 of the National Planning Policy Framework.*

44. In undertaking the development hereby approved no deliveries shall take place other than between the hours of 0800 to 1800 on Monday to Friday and 0900 to 1300 on Saturday. No deliveries shall take place on Sundays, Public or Bank Holidays.

*Reason: To protect the residential amenity of existing and future residents from the development in accordance with Policy 31 of the County Durham Plan and Part 15 of the National Planning Policy Framework.*

45. In undertaking the development hereby approved, no external construction works, works of demolition, external running of plant and equipment shall take place other than between the hours of 0730 to 1800 on Monday to Friday and 0800 to 1300 on Saturday. No internal works audible outside the site boundary shall take place on the site other than between the hours of 0730 to 1800 on Monday to Friday and 0800 to 1700 on Saturday.

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

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

*Reason: To protect the residential amenity of existing and future residents from the development in accordance with Policy 31 of the County Durham Plan and Part 15 of the National Planning Policy Framework.*

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## **BACKGROUND PAPERS**

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Submitted Application Forms, Plans and supporting documents

National Planning Policy Framework

National Planning Practice Guidance Notes

County Durham Plan (2020)

- o Trees, Woodlands and Hedges SPD (2024)

- o Development Viability, Affordable Housing and Financial Contributions SPD (2024)

- o Residential Amenity Standards SPD (2023)

- o Parking and Accessibility SPD (2023)

- o County Durham Plan Strategic Housing Land Availability Assessment (2019)

- o County Durham Building for Life SPD (2019)

- o Durham County Council Employment Land Review Update Final Report (2018)

- o County Durham Settlement Study (2018)

- o Durham County Council Open Space Needs Assessment (2018)

CIHT Better Planning, Better Transport, Better Places (2019)

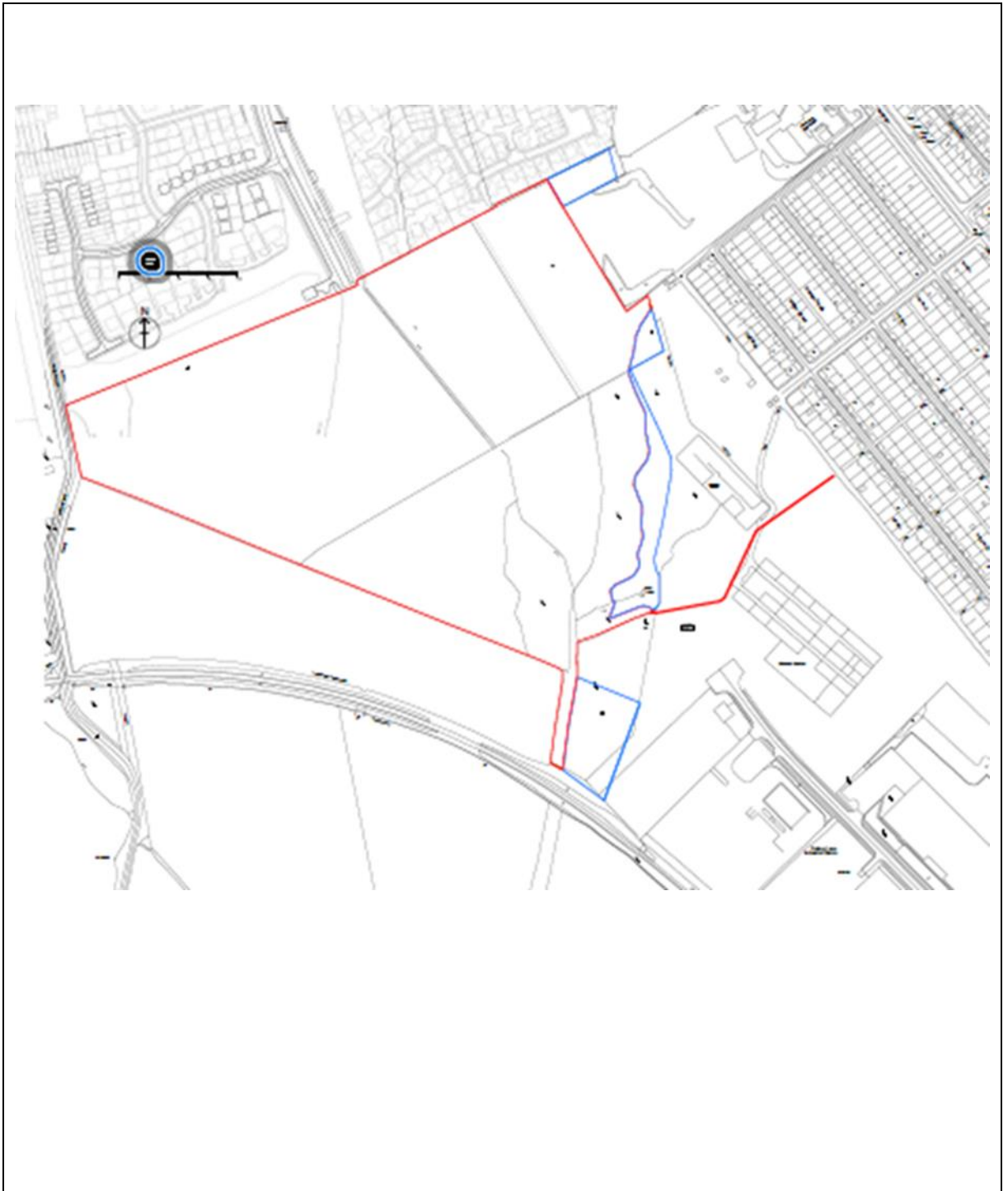
CIRIA The SuDS Manual (2015)

Statutory consultation responses

Internal consultation responses

External consultation responses





<p><b>Planning Services</b></p>	<p>Proposed development of 170 residential dwellings with associated infrastructure and open space (revised description 16/12/2024)</p> <p>Land To The East Of Fern Dene, Knitsley Lane, Templetown</p>	
<p>This map is based upon Ordnance Survey material with the permission of Ordnance Survey on behalf of Her Majesty's Stationary Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceeding. Durham County Council Licence No. 100022202 2024</p>	<p>Comments</p>	
	<p>Date: January 2025</p>	

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## Planning Services

# COMMITTEE REPORT

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### APPLICATION DETAILS

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<b>APPLICATION NO:</b>	DM/24/02829/VOC
<b>FULL APPLICATION DESCRIPTION:</b>	Variation of Conditions 1 (Approved Plans), 2 (Floor Space and Use Classes), 5 (Travel Plan) and 10 (Ecology) pursuant to hybrid planning permission DM/20/01846/FPA, to create a Data Centre and ancillary office space (Use Class E(g)(ii)) with associated landscaping and infrastructure on Plot D
<b>NAME OF APPLICANT:</b>	Durham County Council
<b>SITE ADDRESS:</b>	Plot D, Land At Aykley Heads, Framwellgate Peth, Durham DH1 5UQ
<b>ELECTORAL DIVISION:</b>	Neville's Cross
<b>CASE OFFICER:</b>	Callum Harvey Senior Planning Officer Tel. 07393 469 380 <a href="mailto:Callum.Harvey@durham.gov.uk">Callum.Harvey@durham.gov.uk</a>

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### DESCRIPTION OF THE SITE AND PROPOSALS

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#### The Site

1. The site forms part of a larger area of the city known as Aykley Heads to the north-west of the city centre. The area can be informally defined as the western boundary forming the B6532 (Framwellgate Peth), its eastern edge being defined by the East Coast Mainline, and the northern boundary forming the southern edge of Newton Hall and the southern edge of Framwellgate Moor. This wider area contains a variety of land uses, but can be broadly characterised by parkland and landscaping on the eastern and southern extent (including the former DLI Museum and Car Park, and Aykley Wood Nature Reserve), with County Hall and associated car parks and infrastructure located in the central and western area, and with a mix of commercial developments to the north and east. In a broadly central location is Durham Constabulary Headquarters and an area known as Aykely Heads Recreation Ground.

At the farthest northern extent lie Durham Trinity School and the Aykley Woods residential development.

2. The application site itself comprises a smaller part of the wider area, amounting 15.15ha, which broadly comprises County Hall and its associated car parks and infrastructure, woodland and parkland that immediately surrounds County Hall, currently disused sports facilities located to the west of Durham Constabulary Headquarters, and an area of previously developed land to the west of the Salvus House which has most recently been used as informal car parking.
3. Access to the site is presently primarily gained from the west from Frawellgate Peth using the existing entrance to County Hall, and from the north via the Aykley Heads access road that presently serves the County Hall staff car park, Aykley Heads Business Centre, Liddon Court, Salvus House, Durham Constabulary HQ, Durham Trinity School and residential development. There are further pedestrian accesses around the perimeter of the site, many on existing paths through the wooded parkland. Although there are many such paths, none are identified as Public Rights of Way on the Definitive Map.
4. A relatively small element of the southernmost part of the site lies within Durham City Centre Conservation Area, with the northern edge of the Conservation Area abutting the site boundary in other locations. The site itself hosts no listed buildings, however the Grade II\* building that currently hosts the Council's Registry Office is located within 100m of the north western extent of the application site, as are the Grade II listed gate piers and walls to the north west of County Hall, and Dryburn House (Grade II). The currently dismantled Grade II listed Police Communications Tower was formerly located on a site now occupied by the Aykley Woods housing development, but is currently being stored to south of Durham Constabulary HQ. Other listed buildings within 1km of the site include Marquess of Granby Public House (Grade II), Western Lodge and Grey Lodge (Grade II), Low Dryburn Farmhouse (Grade II), Church of St Cuthbert (Grade II), the Obelisk (Grade II), The Grey Tower (Grade II), Fram Well Head (Grade II), Crook Hall (Grade I), and a boundary stone to the north of the Obelisk (Grade II). Groups of additional listed buildings are located throughout the City Centre, with concentrations on Claypath, Old Elvet, Saddler Street, South Street, South Bailey, Church Street and Hallgarth Street .
5. In particular, the peninsula also includes a number of Grade I listed buildings. The majority of the application site also lies within the inner setting of the UNESCO Durham Cathedral and Castle World Heritage Site.
6. The application site generally lies adjacent, but outside of an Area of High Landscape Value, although small areas do fall within the AHLV boundary. There are no statutory or locally designated ecological sites located within the application site, however a Local Wildlife Site at Aykley Vale lies within approximately 350m of the south west of the site, and Hopper's Wood, an area of Ancient Woodland and Local Wildlife Site lies approximately 580m to the east. Other Local Wildlife Sites lie further afield at Bearpark Bogs (approx. 1.1km), Framwellgate Moor Carrs (approx. 1.2km), Low Newton Junction (approx. 1.5km), The Scroggs (approx. 1.6km), and Frankland and Kepier Woods (approx. 1.6km).
7. In terms of other constraints, the site falls within County Durham Plan Mineral Safeguarding Areas in relation to a Coal, Surface Mined Coal, and Glacial Sand and Gravel, and is within a Coal Mining Low Risk Area in relation to historic mine workings.

Durham City Centre Air Quality Management Area is situated approximately 560m to the south east of the site. The site lies wholly within Environment Agency Flood Zone 1, which is the area at least risk of fluvial flooding. County Hall is located at the southwestern edge of the Aykley Heads site, on what is now known as Plot A, which is an example of mid-20th Century modernist civic design in concrete and sandstone, which is considered to be a non-designated heritage asset. Corten House is located at Plot C, a recently constructed and occupied three storey office building.

8. In January 2021, planning permission was granted for the following development at this site:

*“Hybrid planning application comprising detailed planning application for an office block (Class B1) with associated parking and landscaping on land known as Plot C and an outline planning application, with all matters reserved apart from site access, for the demolition of the existing County Hall site and the development of a business park (Class B1) with supporting retail and leisure uses comprising uses within Class A1 (retail), Class A2 (financial and professional services), Class A3 (food and drink), Class D1 (non-residential institutions) and Class D2 (assembly and leisure) with associated landscaping, multi-storey and surface car parking, servicing and relevant infrastructure.”*

9. The above consent has since been implemented through the construction and occupation of a three storey office building at Plot C, known as Corten House.
10. The current application seeks to make amendments to the hybrid application, focused on Plot D within the wider site. Plot D is located to the south of Salvus House on Aykley Heads Way. Plot E is a vacant parcel of land located to the east of Plot D. Plot C, also known as Corten House, is located to the northwest adjacent to Salvus House. Plots A and B are the existing County Hall site and the adjacent car parking area, both of which are to the southwest of Plot D.
11. Plot D is well screened from vantage points to the west and east along public footpaths by well-established trees and scrub, though with some viewpoints through breaks in the tree lines. Whilst these routes are not formal public rights of way, they form a wider network of footpaths and trails across the wider Aykley Heads site which see regular use by the public.
12. The nearest residential properties from Plot D are sited at Straughan Crescent, approximately 120m northeast of the main part of the site, and 60m northeast of the access onto Aykley Heads Way.
13. There are no designated heritage assets within Plot D. The Durham Castle and Cathedral World Heritage Site (WHS) is approximately 1.4km to the southeast of Plot D. Plot D is within the designated WHS Inner Setting. Durham Conservation Area is approximately 300m to the south of Plot D.
14. The Grade II\* listed building known as Aykley Heads is located approximately 180m to the west of Plot D. The former location of the Grade II listed County Police Communication Tower is approximately 170m to the northeast of Plot D. At the time of writing, the tower is in temporary outdoor storage in another location. The nearest Scheduled Monument is Maiden Bower’s Round Cairn located approximately 1km to the southwest of Plot D. Kepier Hospital is also located approximately 1.4km to the southeast of Plot D

15. The nearest entry on the Council's Local List of Historic Parks, Gardens and Designed Landscapes, as identified in the County Durham Plan, is Wharton Park located approximately 0.6km south of Plot D
16. There are no landscape designations with Plot D, though there is an Area of Higher Landscape Value (AHLV), as identified on the County Durham Plan Policy Map, approximately 100m to the southeast and approximately 280m to the north of Plot D.
17. In respect of ecological designations, there are none within Plot D. Approximately 540m to the northeast is a Local Wildlife Site known as Hopper's Wood, which is also an Ancient and Semi-Natural Woodland.
18. In respect of identified watercourses, the River Wear is located approximately 900m to the southeast of Plot D.
19. Ponds are located to the west, east and south of County Hall, the nearest being approximately 200m to the south of Plot D.
20. In respect of fluvial (surface water following rainfall) flooding, the nearest Surface Water Flood Area, as identified in the County's Strategic Flood Risk Assessment, is immediately north of Salvus House, approximately 30m to the north of Plot D. This is identified as a High Risk Area, therefore that area has a 3.3% chance of flooding happening in any given year.
21. In respect of fluvial (river) flooding, Plot D falls within Flood Zone 1 as defined by the Environment Agency.
22. Plot D falls within the Surface Mined Coal Resource Area as identified on the County Durham Local Plan Policy Map, and also falls within the Development Low Risk Area as identified by the Coal Authority. There are no mine entries within or adjacent to Plot D, with the nearest located approximately 520m to the southeast, near the railway line.

## The Proposal

23. Permission is sought through a Section 73 planning application to vary the previous hybrid planning permission, which includes the extant outline element for 2 and 3 storey office buildings on Plot D. The proposed amendments seeks approval to vary the approved parameters plan to allow the erection of a building to be used as a data centre and associated works. The approved parameters plan for Plot D indicated a total maximum permitted Gross External Area of 3,300 sq.m, while setting out building heights of 2 and 3 storeys, in different blocks. This application proposes to update the proposed parameter plan for Plot D, setting a maximum Gross External Area floorspace for the Data Centre is approximately 4,332 sq.m and a blanket building height of 3 storey. A separate Reserved Matters application has been submitted seeking permission for the detailed design of the proposal, reference: DM/24/02888/RM.
24. As highlighted above, the previous hybrid planning application granted outline planning permission on Plot D granted for 3 office buildings and an ancillary kiosk building, within what was Use Class B1. Under relevant legislation Use Class B1 was split into three categories:
  - Office other than a use within Class A2;

- Research and development of products or processes; and
  - For any industrial process (which can be carried out in any residential area without causing detriment to the amenity of the area).
25. A Data Centre would fall under 'Research and development of products or processes' and would therefore have fallen under Use Class B1. However, following changes to Legislation in 2020, Use Class B1 was replaced with the new Use Class E. A Data Centre would now fall under Use Class E(g)(ii). The current application therefore seeks to update the Use Class of Plot D to reflect that change in legislation.
26. The original grant of planning permission for the Aykley Heads redevelopment (DM/20/01846/FPA) was considered Environmental Impact Assessment (EIA) development under the Town and Country Planning (Environmental Impact Assessment) Regulations and was accompanied by an Environmental Statement (ES). A variation of condition or section 73 application (as submitted here) is defined as a "subsequent application" in those regulations and it is necessary to consider whether any further information and thereby update of the previous ES is needed as a result. In this instance the scope of the amendments are such that it is considered that the previous ES submissions provide adequate information to inform on the decision. Nevertheless, this report has taken into account the information contained in all previous ES submissions and matters arising from statutory consultations and other responses.
27. This application is being referred to the County Planning Committee following a call-in request by the City of Durham Parish Council, and confirmation on their intent to speak on the application.

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## **PLANNING HISTORY**

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28. DM/15/01548/FPA: - Erection of two storey office building with associated access, parking and landscaping. – Approved October 2015
29. DM/20/01846/FPA: - Hybrid planning application comprising detailed planning application for an office block (Class B1) with associated parking and landscaping on land known as Plot C and an outline planning application, with all matters reserved apart from site access, for the demolition of the existing County Hall site and the development of a business park (Class B1) with supporting retail and leisure uses comprising uses within Class A1 (retail), Class A2 (financial and professional services), Class A3 (food and drink), Class D1 (non-residential institutions) and Class D2 (assembly and leisure) with associated landscaping, multi-storey and surface car parking, servicing and relevant infrastructure. – Approved January 2021
30. DRC/21/00075: - Part discharge of Conditions 6 (site investigation/contamination), 7 (remediation), 8 (archaeological assessment) and 10 (ecological assessment) insofar as they relate to Plot C, and discharge of Conditions 13 (construction management plan) and 14 (tree protection) pursuant to planning permission DM/20/01846/FPA. – Approved September 2021
31. DM/23/03110/DRC: - Discharge of Condition 20 (external lighting) pursuant to DM/20/01846/FPA – Approved November 2023

32. SCR/24/00013: - Request for Screening Opinion in respect of a Reserved Matters submission for the development of a Data Centre at Plot D of the Aykley Heads Masterplan, pursuant to Hybrid Planning Permission DM/20/01846/FPA. – EIA Not Required
33. SCR/24/00014: - Request for a Screening Opinion in respect of a minor-material amendment (Section 73) application seeking to vary conditions 1, 2, 5 and 10 of Hybrid Planning Permission DM/20/01846/FPA. – EIA Not Required
34. DM/24/02830/DRC: - Discharge of Condition 8 (Archaeology) pursuant to consent DM/20/01846/FPA in relation to Plot D only (Amended Description 19/12/2024). – Approved December 2024
35. DM/24/02888/RM: - Reserved Matters submission for the matters of Appearance, Landscaping, Layout and Scale pursuant to hybrid planning permission DM/20/01846/FPA, to create a Data Centre and ancillary office space (Use Class E(g)(ii)) with associated landscaping and infrastructure on Plot D. – Pending Consideration

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## **PLANNING POLICIES**

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### **NATIONAL POLICY**

36. The following elements of the National Planning Policy Framework (NPPF) are considered relevant to this proposal:
37. *NPPF Part 2 – Achieving sustainable development.* The purpose of the planning system is to contribute to the achievement of sustainable development and therefore at the heart of the NPPF is a presumption in favour of sustainable development. It defines the role of planning in achieving sustainable development under three overarching objectives – economic, social and environmental, which are interdependent and need to be pursued in mutually supportive ways. The application of the presumption in favour of sustainable development for plan-making and decision-taking is outlined.
38. *NPPF Part 4 – Decision-making.* Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.
39. *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.
40. *NPPF Part 8 – Promoting healthy and safe communities.* The planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. Developments should be safe and accessible; Local Planning Authorities should plan positively for the provision and use of shared space and



community facilities. An integrated approach to considering the location of housing, economic uses and services should be adopted.

41. *NPPF Part 9 – Promoting sustainable transport.* Encouragement should be given to solutions which support reductions in greenhouse gas emissions and reduce congestion. Developments that generate significant movement should be located where the need to travel will be minimised and the use of sustainable transport modes maximised.
42. *NPPF Part 11 – Making Effective Use of Land.* Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Strategic policies should set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously-developed or 'brownfield' land.
43. *NPPF Part 12 – Achieving Well-Designed Places.* The Government attaches great importance to the design of the built environment, with good design a key aspect of sustainable development, indivisible from good planning.
44. *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.
45. *NPPF Part 15 – Conserving and Enhancing the Natural Environment.* The Planning System should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, site of biodiversity or geological conservation interests, recognising the wider benefits of ecosystems, minimising the impacts on biodiversity, preventing both new and existing development from contributing to or being put at unacceptable risk from pollution and land stability and remediating contaminated or other degraded land where appropriate.
46. *NPPF Part 16 – Conserving and enhancing the historic environment.* Heritage assets range from sites and buildings of local historic value to those of the highest significance, such as World Heritage Sites which are internationally recognised to be of Outstanding Universal Value. These assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations.

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

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

47. The Government has consolidated a number of planning practice guidance notes, circulars and other guidance documents into a single Planning Practice Guidance Suite. This document provides planning guidance on a wide range of matters. Of particular relevance to this application is the practice guidance with regards to; air quality; historic environment; design process and tools; determining a planning

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

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

## **LOCAL PLAN POLICY:**

### County Durham Plan (2020)

48. *Policy 1 – Quantity of New Development.* States that 300 hectares of strategic and general employment land for office, industrial and warehousing purposes are proposed in order to meet the needs and aspirations of present and future residents of the County, and to deliver a thriving economy.
49. *Policy 2 – Employment Land.* Establishes allocated land for B1 (Business), B2 (General Industrial) and B8 (Storage and Distribution) uses.
50. *Policy 3 - Aykley Heads.* States that in order to provide a high-quality employment location to contribute to the delivery of the new and better jobs which Durham City and County Durham need, land at Aykley Heads, as shown on the policies map, is allocated as a Strategic Employment Site. The development of this site will have regard to the provision and timing of the infrastructure necessary to support it. The development of the site will reflect a number of principles of development relating to job creation, green infrastructure, sustainable design and transport.
51. *Policy 16 - Durham University Development, Purpose Built Student Accommodation and Houses in Multiple Occupation.* Sets out broad support for new university facilities including academic, residential, cultural floor space and other complimentary uses. The Policy Sets out a broad range of environmental requirements that such developments are required to meet.
52. *Policy 21 – Delivering Sustainable Transport.* States that all development shall deliver sustainable transport by (in part) ensuring that any vehicular traffic generated by new development, following the implementation of sustainable transport measures, can be safely accommodated on the local and strategic highway network and does not cause an unacceptable increase in congestions or air pollution and that severe congestion can be overcome by appropriate transport improvements.
53. *Policy 22 - Durham City Sustainable Transport.* Seeks to reduce the dominance of car traffic, address air quality and improve the historic environment within the Durham City area.
54. *Policy 25 – Developer Contributions.* States that new development will be approved where any mitigation necessary to make the development acceptable in planning terms is secured through appropriate planning conditions or planning obligations.
55. *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.

56. *Policy 29 – Sustainable Design.* Requires all development proposals to achieve well designed buildings and places having regard to advice within Supplementary Planning Documents (SPDs) and sets out detailed criteria which sets out that where relevant development is required to meet including; making a positive contribution to an areas character and identity; provide adaptable buildings; minimise greenhouse gas emissions and use of non-renewable resources; providing high standards of amenity and privacy; contributing to healthy neighbourhoods; providing suitable landscape proposals; provide convenient access for all users; adhere to the Nationally Described Space Standards (subject to transition period).
57. *Policy 31 – Amenity and Pollution.* Sets out that development will be permitted where it can be demonstrated that there will be no unacceptable impact, either individually or cumulatively, on health, living or working conditions or the natural environment and that they can be integrated effectively with any existing business and community facilities. Development will not be permitted where inappropriate odours, noise, vibration and other sources of pollution cannot be suitably mitigated against, as well as where light pollution is not suitably minimised. Permission will not be granted for sensitive land uses near to potentially polluting development. Similarly, potentially polluting development will not be permitted near sensitive uses unless the effects can be mitigated.
58. *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.
59. *Policy 33 - Renewable and Low Carbon Energy –* Supports renewable and low carbon energy development in appropriate locations. In determining planning applications for such projects significant weight will be given to the achievement of wider social, environmental and economic benefits. Proposals should include details of associated developments including access roads, transmission lines, pylons and other ancillary buildings.
60. *Policy 35 – Water Management.* Requires all development proposals to consider the effect of the proposed development on flood risk, both on-site and off-site, commensurate with the scale and impact of the development and taking into account the predicted impacts of climate change for the lifetime of the proposal. All new development must ensure there is no net increase in surface water runoff for the lifetime of the development. Amongst its advice, the policy advocates the use of SuDS and aims to protect the quality of water.
61. *Policy 36 – Water Infrastructure.* Advocates a hierarchy of drainage options for the disposal of foul water. Applications involving the use of non-mains methods of drainage will not be permitted in areas where public sewerage exists. New sewage and waste-water infrastructure will be approved unless the adverse impacts outweigh the benefits of the infrastructure. Proposals seeking to mitigate flooding in appropriate locations will be permitted though flood defence infrastructure will only be permitted where it is demonstrated as being the most sustainable response to the flood threat.

62. *Policy 39 – Landscape.* States that proposals for new development will be permitted where they would not cause unacceptable harm to the character, quality or distinctiveness of the landscape, or to important features or views and that development affecting valued landscapes will only be permitted where it conserves, and where appropriate enhances, the special qualities of the landscape, unless the benefits of the development in that location clearly outweigh the harm.
63. *Policy 40 – Trees, Woodlands and Hedges.* States that proposals will be expected to retain existing trees where they can make a positive contribution to the locality or to the development, maintain adequate standoff distances between them and new land-uses, including root protection areas where necessary, to avoid future conflicts, and integrate them fully into the design having regard to their future management requirements and growth potential.
64. *Policy 41 – Biodiversity and Geodiversity.* States 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.
65. *Policy 43 – Protected Species and Nationally and Locally Protected Sites.* Development proposals that would adversely impact upon nationally protected sites will only be permitted where the benefits clearly outweigh the impacts whilst adverse impacts upon locally designated sites will only be permitted where the benefits outweigh the adverse impacts. Appropriate mitigation or, as a last resort, compensation must be provided where adverse impacts are expected. In relation to protected species and their habitats, all development likely to have an adverse impact on the species' abilities to survive and maintain their distribution will not be permitted unless appropriate mitigation is provided or the proposal meets licensing criteria in relation to European protected species.
66. *Policy 44 – Historic Environment.* States that great weight will be given to the conservation of all designated assets and their settings (and non-designated heritage assets of archaeological interest that are demonstrably of equivalent significance to scheduled monuments). Such assets should be conserved in a manner appropriate to their significance, irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. This aligns with Chapter 16 of the NPPF.
67. *Policy 45 - Durham Castle and Cathedral World Heritage Site.* Both are designated heritage assets of the highest significance. New development should sustain and enhance the significance and be based upon Outstanding Universal Value, protecting and enhancing it in the immediate and wider setting and important views across, out of and into the site. Harmful development is only permitted in wholly exceptional circumstances.
68. *Policy 56 – Safeguarding Mineral Resources.* States that planning permission will not be granted for non-mineral development that would lead to the sterilisation of mineral resources within a Mineral Safeguarding Area. This is unless it can be demonstrated that the mineral in the location concerned is no longer of any current or potential value, provision can be made for the mineral to be extracted satisfactorily prior to the nonminerals development taking place without unacceptable adverse impact, the nonminerals development is of a temporary nature that does not inhibit extraction or

there is an overriding need for the non-minerals development which outweighs the need to safeguard the mineral or it constitutes exempt development as set out in the Plan. Unless the proposal is exempt development or temporary in nature, all planning applications for non-mineral development within a Mineral Safeguarding Area must be accompanied by a Mineral Assessment of the effect of the proposed development on the mineral resource beneath or adjacent to the site of the proposed development.

*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)

#### Supplementary Planning Documents

69. 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.
70. Residential Amenity Standards SPD (2023) – Provides guidance on the space/amenity standards that would normally be expected where new dwellings are proposed.
71. Parking and Accessibility SPD (2023) – Provides guidance on parking requirements and standards.

*The above represents a summary of those policies considered relevant. The full text, criteria, and justifications can be accessed at: [Development Plan supporting documents - Durham County Council](#)*

#### City of Durham Neighbourhood Plan (2021)

72. *Policy S1 - Sustainable Development Requirements of all Development and Redevelopment Sites Including all New Building, Renovations and Extensions.* Sets out the economic, social and environmental criteria that development proposals will be required to meet to: Promote economic well-being, to conserve, preserve and enhance the neighbourhood, to increase resilience to climate change, and secure equity and benefit to the local community.
73. *Policy S2 - The Requirement for Masterplans or Other Design and Development Frameworks.* States that the preparation of a masterplan or other appropriate design and development framework for all major development sites is supported prior to consideration of a planning application for the site. States that masterplans should address the following issues in so far as they are relevant to the particular development site:
  - a) to respect the scarcity and quality of land by ensuring that individual development proposals contribute satisfactorily to the total jobs intended to be created on employment sites; and
  - b) to demonstrate that development proposals add distinction to the City's landscape and townscape within the site through adherence to the masterplan's physical design guidelines; and
  - c) to minimise any impact on views and setting of the World Heritage site and to avoid harm to the amenities of neighbouring areas, particularly in Conservation Areas; and

d) to reduce the impact of travel by residents, employees and visitors by improving the provision for walking, cycling and public transport and by limited provision of car parking carried out in accordance with an agreed travel plan; and  
e) to provide high levels of permeability within, to and from the site through safe and attractive pedestrian and cycle routes: and  
f) to contribute to well-being both within and adjacent to the site by the provision and maintenance of green infrastructure for the enjoyment of residents, employees and the public, ensuring access for all.

74. *Policy H1 - Protection and Enhancement of the World Heritage Site.* Requires development within the Durham Cathedral and Castle World Heritage Site to sustain, conserve and enhance its outstanding universal value and support the current adopted management plan. Development within the WHS must take account of the historical and present uses of the site, propose high quality design, use appropriate materials and seek balance in respect of scale, density, massing, form, layout, landscaping and open spaces. Development proposals within Our Neighbourhood will need to sustain, conserve, and enhance the setting of the WHS where appropriate, by carrying out an assessment on how the development will affect the setting, including views to and from the WHS, protect important views and take opportunities to open up lost views and create new views and vistas.
75. *Policy H2 - The Conservation Areas.* Expects development within the City Centre Conservation Area to sustain and enhance its special interest and significance identified within the conservation area character appraisal taking account of sustaining and enhancing the historic and architectural qualities of buildings, continuous street frontages, patterns, boundary treatments, floorscape and roofscapes, avoiding loss or harm of an element that makes a positive contribution to its individual significance and surrounding area, using appropriate scale, density, massing, form, layout and materials, using high quality design sympathetic to the character and context, its significance and distinctiveness.
76. *Policy H3 - Our Neighbourhood Outside the Conservation Areas.* States that development proposals within the Neighbourhood Plan area, though outside the Conservation Areas, should, where appropriate, demonstrate an understanding of the area of the proposed development and its relationship to the Neighbourhood Plan Area as a whole. States that development proposals outside the Conservation Areas should take into account, and meet where appropriate and relevant to the area to which the proposal relates, by sustaining and making a positive contribution to the character and distinctiveness of the area; and avoiding the loss of open space and public realm that contributes to the character and appearance of the surrounding area; and using high quality design which contributes to the quality and character of the area; and having scale, density, massing, form, layout, landscaping and open spaces appropriate to the context and setting of the area; and using materials and finishes appropriate to the context and setting of the area.
77. *Policy G1 - Protecting and Enhancing Green and Blue Infrastructure.* Seeks to support developments that retain existing green or blue assets with significant recreational, heritage, cultural, ecological, landscape or townscape value and developments that provide additional green or blue assets, particularly if there is an identified deficiency. Any new or replacement assets must be appropriate to the context and setting. The policy requires developments to protect and enhance public rights of way and footpaths and green corridors. It offers support to proposals that provide net gains for biodiversity. The policy requires features of geological value to be protected. The

policy seeks to protect and enhance the banks of the River Wear by supporting proposals with desirable access that do not have significant impacts on current assets. The policy also seeks to protect dark corridors by ensuring developments minimise lighting in such areas.

78. *Policy G2 – Designation of Local Green Spaces* – Sets out that areas on the proposals map are designated as Local Green Space where inappropriate development should not be approved except in very special circumstances, including at the Durham Light Infantry (DLI) Grounds.
79. *Policy G3 - Creation of the Emerald Network*. States that an Emerald Network is identified, as shown on Proposals Map 3 of the Neighbourhood Plan, which comprises sites of wildlife interest within the Neighbourhood Plan Area linked by public rights of way or pavements. Proposals for the purpose of improving the biodiversity of sites in the Emerald Network will be supported. Proposals for the purpose of improving the amenity of sites in the Emerald Network, or for improving existing footpaths within or between these sites, or providing additional footpaths within or between these sites, particularly for improving accessibility for people with a disability, will be supported as long as they cause no significant harm to the biodiversity of these sites.
80. *Policy E1 - The Aykley Heads Business Park*. States that proposals for development of B1a and B1b uses will be supported at the Aykley Heads site shown in Proposals Map 5, where these are in accordance with a masterplan or other design and development framework prepared under Policy S2.
81. *Policy T1 Sustainable Transport Accessibility and Design*. Seeks to ensure that development proposals will be required to demonstrate best practice in respect of sustainable transport accessibility, impact and design.

*The above represents a summary of those policies considered relevant. The full text, criteria, and justifications can be accessed at:*

<http://www.durham.gov.uk/article/3266/Development-Plan-for-County-Durham> (Adopted County Durham Plan)

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## **CONSULTATION AND PUBLICITY RESPONSES**

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### **EXTERNAL CONSULTEE RESPONSES:**

82. *City of Durham Parish Council -*

Initial comments dated 25<sup>th</sup> November 2024

83. The Parish Council note the proposed variations are significantly different from the carefully crafted parameters for Plot D set out in the approved Aykley Heads Masterplan and consented application DM/20/01846/FPA. Whilst masterplans cannot be rigidly applied and circumstances have changed considerably since 2020, the principles set out in the Aykley Heads Masterplan are too important to be set aside lightly, not only in relation to Plot D but indeed for the whole development of Aykley Heads. As a result of this important concern, they wish this application to be determined by the County Planning Committee at the earliest possible opportunity thereby offering a wider opportunity for representations from interested parties.

84. Specifically, Plot D is described in the consented scheme as being split into natural compartments by woodland belts that should be retained. Each compartment is prescribed to have one or two buildings each of no more than 1,000 square metres floorspace, with a total for Plot D of a maximum footprint of 3,000 square metres in buildings of no more than 3 storeys. The surrounding planned landscape is described as being of meadow character and woodlands. In the event, Plot D is shown in the consented masterplan Phase 2 as having a single building of 3,000 square metres gross floor area over three floors, so a footprint of just 1,000 square metres.
85. The proposed Variations of Conditions completely transgress those meticulous requirements: instead of a building with a footprint of 1,000 square metres there would be a building with a footprint of 4,332 square metres. It isn't slightly bigger than consented, it is over four times bigger in footprint terms and even more in volume terms.
86. The landscape and wider views implications of this very significant departure from the Masterplan and consented scheme are presented in the accompanying 'Landscape and visual impact assessment'. This states in paragraph 3.2.1 that "the consented development for the application site comprises an illustrative outline concept design for a 3,000 square metres commercial building." It fails to say that this is over three floors, and that the footprint of the consented building is just 1,000 square metres. All the conclusions that follow from the application's assessment document about the visual impact of a 15m high building of 4,332 square metres footprint are thereby very questionable indeed, given that it is so very different to what has been most carefully prescribed in the consented scheme.
87. The consented development scheme lays down clear criteria and limits for retaining the landscape qualities of the Aykley Heads strategic employment site and ensuring that buildings are of an appropriate size, disposition and design. Unless all those approved criteria are now to be treated as bad work and redundant there should be no wholesale abandonment of them. To do so invites the very cynicism that so afflicts the planning system in much of the public mind. Accordingly, the Parish Council considers that a true landscape and visual impact assessment is crucial to a judgement on the acceptability of the VOC application. On the basis of the assessment currently available, the Parish Council has sufficient concerns to believe that the County Council should not approve the application before it at present.
88. The proposed amendment to condition 2 reflects amendments to the Use Classes Order. The Parish Council does not object to the revisions proposed. However, it notes that most data centres are in Use Class B.8 - Warehouses, a term which resonates with the proposed huge building with blank high walls. This proposed use and design of the building is thus incompatible with the consented B1 (now E(ii)g) Use Class, being very different in nature and appearance to the high-quality office building permitted and illustrated in the consented scheme.
89. Condition 5 requires a travel plan to be submitted for each plot/phase of development. The application seeks an amendment to this condition, stating that Plot D does not require a travel plan, given the nature of the proposed data centre. Whilst the reasons for this are understood, the Parish Council has concerns that if this condition is varied and the development proposals change in the future, particularly if the data centre is not developed, then this could result in future development of Plot D not according with the requirements of the development plan, particularly County Durham Plan policy 21 and Durham City Neighbourhood Plan policy T1.



90. The application also seeks an amendment to condition 10 which requires development to be carried out in accordance with the mitigation outlined within the approved ecological appraisal. It is noted that the applicant has commissioned updated ecological appraisal documents. The Parish Council therefore concludes that if the technical reports are accepted as being robust by the County Council Ecology Team, it has no objection to this amendment.
91. In conclusion, the Parish Council hopes that these comments assist in the progress of this application, specifically that a true landscape and visual impact assessment is needed to compare the proposed very large single warehouse-type building with the Masterplan's and the consented scheme's much smaller unit. To help and, as noted in paragraph 3 of this letter, we wish to call this application to determination by the County Planning Committee to create wider public engagement in this important project.

#### Updated comments dated 16.12.2024

92. We are writing this follow-up letter in the light of our recent meeting with the University's representatives and the new document L009 that has been provided in response to our initial representations dated 25 November 2024.
93. The Parish Council fully acknowledges and supports the increasing significance of Durham University as a world-class centre of learning and research, which has an important role in both fostering and creating economic growth. It is considered that the principle of the development of a data centre in Durham City has the potential to bring considerable benefits, not only to the City and the wider County but also the region.
94. The Parish Council believes that it is very important that the reasoning for making exceptions for this development at Aykley Heads is expressed in the public domain. There is great value in ensuring transparency and understanding about this case, particularly so that other proposals for development on the Aykley Heads strategic employment site do not attempt to justify inappropriate developments there.
95. That principle arises for the Parish Council on two grounds. The first is that what is being proposed for the data centre is in design terms more like a large warehouse than the illustrations of high quality office developments illustrated in the consented scheme. The proposed footprint seemed to be over four times greater than in the approved masterplan for Plot D. The number of jobs in the proposed data centre is between 7 and 15 jobs instead of the anticipated 200 to 300 on Plot D. The Parish Council believes that this proposal must not be used as a precedent for what constitutes acceptable designs and job densities on the Aykley Heads Strategic Employment Site and indeed for Plot D itself if the data centre proposal does not proceed.
96. The second main ground for ensuring public openness and understanding is regarding the resulting heat generated from the data centre and how this will be used. The submitted Planning Statement, Sustainability Statement and Design and Access Statement refer to maximising the use of waste heat within the development and suggest that the development will be heated through waste heat from the cooling system. Recently, a detailed technical note was provided to the Parish Council by the University, and a subsequent meeting with University representatives very helpfully explained how heat generated by the data centre would be delivered into a district

heating system if such a system is installed at Aykley Heads in future. The Parish Council does not claim to have the technical expertise necessary to adequately assess this additional information but welcomes the stated intentions.

97. Accordingly, the Parish Council considers that the level of heat generated from the development and how this is going to be captured/reused, in particular whether consideration has been given to capturing the heat and use it for other parts of the site, are important matters that needs to be covered through an appropriately worded planning condition. It remains the case that, in the absence of a district heating system, there will be waste heat expelled into the atmosphere, and the Parish Council would therefore wish for this to be minimised (see also point (c) below).
98. The new document L009 sets out on behalf of both applicants - Durham University and Durham County Council - responses to consultee comments so far received. Most of the Parish Council's representations made on 25 November are addressed to some extent but there are three matters that remain unresolved:
99. (a) Reference is made to justifying the very low number of jobs on site but the justification is missing from L009 unfortunately. This is important for sustaining the very purpose of the Aykley Heads Strategic Employment Site, namely for the whole site ever achieving the hoped for 4,000 jobs.
100. (b) L009 explains that the building parameters for Plot D would have allowed three buildings each of 1,000 square metres footprint and argues that this amounts to a total of 3,000 square metres footprint and so would remain within the maximum parameter of 3,300 square metres. It declares that "As such, the proposed data centre building with a proposed total footprint of 3,845sqm (with an additional footprint of 487sqm for the associated external generator yard) merely seeks to increase the maximum GEA floorspace parameter by 1,032sqm which is minor when viewed within the context of the wider scheme as a whole." The Parish Council points out that the parameters for Plot D are for separate units at least 15 metres apart and with trees retained between each unit so as to maintain the parkland quality for which Aykley Heads is promoted.
101. (c) L1009 lacks complete details in relation to capturing and reusing waste heat. There is simply a schematic diagram of cooling systems, no location for the necessary pumps, and no information on whether external modifications will be needed.
102. It is hoped that these comments will inform the decisions on the Reserved Matter and Variation of Conditions planning applications. We are glad that both applications will be determined by the County Planning Committee so as to create wider public engagement in this important project.
103. *Active Travel England* – Have responded with no comment.
104. *Coal Authority* – Have responded with no comment.
105. *Environment Agency* – Have not responded.
106. *Historic England* – Have responded with no comment.
107. *National Highways* – Have responded with no objection. They recommend the previously imposed condition securing a Construction Management Plan be re-imposed to ensure there would be no impact on the Strategic Road Network.

108. *Natural England* – Have not responded.
109. *Northumbrian Water* – Have responded with no comment.

**INTERNAL CONSULTEE RESPONSES:**

110. *Access and Rights of Way* – Advise that no recorded public rights of way are affected by this proposal.
111. *DCC Active Travel* – Have not responded.
112. *DCC Sustainable Travel* – Advise that the submitted updated Framework Travel Plan for the wider Aykley Heads site is acceptable. Also advise that no further submission is required for Plot D.
113. *Design and Conservation* – Have provided comments on both the current Section 73 application and the current Reserved Matters application for the proposal at Plot D. They advise that the impact of the proposal on the setting of the Durham City Conservation Area and World Heritage Site is assessed as negligible when compared to the outline approved scheme; neither better nor worse. The difference between the current proposal and the previously approved scheme is considered minor, and only likely to be perceived at site level. They note the woodland immediately to the south of the site prevents intervisibility between the proposed development and the aforementioned assets.
114. They note that the design, appearance and scale of the data centre follows the requirements of the proposed end use. With form following function. They note the applicant has endeavoured to reduce impact and assimilate this development into the site as best as possible. They note the applicant has responded positively to design advice from officers in respect of reduction in associated infrastructure, appropriate materiality, and landscape mitigation. Whilst being a different architectural form, scale, and language to what had been previously consented, they advise the impact of the development on the wider development site will be relatively localised due to the tree enclosed nature of the site and proposed landscape mitigation. They advise that how this form of development sits within the context of the wider masterplan for Aykley Heads, and within the context of existing development, is a matter of judgement for the case officer.
115. *Drainage and Coastal Protection* – Advise that the following further information is required in relation to surface water management:
- Basin construction detail, side slopes should be no greater than 1 in 5;
  - Identify by annotation or key where the porous asphalt is, the document refers to ‘in places’;
  - Sub-grade drainage run layout is required, showing connection to surface water drain running under the asphalt area;
  - Detail of how the access road drains to the swale, is it filter strip, kerb dropouts, or gullies;
  - Full retention separator locations and manufacturers data for pollution mitigation in accordance with high level risk as identified in table 26.2 CIRIA Guidance.

116. *Ecology* – Advise that they have no concerns with this Section 73 application. They advise that no impacts on protected species are expected. Clarity will be required as to how the development achieves a Biodiversity Net Gain through on-site and off-site delivery, and meets the recommendations regarding species, notably birds.
117. *Energy and Sustainability* – Have not responded.
118. *Environmental Health (Air Quality)* – Advise that further information is required following receipt of an Air Quality Assessment and a Construction Management Plan.
119. *Environmental Health (Contamination)* – No objection subject to previous conditions being re-imposed.
120. *Environmental Health (Nuisance)* – Advise that further information is required following receipt of a Construction Management Plan.
121. *Highways* – Advise that having considered the submitted Transport Assessment, the proposed Section 73 application is acceptable from the perspective of the Local Highway Authority.
122. *Landscape* – Note that the application is accompanied by a full AIA which concludes that there would be a significant loss arboriculturally which cannot be fully mitigated on-site. Officers note that some of this tree loss would have been unavoidable when Plot D were developed. However some of the proposed tree loss is specific to these proposals.
123. Due to the height and volume of the tree canopy to the south of this site, it is considered that the scale and appearance of the development would not have an adverse impact on the amenity of the wider landscape.
124. *Spatial Policy* – Advise that Policies 2 (Employment Land) and 3 (Aykley Heads) of the County Durham Plan are key considerations. They advise that the currently proposed data centre use does not conflict with the previously approved development of Plot D, and is acceptable in principle. They also advise that the increased floorspace is considered acceptable in principle, however the impact on this increase should be assessed in terms of relevant policies relating to Highways (Policy 21 Delivering Sustainable Transport), Design (Policy 29 Sustainable Design), Landscape (Policy 39 (Landscape) and Heritage (Policy 44 Historic Environment and Policy 45 Durham Castle and Cathedral World Heritage Site), as well as against the criteria in Policy 3.
125. They also advise that Policy E1 of the Durham Neighbourhood Plan relates to the Aykley Heads site. The policy states that proposals for development of B1a and B1b uses will be supported at the Aykley Heads site. Following the change in Use Classes it is considered that the principle of the proposed data centre is in accordance with the policy. Other relevant Neighbourhood Plan Policies include Policies S1, S2, H1, H2, H3 and T1.
126. *Arboricultural Officer* – Have no objection provided that all tree protection measures remain in place until construction is completed.

#### **PUBLIC RESPONSES:**

127. The application has been advertised in the local press, by site notice and individual notification letters sent to neighbouring properties.
128. A total of 2 letters of objection have been received. Comments from the City of Durham Parish Council have been logged as an objection, and are set out earlier in this report in full.
129. Comments from The City of Durham Trust have also been logged as an objection. The Trust raise concerns in respect of the low quality design, loss of trees, and lack of detail on how the proposal would reduce energy use, along with the proposed loss of direct jobs, and the deviation from the outline approval for Plot D and the wider masterplan for Aykley Heads. Whilst the Trust is generally supportive of the University's ambitions for a combined data centre and supercomputer, it sees no specific justification for why this site, rather than another site more closely associated with the University and on its estate, should be used. The Trust consider the proposal conflicts with Policies 3, 29 and 33 of the County Durham Plan, and with Policies S1 and E3 of the City of Durham Neighbourhood Plan.

**ELECTED MEMBERS:**

130. No comments received from Elected Members.

**APPLICANT'S STATEMENT:**

131. This application proposes variations to conditions 1 (Approved Plans), 2 (Floor Space and Use Classes), 5 (Travel Plan) and 10 (Ecology) pursuant to hybrid planning permission DM/20/01846/FPA, to create a Data Centre and ancillary office space (Use Class E(g)(ii)) with associated landscaping and infrastructure on Plot D of the Aykley Heads Masterplan.
132. The proposed development is for the construction of a Data Centre (Use Class E(g)(ii)) on Plot D of the Aykley Heads Masterplan. The development will replace underutilised brownfield land with a facility comprising research-focused data halls, ancillary office space, and additional infrastructure, integral to the growth of Durham University's advanced research computing potential.
133. Overall, developing a Data Centre on Plot D is acceptable in principle as it falls under the use class permitted via the outline planning permission (E(g)), however, this S73 application seeks to amend the currently approved building maximum GEA floorspace parameter for Plot D in order to accommodate the required Data Centre by increasing the consented GEA to 3,845 sqm. The application seeks to amend Condition 1 to update the list of approved plans and reports. Additionally, this application seeks to amend Condition 2 to reflect the updated use classes. It also seeks to amend Condition 5 to exclude Plot D, as the proposed use will not require a Travel Plan. Lastly, the application seeks to amend Condition 10 to reference the updated ecology surveys for Plot D.
134. In accordance with S73 of the TCPA, the proposed amendments to planning permission DM/20/01846/FPA are accepted as minor material amendments when viewed within the context of the wider scheme.
135. The proposed Data Centre will deliver significant social, economic, and environmental benefits. Socially, it will enhance Durham University's and the City's position as a

global leader in research, support education and skills development in technology, and inspire young people through regional engagement activities. Economically, the development will generate new jobs, attract businesses to the region, and equip the local workforce with advanced skills, contributing greatly to growth in the local and wider North-East economy plus act as a catalyst for market exposure on Aykley Heads. Environmentally, the development targets a BREEAM 'Very Good' rating and incorporates sustainable design features such as highly efficient lighting, water, heating and cooling systems, and the use of materials with a low lifecycle environmental impact and embodied energy. The proposal also facilitates connection to any future potential district heating system, and offers off-site biodiversity net gains through woodland enhancement. These benefits align with the NPPF and County Durham Plan, delivering a forward-looking, sustainable project with wide reaching benefits.

136. We respectfully request approval for this application without delay, enabling the delivery of the Data Centre and its significant and wide-reaching benefits, which is subject to the current reserved matters application under reference DM/24/02888/RM.

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## **PLANNING CONSIDERATIONS AND ASSESSMENT**

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137. Section 73 of the Town and Country Planning Act 1990 (as amended) applies to the determination of applications to develop land without the compliance with conditions previously attached. S73 states that on such an application the Local Planning Authority (LPA) shall consider only the question of the conditions subject to which planning permission should be granted. The LPA should decide whether planning permission should be granted subject to conditions differing from those the previous permission was subject to or that it should be granted unconditionally. If the LPA decide that planning permission should be granted subject to the same conditions as those subject to which the previous permission was granted, they should refuse the application.
138. In considering such an application, the Development Plan and any other material considerations under section 38(6) of the Planning and Compulsory Purchase Act, are relevant in the determination. LPAs should, in making their decisions, focus their attention on national and development plan policies, and other material considerations which may have changed significantly since the original grant of permission.
139. Since the grant of the original planning permission DM/20/01846/FPA, the Council has adopted a number of Supplementary Planning Documents (SPD's), the Durham City Neighbourhood Plan has been formally adopted, updated versions of the NPPF have also been published. The implications of these policy changes are addressed where relevant below.

### Principle of the Development

140. Hybrid planning permission DM/20/01846/FPA established the principle of the development of the site for the formation of a business park (Class B1) with supporting retail and leisure uses comprising uses. This proposal though a S.73 application seeks to vary the parameters plan for Plot D to allow the erection of a data centre, for which a separate reserved matters approval is also being sought.

141. At the time of granting consent for the wider Aykley Heads site in January 2021, the use for office buildings within Plot D would have fallen under Use Class B1a. Following changes to Legislation which updated the Planning Use Classes, office buildings would now fall under Use Class E(g)(i). The currently proposed Data Centre would fall under Use Class E(g)(ii).
142. Changes of use within a Use Class are not 'development', and therefore do not require planning permission. Therefore, under the current Use Classes, planning permission is not required to change the Use Class of a building or development from an Office building [Use Class E(g)(i)] to a Data Centre building [Use Class E(g)(ii)]. This is an important material consideration when assessing the current proposal.
143. The proposed Data Centre use, within Use Class E, is also considered an employment land use. The Council's Corporate Property and Land team (CPAL), who manage the marketing and development of the Aykley Heads site, advise that they are currently in the final stages of securing a partner to develop out Aykley Heads, which would see the circa 400,000sq.m. of master planned floorspace be developed over the next 10 years. They consider that Plot D, which is part of the Aykley Heads consent, if developed for a data centre would bring significant positive benefits, and the proposal has their full support as it will be an attractor to further development at Aykley Heads. They also advise that the current proposal for a data centre is compatible with the Aykley Heads masterplan, and that the Aykley Heads Innovation District would benefit enormously from the data centre as it could support longer term job creation.
144. The recently updated NPPF lends support to the principle of data centres, with Paragraph 86 requiring Local Plan Policies to pay particular regard to facilitating development to meet the needs of a modern economy, including by identifying suitable locations for uses such as laboratories, gigafactories, data centres, digital infrastructure, freight and logistics. Paragraph 87 of the NPPF then states that planning policies and decisions should recognise and address the specific locational requirements of different sectors, including making provision for clusters or networks of knowledge and data-driven, creative or high technology industries; and for new, expanded or upgraded facilities and infrastructure that are needed to support the growth of these industries (including data centres and grid connections).
145. The proposed Data Centre use would lead to the creation of 15 direct jobs. This would be a notable reduction compared to the direct jobs that could have been expected from the extant outline consent for office space on this site, as highlighted by objections. However, as above both uses fall under the same use class and are therefore consistent with the masterplan, the loss of potential jobs would not be a reasonable reason to resist granting permission for the current proposal. The lack of a need for planning permission to change the use of an office building to a data centre is also an important consideration.
146. The applicant, Durham University, submits that their existing data centre is too small to accommodate the currently proposed supercomputer, leading to the need to construct a new facility. It is submitted that the University has explored a number of sites for housing this Data Centre, and Plot D at Aykley Heads was considered most suitable because there were no suitable sites within the University's Estate, or elsewhere within the City. It is also advised that the proposed Data Centre represents an investment of circa £250million, and has the potential to be hugely beneficial, not just to the University, but to the City and wider region, putting Durham at the forefront

of technological innovation, research and advancement. The applicant also suggests that the development would lead to indirect jobs in the wider County.

147. It is recognised that a Data Centre would provide a facility to assist with research and development and could form a catalyst for future development elsewhere on the Aykley Heads site, elsewhere in the City, and elsewhere in the County, as future developments could be drawn to the area as a result of the current proposal. Moderate weight should be afforded to this in the planning balance.
148. As set out in the above assessment, planning permission is not required for a change of use from an Office building to a Data Centre building. This is an important material consideration when assessing the current proposal. It is considered that the proposed data centre use would be compatible with, and would not conflict with, the redevelopment of the wider Aykley Heads site. The proposal therefore does not conflict with the Policies 2 or 3 of the County Durham Plan (the CDP), or with Policies S1, S2 or E1 of the City of Durham Neighbourhood Plan (the NP) in this respect.
149. The applicant submits that Plot D at Aykley Heads was considered the most suitable location to provide for their need for a Data Centre because there were no suitable sites within the University's Estate, or elsewhere within the City. The formation of a data centre would draw broad support from Policy 16 of the CDP which seeks to support University developments including complementary uses to the main academic operations.

#### Visual Impact

150. Policy 39 of the County Durham Plan states proposals for new development will be permitted where they would not cause unacceptable harm to the character, quality or distinctiveness of the landscape, or to important features or views. Proposals are expected to incorporate appropriate measures to mitigate adverse landscape and visual effects. CDP Policy 39 also sets out that development affecting Areas of Higher Landscape Value will only be permitted where it conserves the special qualities of the landscape unless the benefits of development in that location clearly outweigh the harm. Policy 26 outlines developments are expected to provide new green infrastructure and ensure provision for its long-term management and maintenance. Similar requirements are outlined in Policy 29. Policy 40 seeks to avoid the loss of existing trees and hedgerows unless suitable replacement planting is provided, this is further referenced in the Trees and Hedges SPD. Policies 44 and 45 seek to preserve heritage assets, including conservation areas and the setting of the World Heritage site.
151. The Durham City Neighbourhood Plan also seeks to safeguard important views partially in relation to heritage assets, promote high quality design and safeguard green space/infrastructure with specific regard to Aykley Heads Business Park.
152. In the determination of the original hybrid application, specific consideration was given to the impact of the development of Plot D in wider landscape, heritage and townscape views. It was noted that Plot D was an area of former bowling greens and associated soft landscaping. It was concluded that the development shown on the submitted plans would work within the framework of existing features and would not require removal of substantial areas of vegetation, although the extent to which this was realised would depend on detailed design at reserved matters stage. It was also concluded that while the development (based on the submitted parameter plans) would introduce built form



and would bring a notable change in character, it would nevertheless be likely to sit comfortably in this setting. Furthermore, the development of new buildings, with landscaped car parking and landscaped open space would be likely to have some beneficial effects in refreshing, and bringing supervision to, neglected and under-used areas. Taken in the round it was concluded that the effects of redevelopment would be likely to be neutral or beneficial depending on detailed design and development in Plot D would not be generally visible in views of the wider landscape being largely screened by intervening topography and vegetation.

153. In respect of this application, objectors, including the Parish Council have raised concerns regarding the potential visual impact of the development, highlighting that the footprint of the current proposal is far greater than the footprint than that indicated on the approved parameters plan. It is suggested that revised landscape/visual impact assessments should be undertaken to establish the impact of the proposed changes.
154. It is noted that the original planning approval included an approved parameters plan for Plot D, this indicated a total maximum permitted Gross External Area floorspace of 3,300 sq.m, while setting out building heights of 2 and 3 storeys, in different blocks. This application proposes to update the proposed parameter plan for Plot D, setting a Gross External Area floorspace for the Data Centre is approximately 4,332 sq.m and a blanket building height of 3 storey. Whilst recognising that this a large increase in the potential maximum footprint of the built development within the plot, it is considered that a suitably designed and scaled building within these parameters (as indicated in the associated reserved matters application) could be sited within the plot without causing wider landscape, heritage or townscape harm.
155. This view is shared by the Council's Landscape Officer and the Council's Design and Conservation Officer. They both advise that due to the height and volume of the existing tree canopy to the south of this site, the scale and appearance of the development would not have an adverse impact on the amenity of the wider landscape and any impact on heritage assets (including the Durham City Conservation Area and World Heritage Site) over and above the original permission.
156. Given these views, which have been informed by work undertaken on the original planning application, it is considered that a revised assessment of the visual impacts of the changes of this element of the development is not required.
157. On balance, the indicative heights of the proposed building are considered acceptable in principle. The subsequent design, heritage and landscape amenity implications will be considered in detail during the assessment of the reserved matters under application DM/24/02888/RM. The development would accord with Policies 26, 29, 39, 44 and 45 of the County Durham Plan, Policies S1, S2, H1, H2, H3, G1, and E1 of the Durham City Neighbourhood Plan and Parts 12, 15 and 16 of the NPPF.

#### Amenity of neighbouring land uses

158. Policies 29 and 31 of the CDP outline that developments should provide high standards of amenity and privacy, minimise the impact of development upon the occupants of existing adjacent and nearby properties and not lead to unacceptable levels of pollution. CDNP Policies S1 and H3 require development to demonstrate a high level of design that harmonises with its context. Parts 12 and 15 of the NPPF, which require that a good standard of amenity for existing and future users be ensured,

whilst seeking to prevent both new and existing development from contributing to, or being put at unacceptable risk from, unacceptable levels of pollution.

159. Salvus House, an existing office building, is located approximately 15m north of the site. Plot E of the wider Aykley Heads development, which benefits from an extant consent for office buildings, is located approximately 15m to the east of the current site at Plot D. To the south of Plot D is a dense tree line, to the west are drainage basins.
160. The nearest residential properties are at Straughan Crescent, approximately 120m northeast of the main part of the site, and 60m northeast of the access onto Aykley Heads Way.
161. The proposed changes to the parameter plan are not considered to alter the level of amenity that would be experienced by surrounding land users over and above the extant permission. The development would accord with Policies 3, 29 and 31 of the CDP, with Policies S1 and E1 of the NP, and Parts 12 and 15 of the NPPF.

#### Highway safety

162. The access arrangement from Aykley Heads Way to the north of the site has already been considered and approved under consent DM/20/02046/FPA.
163. The Highway Authority offer no objection to this current application. The car parking, cycle parking and electric vehicle charging provision would be considered during the assessment of the reserved matters under applications, taking into account the parking standards now imposed in the Parking and Accessibility SPD.
164. National Highways have been consulted and have no concerns provided that the previously imposed Construction Management Plan condition be re-imposed, in the interest of highway safety on the Strategic Road Network.
165. This application does seek to amend Condition 5 (Travel Plan) of the original consent DM/20/02046/FPA, to remove the requirement for a Travel Plan to be submitted to and approved by the Local Planning Authority prior to the first use of the proposed building at Plot D. This is to reflect the proposed Data Centre use, which would generate significantly fewer vehicle movements than the previously approved office buildings at Plot D.
166. The Council's Travel Plan officer has been consulted and have raised no concerns to this proposed amendment. However, to address concerns raised by the Parish Council and objectors, it is recommended that in the event that any resultant building is not used as a data centre the requirement to submit a travel plan would remain.
167. Overall subject to conditions, it is considered that the amendments to the parameter plan would not lead to an adverse impact on highway safety or reduce the sustainability credentials of the site in accordance with Policies 3 and 21 of the CDP, with Policies S1, E1 and T1 of the NP, and with Part 9 of the NPPF.

#### Ecology

168. Policies 26, 35, 41 and 43 of the CDP seek to secure net gains for biodiversity and coherent ecological networks. Policy 43 relates to protected species and nationally and locally protected sites. CDNP Policy S1 seeks to protect biodiversity, whilst CDNP

Policy G1 states that proposals that enhance nature conservation will be supported. CDNP Policy G3 states that development proposals that would cause significant harm to the biodiversity of sites within the Emerald Network should be refused planning permission, unless the harm can be avoided, mitigated or compensated. Part 15 of the NPPF seeks to ensure that developments protect and mitigate harm to biodiversity interests, and where possible, improve them.

169. The original application was informed by a suite of ecological surveys which informed an assessment on the likely impact of the development on ecological interest. It was concluded at the time that subject to mitigation measures, to include working practices, timings of works and the use of low level lighting the development would not have an adverse impact on protected species. It was however recognised that the demolition of County Hall at Plot A would require a licence from Natural England in respect of bats. No specific mitigation measures or constraints were identified in relation to Plot D, however an updated ecological survey have been submitted in support of this application.
170. The Council's Ecology officer has been consulted this current application and advised that the submitted reports and their subsequent conclusions are sound, and no objections are raised in relation to this Section 73 application. It is however advised that the updated Ecological Impact Assessment and Construction Environmental Management Plan should be updated as approved plans and compliance with the mitigation measures would be secured by an updated Condition 10.
171. The Council's Ecology officer has sought clarity as to how the development would achieve a Biodiversity Net Gain through on-site and off-site delivery. However, in line with the original approval, this detailed matter will be considered during the assessment of the reserved matters applications.
172. Overall it is considered that the proposed changes to the parameter plan to facilitate the formation of a data centre would not impact on the ecological interests of the site, and mitigation would be secured through an amendment to Condition 10. The development would therefore accord with Policies 3, 41 and 43 of the CDP, Policies S1 and G1 of the NP, or with the Part 15 of the NPPF.

#### Loss of Sports Facilities

173. The original Application recognised the loss of existing but currently unused sports facilities at Aykley Heads. These are identified as being the former bowling green, hockey pitch and tennis courts located in the vicinity of Plots D and E. In accordance with Policy 3(g) of the CDP a financial contribution to facilitate playing field re-provision in the catchment area was required, the bowling greens had previously been provided. However, as the council were both the applicant and the local planning authority, a S106 legal agreement could not be used as the mechanism through which to secure the financial contribution required by Policy 3.
174. Therefore, on approval the original application the financial contribution of £160,000 towards the re-provision of the existing hockey facilities and £140,000 towards the re-provision of the existing tennis facilities was paid and ringfenced to be utilised for the re-provision of sports pitches.
175. On this basis it was concluded that the development accorded with CDP Policies 3 and 26 of the CDP, as well as Part 8 of NPPF in that the lost facilities would be

ultimately replaced by equivalent or better provision. Given that the contribution has been paid the proposed amendments do not alter the conclusions reached in the original application.

#### Updating Conditions

176. As the granting of this application would in effect provide a new permission, consideration needs to be given to the need and status of the conditions on the hybrid consent DM/20/01846/FPA which granted outline permission for the development of Plot D:

#### Conditions relating to the Aykley Heads site as a whole:

177. Condition 1 (Approved Plans) – To be amended as currently proposed.
178. Condition 2 (Floorspace and Use Classes) – To be amended to reflect updated Use Classes Following change in legislation.
179. Condition 3 (Change of Use Class Restriction) – No change.
180. Condition 4 (Working Hours) – No change.
181. Condition 5 (Travel Plan) – To be amended to reflect approval of the submitted updated Travel Plan, which covers the entire Aykley Heads development.
182. Condition 6 (Land Contamination) – To be amended to reflect approved details and part discharge in respect of Plot C under decision DRC/21/00075.
183. Condition 7 (Land Contamination Verification) – To be amended to reflect approved details and part discharge of condition in respect of Plot C under decision DRC/21/00075.
184. Condition 8 (Archaeology) – Update to reflect approved details in respect of Plot D only under decision DM/24/02830/DRC. Updated condition will still require details to be submitted in respect of Plots A, B and E.
185. Condition 9 (Archaeology Post Investigation Assessment) – Updated to still require details to be submitted in respect of Plots A, B, D and E.
186. Condition 10 (Ecology reports) – To be amended to reflect approved details and part discharge in respect of Plot C under decision DRC/21/00075, and to reflect currently submitted documents in relation to Plot D.
187. Condition 11 (Landscape Strategy, all Plots aside from Plot C) – No change

#### Conditions relating to Plot C only:

188. Condition 12 (Time Limit) – Remove as Plot C is now constructed and occupied.
189. Condition 13 (Construction Management Plan) – Remove as Plot C is now constructed and occupied.

190. Condition 14 (Tree Protection Measures) – Remove as Plot C is now constructed and occupied.
191. Condition 15 (Landscaping scheme) – To be discharged, Landscape Strategy Plot C Rev D drawing received under this application is acceptable.
192. Condition 16 (Travel Plan) – To be amended to reflect approval of the submitted Travel Plan, which covers the entire Aykley Heads development.
193. Condition 17 (Car Parking Management and Enforcement Plan) – Update to enable details to be submitted within one month of the date of this decision, should planning permission be granted.
194. Condition 18 (Cycle Parking) - Update to enable details to be submitted within one month of the date of this decision, should planning permission be granted.
195. Condition 19 (EV charging points) - Update to enable details to be submitted within one month of the date of this decision, should planning permission be granted.
196. Condition 20 (External Lighting) – Amend to reflect approved details and discharge of condition under decision DRC/21/00075.
197. Condition 21 (Biodiversity Net Gain) – Update to enable details to be submitted within one month of the date of this decision, should planning permission be granted.

Conditions relating to the remainder of the site excluding Plot C

198. Condition 22 (Time Limit for submission of Reserved Matters) – No change.
199. Condition 23 (Car Parking Management and Enforcement Plan) – No change.
200. Condition 24 (Approval of the Reserved Matters) – No change.
201. Condition 25 (Plot A Green Belt restriction) – No change.
202. Condition 26 (Sustainability Assessment) – No change.
203. Condition 27 (Secured by Design and Counter-Terrorism principles) – No change.
204. Condition 28 (Construction Management Plan) – Amended to exclude Plot D from being required to submit further details.
205. Condition 29 (Biodiversity Net Gain) – No change.
206. Condition 30 – (Surface Water and Foul Drainage) – Amended to exclude Plot D from being required to submit further details.

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## **CONCLUSION**

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207. Section 38(6) of the Planning and Compulsory Purchase Act 2004 sets out that planning applications be determined in accordance with the development plan unless

material considerations indicate otherwise. In light of the recent adoption of the CDP, the Council now has an up-to-date development plan. Paragraph 11 of the NPPF establishes a presumption in favour of sustainable development. For decision taking this means approving development proposals that accord with an up-to-date development plan without delay (Paragraph 11 c).

208. This application seeks minor material amendments to a development which already has planning permission that establishes the principle of a mixed-use development of the nature proposed at the site. When determining a S73 variation of condition application the LPA should be considering only the question of the conditions subject to which planning permission should be granted, however, in approving the application a new planning permission for the development as a whole is granted.
209. The redevelopment of the Aykley heads site has been established with elements of the development constructed, a large portion of the site undeveloped with extant outline permission for predominantly office uses, with a range of supporting retail and leisure uses. The focus of the consideration of the application is on the impacts of the amendments to the planning permissions proposed and the compliance with relevant planning policy.
210. Given that a data centre falls within the same use class as an office, the development would be in accordance with the principles established in the original application. It should be noted that planning permission is not required for a change of use from an office building to a data centre building, as both uses fall within the same Use Class. Notwithstanding this, it is concluded that a data centre would remain compatible with the existing and proposed uses on the site, whilst also having the potential to operate as a catalyst for development on the wider site.
211. The acceptability of the application principally revolves around the changes to the proposed parameters plan to facilitate the development. It is concluded that due to the height and volume of the existing tree canopy to the south of this site, the scale and appearance of the development would not have an adverse impact on the amenity of the wider landscape and any impact on heritage assets (including the Durham City Conservation Area and World Heritage Site) over and above the original permission.
212. It is also concluded that the changes would not impact on highway safety and accessibility issues over and above the original application. A suite of updated ecological reports have been provided, and officers conclude that the development would not impact on any ecological interest on the site including species protected by law. Further consideration of specific detailed impacts of the development such as site layout, design, parking and BNG provision would be considered though reserved matters applications as initially envisaged.
213. Amendments are proposed (as detailed above) to relevant conditions of the original planning approval, which will be issued as a new permission. These address previous approvals, additional information received and to ensure that the proposals align with the wider permission.
214. Whilst recognising the objections received, the proposals are considered to accord with relevant policies of the County Durham Plan, the Durham City Neighbourhood Plan and NPPF. There are no material considerations which indicate otherwise and therefore the application is recommended for approval.

## Public Sector Equality Duty

215. 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.
216. In this instance, officers have assessed all relevant factors and do not consider that there are any equality impacts identified. Accordingly, no changes to the proposal were required to make it acceptable in this regard.

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## **RECOMMENDATION AND CONDITIONS**

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

### Conditions relating to the application site as a whole:

- 1) The development hereby approved shall be carried out in strict accordance with the following approved plans:

AKH-RYDER-00-ZZ-DR-A-0002-S2-P2 - Site Location Plan  
AKH-RYDER-00-ZZ-DR-A-003-S2-P2 - Existing Site Plan  
AKH-RYD-00-ZZ-DR-A-9800-S1-P1 – Indicative Masterplan Phase 00  
AKH-RYD-00-ZZ-DR-A-9801-S1-P1 – Indicative Masterplan Phase 01  
AKH-RYD-00-ZZ-DR-A-9802-S1-P2 – Indicative Masterplan Phase 02  
AKH-RYD-00-ZZ-DR-A-9803-S1-P2 – Indicative Masterplan Phase 03  
AKH-RYD-00-ZZ-DR-A-9804-S1-P2 – Indicative Masterplan Phase 04  
AKH-RYD-00-ZZ-DR-A-9805-S1-P2 – Indicative Masterplan Phase 05  
AKH-RYD-00-ZZ-DR-A-9806-S1-P2 – Indicative Masterplan Phase 06  
AKH-RYD-00-ZZ-DR-A-9807-S1-P2 – Indicative Masterplan Phase 07  
AKH-RYD-00-ZZ-DR-A-9808-S1-P2 – Indicative Masterplan Phase 08  
AKH-RYD-00-ZZ-DR-A-9809-S1-P2 – Indicative Masterplan Phase 09  
AKH-RYD-00-ZZ-DR-A-9810-S1-P2 – Indicative Masterplan Phase 10  
AKH-RYD-00-ZZ-DR-A-9811-S1-P5 – Indicative Masterplan  
AKH-RYD-00-ZZ-DR-A-9812-S1-P5 – Height Parameters  
AKH-RYDER-00-ZZ-DR-A-9817-S2-P1 - Parameters Plot A North  
AKH-RYDER-00-ZZ-DR-A-9818-S2-P1 - Parameters Plot A South  
AKH-RYDER-00-ZZ-DR-A-9819-S2-P1 - Parameters Plot B  
AKH-RYDER-00-ZZ-DR-A-9820-S2-P1 - Parameters Plot C  
AKH-RYD-00-ZZ-DR-A-9807-S1-P6 – Parameters Plot D  
AKH-RYDER-00-ZZ-DR-A-9822-S2-P1 - Parameters Plot E

2047-DCC-ZZ-DR-A-0001 Plot C Aerial  
2047-DCC-ZZ-DR-A-0002 Plot C Existing Location Plan  
2047-DCC-ZZ-DR-A-0003 Plot C Existing Site Plan  
2047-DCC-ZZ-DR-A-0004 Plot C Existing Site Sections  
2047-DCC-ZZ-DR-A-1001 Plot C Proposed Site Plan  
2047-DCC-ZZ-DR-A-1002 Plot C Proposed Site Plan  
2047-DCC-ZZ-DR-A-1003 Plot C Proposed Site Sections

2047-DCC-ZZ-DR-A-2001 Plot C Proposed General Arrangement Plans  
2047-DCC-ZZ-DR-A-2003 Plot C Proposed 3D Iso  
2047-DCC-ZZ-DR-A-3001 Plot C Proposed South and West Elevations  
2047-DCC-ZZ-DR-A-3002 Plot C Proposed North and East Elevations  
2047-DCC-ZZ-DR-A-4001 Plot C Proposed Sections A-A B-B  
2047-DCC-ZZ-DR-A-4001 Plot C Proposed Sections C-C D-D  
2047-DCC-ZZ-DR-A-6001 Plot C Proposed Strip Sections  
2047-DCC-ZZ-DR-A-9002 Plot C Proposed CGI  
2047-DCC-ZZ-DR-A-9004 Plot C Proposed Materials Study  
2047-DCC-ZZ-DR-A-9001 Plot C Proposed Architectural Specification  
1114\_200 Rev D Plot C Landscaping Strategy  
2603C 514 Rev B Proposed Drainage Plan (Plot C)  
1114\_110 Rev A Indicative Proposed Contours

Planning Statement by DPP dated June 2020 ref: NC/LF/3161NE/R001  
Planning Statement Addendum letter dated 14 November 2020  
Sequential Assessment by DPP dated April 2020 ref: NC/LF/3161NE/R008  
Sequential Assessment Addendum letter dated 4 November 2020  
Design and Access Statement by Ryder Architecture ref: AKH-RYD-XX-XX-RP-A-0001-S2\_P6  
Noise Assessment by NJD dated March 2020 ref: NJD18-0040-001R  
Exterior Lighting Assessment by Desco dated 30 March 2020 ref: 1761-60-RPT-01  
Masterplan Drainage Strategy by Shadbolt dated October 2020 ref: 2603  
Plot C Stage 3 Report by Shadbolt dated October 2020 ref: 2603  
Flood Risk Assessment by Shadbolt dated April 2020 ref: 2603  
Biodiversity Net Gain Assessment Plot C by OS Ecology dated November 2020  
Bat Survey by OS Ecology dated August 2020  
Breeding Bird Survey by OS Ecology dated August 2020  
Great Crested Newt eDNA Survey by OS Ecology dated June 2020  
Preliminary Ecological Appraisal by OS Ecology dated August 2020  
Preliminary Site Investigation Report by Dunelm dated January 2016  
Geoenvironmental Interpretive (Plot C) Report by Fairhurst Issue 2 dated 03/07/2019  
Arboricultural Impact Assessment (Masterplan) by Dendra dated 08/07/2020 ref: DCC\_AHMasterplan\_AIA1.2  
Arboricultural Impact Assessment (Plot C) by Dendra dated 06/05/2020 ref: DCC\_AHPlotC\_AIA1.3  
Environmental Statement Volume 1 Text and Figures  
Environmental Statement Volume 2 Appendices  
Environmental Statement Volume 3 Non-Technical Summary  
Environment Statement Appendix 3.1 Schedule of Development  
Framework Travel Plan by SAJ ref: 0008.4 – dated May 2020 received October 2024

Arboricultural Impact Assessment by Arbux ref: DDCDataCentre\_AIA\_01 (PLOT D ONLY)  
Ecological Impact Assessment by OS Ecology ref: 24287 V5 (PLOT D ONLY)  
Great Crested Newt Survey by E3 Ecology ref: 7714/L01 (PLOT D ONLY)  
Bird Risk Assessment by E3 Ecology Revision R02 (PLOT D ONLY)  
Construction Environmental Management Plan ref: 24287 V3 (PLOT D ONLY)  
Construction Management Plan Revision 2.0 by Patrick Parsons (PLOT D ONLY) including appendices  
9958-FUT-ZZ-ZZ-RP-A-1951 Issue 01 Addendum to Construction Management Plan by Future-tech (PLOT D ONLY)



Foul and Surface Water Drainage Strategy by CSEA ref: RPT-24\_069-001 4th Issue (PLOT D ONLY)  
 Health and Safety Risk Assessment for SuDS Basin as part of development of Data Centre, Plot D, Land at Aykley Heads, Framwellgate Peth, Durham (PLOT D ONLY)  
 Transport Statement by SAJ ref: JN2947-Rep-0001.3 (PLOT D ONLY)  
 Plant Noise Impact Assessment by NSL ref: 92409/NIA/Rev1 Revision 4 (PLOT D ONLY)  
 Heritage Statement by DU Archaeological Services ref: 6155rev (PLOT D ONLY)  
 Landscape Visual Impact Assessment by MHP ref: 24122 V5 (PLOT D ONLY)  
 Soil Resources Assessment by Land Research Associates ref: 2374/3 (PLOT D ONLY)  
 24122.411 Revision A Soil Strategy Plan by MHP (Plot D ONLY)  
 Air Quality Assessment by RPS ref: 794-ENV-AIR-21125 Rev 4 (PLOT D ONLY)  
 Exterior Lighting Assessment Issue 02 by Future-tech (PLOT D ONLY)  
 Data Centre For Durham University Risk Assessment by Guidepost (TVRA) (PLOT D ONLY)  
 Outline Soft Landscape Specification by MHP (PLOT D ONLY)  
 10 Year Landscape Management Plan by MHP (PLOT D ONLY)

*Reason: To define the consent and ensure that a satisfactory form of development is obtained and in accordance with Policies 2, 3, 21, 22, 25, 26, 29, 31, 32, 35, 36, 39, 40, 41, 43, 44 and 45 of the County Durham Plan, and Policies S1, S2, H1, H2, H3, G1, G3, E1 and T1 of the City of Durham Neighbourhood Plan.*

- 2) The total floorspace of Use Classes E(a-c) and E(e-f) uses hereby approved shall not exceed 1,136 sq.m. Within this, the E(a) retail element of the development hereby approved shall not exceed 400sq.m. in total.

*Reason: In the interests of maintaining the vitality of Framwellgate Moor Local Centre, in accordance with Policy 9 of the County Durham Plan.*

- 3) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and/or re-enacting that Order), no change of use of any building hereby approved to any other use within the Use Classes Order shall take place without the grant of further specific planning permission from the Local Planning Authority.

*Reason: In the interests of the amenity of the surrounding area in accordance with Policies 29 and 31 of the County Durham Plan and Parts 12 and 15 of the National Planning Policy Framework.*

- 4) In undertaking the development that is hereby approved:

No external construction works, works of demolition, deliveries, external running of plant and equipment shall take place other than between the hours of 0730 to 1800 on Monday to Friday and 0730 to 1400 on Saturday.

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

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

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

*Reason: To protect the residential amenity of existing and future residents from the development in accordance with Policy 31 of the County Durham Plan and with Part 15 of the National Planning Policy Framework.*

- 5) Prior to the first use of any building at Plots A, B, D (other than in respect of Plot D if it is used as a Data Centre) and E, as identified on the hereby approved plans, where a Travel Plan is required for that building, it shall be submitted to and approved in writing by the Local Planning Authority. The Travel Plan for that building shall conform to the hereby approved Framework Travel Plan, Reference JN1628-Rep-0008; and shall also conform to the National Specification for Workplace Travel Plans, PAS 500:2008, Bronze level, comprising immediate, continuing or long-term measure to promote and encourage alternatives to single occupancy car use relating to that building. The submitted details shall include mechanisms for monitoring and review over the life of the development and timescales for implementation.

The Approved Travel Plan shall thereafter be implemented, monitored and reviewed in accordance with the approved details.

*Reason: To reduce reliance on the private motor car and to promote sustainable transport methods in accordance with Policy 21 of the County Durham Plan, with Policies S1 and T1 of the City of Durham Neighbourhood Plan, and with Part 9 of the National Planning Policy Framework.*

- 6) No development shall commence on Plots A, B, D or E until a land contamination scheme for that Plot has been submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall be compliant with the YALPAG guidance and include a Phase 2 site investigation, which shall include a sampling and analysis plan. If the Phase 2 identifies any unacceptable risks, a Phase 3 remediation strategy shall be produced and where necessary include gas protection measures and method of verification.

*Reason: To ensure that the presence of contamination is identified, risk assessed and proposed remediation works are agreed in order to ensure the site suitable for use, in accordance with Policy 32 of the County Durham Plan and Part 15 of the National Planning Policy Framework. Required to be pre-commencement to ensure that the development can be carried out safely.*

- 7) Remediation works for each Plot shall be carried out in accordance with the approved remediation strategy for that Plot. No development within a Plot shall not be brought into use until such time a Phase 4 Verification report related to that Plot has been submitted to and approved in writing by the Local Planning Authority.

*Reason: To ensure that the remediation works are fully implemented as agreed and the site is suitable for use, in accordance with Policy 32 of the County Durham Plan and Part 15 of the National Planning Policy Framework.*

- 8) No development shall commence on Plots A, B, or E, until a written scheme of investigation setting out a programme of archaeological work within that Plot in

accordance with 'Standards for All Archaeological Work in County Durham and Darlington' has been submitted to and approved in writing by the Local Planning Authority. The programme of archaeological work will then be carried out in accordance with the approved scheme of works.

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

- 9) No development within Plots A, B, D or E shall be occupied until the post investigation assessment relating to that Plot has been completed in accordance with the approved Written Scheme of Investigation for that Plot. The provision made for analysis, publication and dissemination of results, and archive deposition, should be confirmed in writing to, and approved by, the Local Planning Authority.

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

- 10) The development shall be carried out in accordance with the mitigation outlined within the mitigation identified in the following reports:

Plots A, B and E:

ECOLOGICAL APPRAISAL - Aykley Heads Strategic Employment Site October 2017 (E3 Ecology)

BAT SURVEY - Aykley Heads Strategic Employment Site August 2020 (OS Ecology)

BREEDING BIRD SURVEY - Aykley Heads Strategic Employment Site August 2020 (OS Ecology)

GREAT CRESTED NEWT SURVEY - Aykley Heads Strategic Employment Site August 2020 (OS Ecology)

Plot D:

Ecological Impact Assessment by OS Ecology ref: 24287 V5 (PLOT D ONLY)

Great Crested Newt Survey by E3 Ecology ref: 7714/L01 (PLOT D ONLY)

Bird Risk Assessment by E3 Ecology Revision R02 (PLOT D ONLY)

Construction Environmental Management Plan ref: 24287 V3 (PLOT D ONLY)

*Reason: To ensure retained habitat is protected and to conserve protected species, in accordance with Policies 41 and 43 of the County Durham Plan, with Policy S1 of the City of Durham Neighbourhood Plan, and with Part 15 of the National Planning Policy Framework.*

- 11) No part of the development, other than Plot C, shall be occupied or brought into use until a landscape strategy for the application site as a whole, including land adjacent to the site and in the applicant's control, has been submitted to and agreed in writing by the Local Planning Authority. As a minimum, the strategy will include the following:
- (i) A timetable for implementation of the landscape strategy;
  - (ii) A network of good quality, multifunctional green infrastructure including clearly defined landscape structure boundaries;

- (iii) In the case of Plot A South, the scheme shall provide details of a clear delineation of the Green Belt boundary through appropriate landscape features;
- (iv) Improvements to the east of the application to compensate for loss of Green Belt;
- (v) Enhanced green routes providing safe and attractive access to Durham Station;
- (vi) Enhancement of the entrance to the site from Durham Station;
- (vii) Creation of a high-quality entrance from the A691/B6532;
- (viii) The incorporation of a network of pedestrian and cycle routes throughout the site that include:
  - Details of how the strategy will contribute towards the creation of the Emerald Network;
  - Details of replacement trees for those that are required to be removed.

*Reason: To ensure that the development delivers a high-quality landscape setting in accordance with Policies 3, 29 and 39 of the County Durham Plan, with Policies S1, H3 and G3 of the City of Durham Neighbourhood Plan, and with Parts 12 and 15 of the National Planning Policy Framework.*

Conditions relating to Plot C, known as Corten House, only:

- 12) The occupation of Plot C shall be in accordance with the details and timeframes set out within the hereby approved landscaping scheme for Plot C:

1114\_200 Rev D Plot C Landscaping Strategy

*Reason: In the interests of the visual amenity of the area, and to comply with Policies 3, 26, 29 and 40 of the County Durham Plan, with Policies S1 and G1 of the City of Durham Neighbourhood Plan, and with Parts 12 and 15 of the National Planning Policy Framework.*

- 13) The occupation of Plot C shall be in accordance with the implementation, monitoring and review of the hereby approved Travel Plan, as set out within the document for Plot C:

Framework Travel Plan by SAJ ref: 0008.4 – dated May 2020 received October 2024

*Reason: To reduce reliance on the private motor car and to promote sustainable transport Methods, in accordance with Policies 3 and 21 of the County Durham Plan, Policies S1, S2, E5, C1 and T1 of the City of Durham Neighbourhood Plan, and Part 9 of the National Planning Policy Framework.*

- 14) Within one month of the date of this decision, a Car Parking Management and Enforcement Plan for Plot C shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall only be operated in accordance with the approved details.

*Reasons: In interests of minimising car travel and highway safety, in accordance with Policies 3 and 21 of the County Durham Plan, Policies S1, S2, E5, C1 and T1 of the City of Durham Neighbourhood Plan, and Part 9 of the National Planning Policy Framework.*

- 15) Within one month of the date of this decision, full details of the cycle parking facilities for Plot C shall be submitted to and approved in writing by the Local Planning Authority.

Thereafter the development shall only be implemented in accordance with the approved details.

*Reason: In the interests of promoting sustainable travel in accordance with Polices 3 and 21 of the County Durham Plan, Policies S1, S2, E5, and T1 of the City of Durham Neighbourhood Plan, and Part 9 of the National Planning Policy Framework.*

- 16) Within one month of the date of this decision, full details of the electric vehicle charging facilities for Plot C shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall only be implemented in accordance with the approved details.

*Reason: In the interests of promoting sustainable travel in accordance with Polices 3 and 21 of the County Durham Plan, Policies S1, S2, E5, and T1 of the City of Durham Neighbourhood Plan, and Part 9 of the National Planning Policy Framework.*

- 17) The external lighting details for Plot C shall be maintained in accordance with the approved details under decision DRC/21/00075.

*Reason: To define the consent and ensure that a satisfactory form of development is Obtained, in the interest of amenity of neighbouring land uses and biodiversity, in accordance with Policies 31, 41 and 43 of the County Durham Plan and Parts 12 and 15 of the National Planning Policy Framework.*

- 18) Within one month of the date of this decision, a Biodiversity Offset Masterplan for Plot C shall be submitted to and approved in writing by the Local Planning Authority. The document shall detail the delivery of Biodiversity Net Gain on land within the control of the applicant, and shall contain details of the timing of delivery of the required Biodiversity Net Gain. Thereafter, the Biodiversity Net Gain shall be delivered in accordance with the approved details.

*Reason: In order to ensure that Biodiversity Net Gain is delivered in accordance with Policy 43 of the County Durham Plan and Part 15 of the National Planning Policy Framework.*

Conditions relating to Plots A, B and E of the Aykley Heads site:

- 19) Application for approval of reserved matters shall be made to the Local Planning Authority before the expiration of fifteen years beginning with the date of this permission. The development must be begun not later than the expiration of two years from the final approval of the reserved matters.

*Reason: Required to be imposed pursuant to Section 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.*

- 20) Approval of the details of appearance, landscaping, layout and scale (hereinafter called "the reserved matters") for each plot shall be obtained from the Local Planning Authority before the development is commenced, other than remediation works.

*Reason: Required to be imposed pursuant to Section 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.*

- 21) No part of the development hereby approved shall be brought into use until a Car Parking Management and Enforcement Plan for that part of the development has been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall only be operated in accordance with the approved details.

*Reasons: In interests of minimising car travel and highway safety, in accordance with Policies 3 and 21 of the County Durham Plan, Policies S1, S2, E5, C1 and T1 of the City of Durham Neighbourhood Plan, and Part 9 of the National Planning Policy Framework.*

- 22) No built development shall take place within that part of Plot A (South) that lies within Durham City Green Belt, as defined within the County Durham Plan 2020.

*Reason: In the interests of preserving the openness of the Green Belt in accordance with Policy 20 of the County Durham Plan and Part 13 of the National Planning Policy Framework.*

- 23) Any reserved matters submission made pursuant to this outline planning permission shall include a sustainability assessment for the part of the development to which it relates, with any proposed building achieving a BREEAM score of 'very good'.

*Reason: In the interests of sustainable development in accordance with Policy 29 of the County Durham Plan, Policy 1 of the City of Durham Neighbourhood Plan, and Part 12 of the National Planning Policy Framework.*

- 24) Any reserved matters submission made pursuant to this outline planning permission shall include a security assessment for the part of the development to which it relates, which will include details of how the development of the plot will incorporate Secured by Design and Counter-Terrorism principles.

*Reason: In the interests of delivering a quality of development and public realm sustainable development in accordance with Policy 29 of the County Durham Plan, Policy S1 of the City of Durham Neighbourhood Plan, and Part 12 of the National Planning Policy Framework.*

- 25) No development shall commence within either Plots A, B, or E until a Construction Management Plan relating to that Plot 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:

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

8. Details of provision for all site operatives for the loading and unloading of plant, machinery and materials.
9. Details of provision for all site operatives, including visitors and construction vehicles for parking and turning within the site during the construction period.
10. Routing agreements for construction traffic.
11. Details of the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate.
12. Waste audit and scheme for waste minimisation and recycling/disposing of waste resulting from demolition and construction works.
13. Management measures for the control of pest species as a result of demolition and/or construction works.
14. Detail of measures for liaison with the local community and procedures to deal with any complaints received.

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

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

*Reason: To protect the residential amenity of existing and future residents from the Development, in accordance with Policies 21 and 31 of the County Durham Plan, Policies S1 and S2 of the City of Durham Neighbourhood Plan, and Part 15 of the National Planning Policy Framework. Required to be pre commencement to ensure that the whole construction phase is undertaken in an acceptable way.*

- 26) Any Reserved Matters submission submitted pursuant to the outline planning permission shall include a demonstration of how Biodiversity Net Gain will be delivered for that particular phase of the development and include timetables for delivering the required Biodiversity Net Gain.

*Reason: In the interests of the appearance of the area and in the interest of biodiversity, in accordance with Policies 3, 29 and 43 of the County Durham Plan, Policies S1 and S2 of the City of Durham Neighbourhood Plan, and Parts 12 and 15 of the National Planning Policy Framework.*

- 27) No development shall commence on Plots A, B or E until a scheme for the provision of foul and surface water drainage works for that plot have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be developed in accordance with the Councils Sustainable Drainage Systems (SuDS) Adoption Guide 2016. The development thereafter shall be completed in accordance with the details and timetable agreed.

*Reason: To ensure that surface and foul water are adequately disposed of in accordance with Policies 35 and 36 of the County Durham Plan and Parts 14 and 15 of the National Planning Policy Framework. Required as a pre-commencement condition to ensure that an acceptable drainage scheme is incorporated into the development.*

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## **BACKGROUND PAPERS**

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- Submitted application form, plans, supporting documents and subsequent information provided by the applicant
- Statutory, internal and public consultation responses
- The National Planning Policy Framework (December 2024)
- National Planning Practice Guidance Notes
- County Durham Plan (2020)
- Trees, Woodlands and Hedges Supplementary Planning Document (SPD) 2024
- Residential Amenity Standards SPD (2023)
- Parking and Accessibility SPD (2023)
- County Durham Landscape Strategy (2008)
- County Durham Landscape Character (2008)
- Statutory, internal and public consultation responses





**Planning Services**

DM/24/02928/VOC

Variation of Conditions 1 (Approved Plans), 2 (Floor Space and Use Classes), 5 (Travel Plan) and 10 (Ecology) pursuant to hybrid planning permission DM/20/01846/FPA, to create a Data Centre and ancillary office space (Use Class E(g)(ii)) with associated landscaping and infrastructure on Plot D.

Plot D, Land At Aykley Heads, Framwellgate Peth, Durham DH1 5UQ.

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**Comments**

**Date** December 2024

**Scale** Not to Scale

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## Planning Services

# COMMITTEE REPORT

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### APPLICATION DETAILS

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<b>APPLICATION No:</b>	DM/24/02888/RM
<b>FULL APPLICATION DESCRIPTION:</b>	Reserved Matters submission for the matters of Appearance, Landscaping, Layout and Scale pursuant to hybrid planning permission DM/20/01846/FPA, to create a Data Centre and ancillary office space (Use Class E(g)(ii)) with associated landscaping and infrastructure on Plot D.
<b>NAME OF APPLICANT:</b>	Durham University
<b>SITE ADDRESS:</b>	Plot D, Land At Aykley Heads, Framwellgate Peth, Durham DH1 5UQ
<b>ELECTORAL DIVISION:</b>	Neville's Cross
<b>CASE OFFICER:</b>	Callum Harvey Senior Planning Officer Tel. 07393 469 380 <a href="mailto:Callum.Harvey@durham.gov.uk">Callum.Harvey@durham.gov.uk</a>

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### DESCRIPTION OF THE SITE AND PROPOSALS

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#### The Site

1. The application site is forms part of a planned mixed-use re-development of the wider Aykley Heads site, approved in January 2021. As part of this approval, outline planning permission was granted for 3 office buildings and a smaller kiosk building on Plot D, to which this reserved matters application relates to.
2. Plot D a largely rectangular parcel of located, located centrally on the Aykely Heads site, to the south of Salvus House on Aykley Heads Way. Plot E is a vacant parcel of land located to the east of Plot D. Plot C, also known as Corten House, is located to the northwest of the site adjacent to Salvus House. Plots A and B are the existing County Hall site and the adjacent car parking area, both of which are to the southwest of Plot D.
3. Hybrid planning permission DM/20/01846/FPA granted consent for 1no. two-storey office building and 2no. three-story office buildings on Plot D, as detailed in the approved parameters plan for the plot. Permission is sought to amend this though a pending S.73 application which would establish a larger gross external area to facilitate the siting of a data centre, which is detailed in this application.

4. Plot D, is well screened from vantage points to the west and east by well-established trees and scrub, though with some viewpoints through breaks in the tree lines from pathways through the Aykley Heads site. Whilst these routes are not formal public rights of way, they form a wider network of footpaths and trails across which see regular use by the public.
5. The nearest residential properties are at Straughan Crescent, approximately 120m northeast of the main part of the site, and 60m northeast of the access onto Aykley Heads Way.
6. There are no designated heritage assets within the site. The Durham Castle and Cathedral World Heritage Site (WHS) is approximately 1.4km to the southeast. The site is within the designated WHS Inner Setting. Durham Conservation Area is approximately 300m to the south of the site.
7. The Grade II\* listed building known as Aykley Heads is located approximately 180m to the west of the site. The former location of the Grade II listed County Police Communication Tower is approximately 170m to the northeast of the site. At the time of writing, the tower is in temporary outdoor storage in another location. The nearest Scheduled Monument is Maiden Bower's Round Cairn located approximately 1km to the southwest of the site. Keping Hospital is also located approximately 1.4km to the southeast.
8. The nearest entry on the Council's Local List of Historic Parks, Gardens and Designed Landscapes, as identified in the County Durham Plan, is Wharton Park located approximately 0.6km south of the site.
9. There are no landscape designations within the site, though there is an Area of Higher Landscape Value (AHLV), as identified on the County Durham Plan Policy Map, approximately 100m to the southeast of the site and approximately 280m to the north of the site. In respect of ecological designations, there are none within the site. Approximately 540m to the northeast is a Local Wildlife Site known as Hopper's Wood, which is also an Ancient and Semi-Natural Woodland.
10. Ponds are located to the west, east and south of County Hall, the nearest being approximately 200m to the south of the site. In respect of fluvial (surface water following rainfall) flooding, the nearest Surface Water Flood Area, as identified in the County's Strategic Flood Risk Assessment, is immediately north of Salvus House, approximately 30m to the north of the site. In respect of fluvial (river) flooding, the site falls within Flood Zone 1 as defined by the Environment Agency.
11. The site falls within the Surface Mined Coal Resource Area as identified on the County Durham Local Plan Policy Map, and also falls within the Development Low Risk Area as identified by the Coal Authority. There are no mine entries within or adjacent to the site, with the nearest located approximately 520m to the southeast, near the railway line.

#### The Proposal

12. Reserved Matters approval for the details of appearance, landscaping, layout and scale of the development of the plot is sought for the development of a single building. The development would consist of the erection of a building to be used as a data centre and associated fixed plant, together with associated landscaping, access, parking and hardstanding.

13. The proposed building would comprise the main data hall, generators, delivery bay, office space and meeting rooms. The building would be constructed using a portal frame, and would feature elements of green walls and cladding. The transformers and generators used to power the building would be located within a compound to the southern side of the main data hall.
14. The proposed building would measure 6.5m in height, with a 3m gantry above, measuring 9.5m in total height. Louvres would then be erected above the roof up to 13m in total height. The rooftop plant, comprising external heat rejection equipment, would be located within the louvres, which would provide screening. The total height of the flues atop the plant would be 15m above ground level.
15. Access would be provided from Aykley Heads Way to the northeast, then down past Salvus House, to the northeastern corner of the site. The works include car parking, cycle parking and refuse storage provision, and part of the site would feature a 2.4m high metal fence along a security line. A small substation would also be located to the east of the main building.
16. The original grant of planning permission for the Aykley Heads redevelopment (DM/20/01846/FPA) was considered Environmental Impact Assessment (EIA) development under the Town and Country Planning (Environmental Impact Assessment) Regulations and was accompanied by an Environmental Statement (ES). A reserved matters application (as submitted here) is defined as a “subsequent application” in those regulations and it is necessary to consider whether any further information and thereby update of the previous ES is needed as a result. In this instance the scope of the amendments are such that it is considered that the previous ES submissions provide adequate information to inform on the decision. Nevertheless, this report has taken into account the information contained in all previous ES submissions and matters arising from statutory consultations and other responses
17. This application is being referred to the County Planning Committee following a call-in request by the City of Durham Parish Council and confirmation on their intent to speak on the application.

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## **PLANNING HISTORY**

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18. DM/15/01548/FPA: - Erection of two storey office building with associated access, parking and landscaping. – Approved October 2015.
19. DM/20/01846/FPA: - Hybrid planning application comprising detailed planning application for an office block (Class B1) with associated parking and landscaping on land known as Plot C and an outline planning application, with all matters reserved apart from site access, for the demolition of the existing County Hall site and the development of a business park (Class B1) with supporting retail and leisure uses comprising uses within Class A1 (retail), Class A2 (financial and professional services), Class A3 (food and drink), Class D1 (non-residential institutions) and Class D2 (assembly and leisure) with associated landscaping, multi-storey and surface car parking, servicing and relevant infrastructure. – Approved January 2021
20. DRC/21/00075: - Part discharge of Conditions 6 (site investigation/contamination), 7 (remediation), 8 (archaeological assessment) and 10 (ecological assessment) insofar as they relate to Plot C, and discharge of Conditions 13 (construction management plan) and 14 (tree protection) pursuant to planning permission DM/20/01846/FPA. – Approved September 2021

21. DM/23/03110/DRC: - Discharge of Condition 20 (external lighting) pursuant to DM/20/01846/FPA – Approved November 2023
22. SCR/24/00013: - Request for Screening Opinion in respect of a Reserved Matters submission for the development of a Data Centre at Plot D of the Aykley Heads Masterplan, pursuant to Hybrid Planning Permission DM/20/01846/FPA. – EIA Not Required.
23. SCR/24/00014: - Request for a Screening Opinion in respect of a minor-material amendment (Section 73) application seeking to vary conditions 1, 2, 5 and 10 of Hybrid Planning Permission DM/20/01846/FPA. – EIA Not Required.
24. DM/24/02830/DRC: - Discharge of Condition 8 (Archaeology) pursuant to consent DM/20/01846/FPA in relation to Plot D only (Amended Description 19/12/2024). – Pending Consideration
25. DM/24/02829/VOC - Variation of Conditions 1 (Approved Plans), 2 (Floor Space and Use Classes), 5 (Travel Plan) and 10 (Ecology) pursuant to hybrid planning permission DM/20/01846/FPA, to create a Data Centre and ancillary office space (Use Class E(g)(ii)) with associated landscaping and infrastructure on Plot – Pending Consideration

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## **PLANNING POLICIES**

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### **NATIONAL POLICY**

26. The following elements of the National Planning Policy Framework (NPPF) are considered relevant to this proposal:
27. *NPPF Part 2 – Achieving sustainable development.* The purpose of the planning system is to contribute to the achievement of sustainable development and therefore at the heart of the NPPF is a presumption in favour of sustainable development. It defines the role of planning in achieving sustainable development under three overarching objectives – economic, social and environmental, which are interdependent and need to be pursued in mutually supportive ways. The application of the presumption in favour of sustainable development for plan-making and decision-taking is outlined.
28. *NPPF Part 4 – Decision-making.* Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.
29. *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.
30. *NPPF Part 8 – Promoting healthy and safe communities.* The planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. Developments should be safe and accessible; Local Planning Authorities should plan positively for the provision and use of shared space and

community facilities. An integrated approach to considering the location of housing, economic uses and services should be adopted.

31. *NPPF Part 9 – Promoting sustainable transport.* Encouragement should be given to solutions which support reductions in greenhouse gas emissions and reduce congestion. Developments that generate significant movement should be located where the need to travel will be minimised and the use of sustainable transport modes maximised.
32. *NPPF Part 11 – Making Effective Use of Land.* Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Strategic policies should set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously-developed or 'brownfield' land.
33. *NPPF Part 12 – Achieving Well-Designed Places.* The Government attaches great importance to the design of the built environment, with good design a key aspect of sustainable development, indivisible from good planning.
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 Part 15 – Conserving and Enhancing the Natural Environment.* The Planning System should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, site of biodiversity or geological conservation interests, recognising the wider benefits of ecosystems, minimising the impacts on biodiversity, preventing both new and existing development from contributing to or being put at unacceptable risk from pollution and land stability and remediating contaminated or other degraded land where appropriate.
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.

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

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

37. The Government has consolidated a number of planning practice guidance notes, circulars and other guidance documents into a single Planning Practice Guidance Suite. This document provides planning guidance on a wide range of matters. Of particular relevance to this application is the practice guidance with regards to; air quality; historic environment; design process and tools; determining a planning application; flood risk; healthy and safe communities; land affected by contamination; housing and economic development needs assessments; housing and economic land availability assessment; light pollution; natural environment; neighbourhood planning;

noise; open space, sports and recreation facilities, public rights of way and local green space; planning obligations; travel plans, transport assessments and statements; use of planning conditions; and; water supply, wastewater and water quality.

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

## LOCAL PLAN POLICY:

### County Durham Plan (2020)

38. *Policy 3 - Aykley Heads.* States that in order to provide a high-quality employment location to contribute to the delivery of the new and better jobs which Durham City and County Durham need, land at Aykley Heads, as shown on the policies map, is allocated as a Strategic Employment Site. The development of this site will have regard to the provision and timing of the infrastructure necessary to support it. The development of the site will reflect a number of principles of development relating to job creation, green infrastructure, sustainable design and transport.
39. *Policy 16 - Durham University Development.* Part 1 of the Policy states that Durham University will continue to evolve and compete as a vibrant, diverse and high quality education-led mixed-use establishment, including arts and cultural uses, managed workspace for start-up businesses and other complementary uses. Planning permission will be granted for new University facilities including academic, residential, sport and cultural floor space and for the refurbishment of existing buildings where:
- a. the proposal respects the character and setting of the area and has regard to the needs and requirements of the local community;
  - b. there is no unacceptable impact on the Durham Castle and Cathedral World Heritage Site or its setting as assessed against the Outstanding Universal Values and opportunities are taken to enhance and better reveal its significance;
  - c. it sustains and enhances the significance of designated heritage assets, including the conservation area, including their settings and where appropriate, better reveals their significance. Development that results in harm to the setting and/or significance of designated or non designated heritage assets will not be supported unless the harm is outweighed by the public benefit;
  - d. there is no unacceptable harm on ecology and biodiversity;
  - e. the movements of staff and students around the city have been considered for all users and, where necessary, measures are provided for this demand such as widening footways, improving junctions, or through the provision of new routes for pedestrians and cyclists;
  - f. Parking spaces and electric vehicle charging points are provided having regard to the County Durham Parking and Accessibility Supplementary Planning Document (SPD);
  - g. in the case of sport and recreation facilities a community access agreement will be required; and
  - h. the proposal will enhance or create well-designed spaces, and exploit sustainable energy opportunities, including the delivery of district heating, where possible.
40. *Policy 21 – Delivering Sustainable Transport.* States that all development shall deliver sustainable transport by (in part) ensuring that any vehicular traffic generated by new development, following the implementation of sustainable transport measures, can be safely accommodated on the local and strategic highway network and does not cause an unacceptable increase in congestions or air pollution and that severe congestion can be overcome by appropriate transport improvements.



41. *Policy 22 - Durham City Sustainable Transport.* Seeks to reduce the dominance of car traffic, address air quality and improve the historic environment within the Durham City area.
42. *Policy 25 – Developer Contributions.* States that new development will be approved where any mitigation necessary to make the development acceptable in planning terms is secured through appropriate planning conditions or planning obligations.
43. *Policy 26 – Green Infrastructure.* States that development will be expected to maintain and protect, and where appropriate improve, the County’s green infrastructure network. Advice is provided on the circumstances in which existing green infrastructure may be lost to development, the requirements of new provision within development proposals, and advice in regard to public rights of way.
44. *Policy 29 – Sustainable Design.* Requires all development proposals to achieve well designed buildings and places having regard to advice within Supplementary Planning Documents (SPDs) and sets out detailed criteria which sets out that where relevant development is required to meet including; making a positive contribution to an areas character and identity; provide adaptable buildings; minimise greenhouse gas emissions and use of non-renewable resources; providing high standards of amenity and privacy; contributing to healthy neighbourhoods; providing suitable landscape proposals; provide convenient access for all users; adhere to the Nationally Described Space Standards (subject to transition period).
45. *Policy 31 – Amenity and Pollution.* Sets out that development will be permitted where it can be demonstrated that there will be no unacceptable impact, either individually or cumulatively, on health, living or working conditions or the natural environment and that they can be integrated effectively with any existing business and community facilities. Development will not be permitted where inappropriate odours, noise, vibration and other sources of pollution cannot be suitably mitigated against, as well as where light pollution is not suitably minimised. Permission will not be granted for sensitive land uses near to potentially polluting development. Similarly, potentially polluting development will not be permitted near sensitive uses unless the effects can be mitigated.
46. *Policy 32 – (Despoiled, Degraded, Derelict, Contaminated and Unstable Land).* Requires that where development involves such land, any necessary mitigation measures to make the site safe for local communities and the environment are undertaken prior to the construction or occupation of the proposed development and that all necessary assessments are undertaken by a suitably qualified person.
47. *Policy 33 - Renewable and Low Carbon Energy –* Supports renewable and low carbon energy development in appropriate locations. In determining planning applications for such projects significant weight will be given to the achievement of wider social, environmental and economic benefits. Proposals should include details of associated developments including access roads, transmission lines, pylons and other ancillary buildings.
48. *Policy 35 – Water Management.* Requires all development proposals to consider the effect of the proposed development on flood risk, both on-site and off-site, commensurate with the scale and impact of the development and taking into account the predicted impacts of climate change for the lifetime of the proposal. All new development must ensure there is no net increase in surface water runoff for the lifetime of the development. Amongst its advice, the policy advocates the use of SuDS and aims to protect the quality of water.

49. *Policy 36 – Water Infrastructure.* Advocates a hierarchy of drainage options for the disposal of foul water. Applications involving the use of non-mains methods of drainage will not be permitted in areas where public sewerage exists. New sewage and waste-water infrastructure will be approved unless the adverse impacts outweigh the benefits of the infrastructure. Proposals seeking to mitigate flooding in appropriate locations will be permitted though flood defence infrastructure will only be permitted where it is demonstrated as being the most sustainable response to the flood threat.
50. *Policy 39 – Landscape.* States that proposals for new development will be permitted where they would not cause unacceptable harm to the character, quality or distinctiveness of the landscape, or to important features or views and that development affecting valued landscapes will only be permitted where it conserves, and where appropriate enhances, the special qualities of the landscape, unless the benefits of the development in that location clearly outweigh the harm.
51. *Policy 40 – Trees, Woodlands and Hedges.* States that proposals will be expected to retain existing trees where they can make a positive contribution to the locality or to the development, maintain adequate standoff distances between them and new land-uses, including root protection areas where necessary, to avoid future conflicts, and integrate them fully into the design having regard to their future management requirements and growth potential.
52. *Policy 41 – Biodiversity and Geodiversity.* States 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.
53. *Policy 43 – Protected Species and Nationally and Locally Protected Sites.* Development proposals that would adversely impact upon nationally protected sites will only be permitted where the benefits clearly outweigh the impacts whilst adverse impacts upon locally designated sites will only be permitted where the benefits outweigh the adverse impacts. Appropriate mitigation or, as a last resort, compensation must be provided where adverse impacts are expected. In relation to protected species and their habitats, all development likely to have an adverse impact on the species' abilities to survive and maintain their distribution will not be permitted unless appropriate mitigation is provided or the proposal meets licensing criteria in relation to European protected species.
54. *Policy 44 – Historic Environment.* States that great weight will be given to the conservation of all designated assets and their settings (and non-designated heritage assets of archaeological interest that are demonstrably of equivalent significance to scheduled monuments)(164). Such assets should be conserved in a manner appropriate to their significance, irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. This aligns with Chapter 16 of the NPPF.
55. *Policy 45 - Durham Castle and Cathedral World Heritage Site.* Both are designated heritage assets of the highest significance. New development should sustain and enhance the significance and be based upon Outstanding Universal Value, protecting and enhancing it in the immediate and wider setting and important views across, out of and into the site. Harmful development is only permitted in wholly exception circumstances.

*The above represents a summary of those policies considered relevant. The full text, criteria, and justifications can be accessed at:*

### Supplementary Planning Documents

56. 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.
57. Residential Amenity Standards SPD (2023) – Provides guidance on the space/amenity standards that would normally be expected where new dwellings are proposed.
58. Parking and Accessibility SPD (2023) – Provides guidance on parking requirements and standards.

*The above represents a summary of those policies considered relevant. The full text, criteria, and justifications can be accessed at: [Development Plan supporting documents - Durham County Council](#)*

### City of Durham Neighbourhood Plan (2021)

59. *Policy S1 - Sustainable Development Requirements of all Development and Redevelopment Sites Including all New Building, Renovations and Extensions.* Sets out the economic, social and environmental criteria that development proposals will be required to meet to: Promote economic well-being, to conserve, preserve and enhance the neighbourhood, to increase resilience to climate change, and secure equity and benefit to the local community.
60. *Policy S2 - The Requirement for Masterplans or Other Design and Development Frameworks.* States that the preparation of a masterplan or other appropriate design and development framework for all major development sites is supported prior to consideration of a planning application for the site. States that masterplans should address the following issues in so far as they are relevant to the particular development site:
  - a) to respect the scarcity and quality of land by ensuring that individual development proposals contribute satisfactorily to the total jobs intended to be created on employment sites; and
  - b) to demonstrate that development proposals add distinction to the City's landscape and townscape within the site through adherence to the masterplan's physical design guidelines; and
  - c) to minimise any impact on views and setting of the World Heritage site and to avoid harm to the amenities of neighbouring areas, particularly in Conservation Areas; and
  - d) to reduce the impact of travel by residents, employees and visitors by improving the provision for walking, cycling and public transport and by limited provision of car parking carried out in accordance with an agreed travel plan; and
  - e) to provide high levels of permeability within, to and from the site through safe and attractive pedestrian and cycle routes; and
  - f) to contribute to well-being both within and adjacent to the site by the provision and maintenance of green infrastructure for the enjoyment of residents, employees and the public, ensuring access for all.
61. *Policy H1 - Protection and Enhancement of the World Heritage Site.* Requires development within the Durham Cathedral and Castle World Heritage Site to sustain, conserve and enhance its outstanding universal value and support the current adopted management plan. Development within the WHS must take account of the historical and present uses of the site, propose high quality design, use appropriate materials

and seek balance in respect of scale, density, massing, form, layout, landscaping and open spaces. Development proposals within Our Neighbourhood will need to sustain, conserve, and enhance the setting of the WHS where appropriate, by carrying out an assessment on how the development will affect the setting, including views to and from the WHS, protect important views and take opportunities to open up lost views and create new views and vistas.

62. *Policy H2 - The Conservation Areas.* Expects development within the City Centre Conservation Area to sustain and enhance its special interest and significance identified within the conservation area character appraisal taking account of sustaining and enhancing the historic and architectural qualities of buildings, continuous street frontages, patterns, boundary treatments, floorscape and roofscapes, avoiding loss or harm of an element that makes a positive contribution to its individual significance and surrounding area, using appropriate scale, density, massing, form, layout and materials, using high quality design sympathetic to the character and context, its significance and distinctiveness.
63. *Policy H3 - Our Neighbourhood Outside the Conservation Areas.* States that development proposals within the Neighbourhood Plan area, though outside the Conservation Areas, should, where appropriate, demonstrate an understanding of the area of the proposed development and its relationship to the Neighbourhood Plan Area as a whole. States that development proposals outside the Conservation Areas should take into account, and meet where appropriate and relevant to the area to which the proposal relates, by sustaining and making a positive contribution to the character and distinctiveness of the area; and avoiding the loss of open space and public realm that contributes to the character and appearance of the surrounding area; and using high quality design which contributes to the quality and character of the area; and having scale, density, massing, form, layout, landscaping and open spaces appropriate to the context and setting of the area; and using materials and finishes appropriate to the context and setting of the area.
64. *Policy G1 - Protecting and Enhancing Green and Blue Infrastructure.* Seeks to support developments that retain existing green or blue assets with significant recreational, heritage, cultural, ecological, landscape or townscape value and developments that provide additional green or blue assets, particularly if there is an identified deficiency. Any new or replacement assets must be appropriate to the context and setting. The policy requires developments to protect and enhance public rights of way and footpaths and green corridors. It offers support to proposals that provide net gains for biodiversity. The policy requires features of geological value to be protected. The policy seeks to protect and enhance the banks of the River Wear by supporting proposals with desirable access that do not have significant impacts on current assets. The policy also seeks to protect dark corridors by ensuring developments minimise lighting in such areas.
65. *Policy G3 - Creation of the Emerald Network.* States that an Emerald Network is identified, as shown on Proposals Map 3 of the Neighbourhood Plan, which comprises sites of wildlife interest within the Neighbourhood Plan Area linked by public rights of way or pavements. Proposals for the purpose of improving the biodiversity of sites in the Emerald Network will be supported. Proposals for the purpose of improving the amenity of sites in the Emerald Network, or for improving existing footpaths within or between these sites, or providing additional footpaths within or between these sites, particularly for improving accessibility for people with a disability, will be supported as long as they cause no significant harm to the biodiversity of these sites.
66. *Policy E1 - The Aykley Heads Business Park.* States that proposals for development of B1a and B1b uses will be supported at the Aykley Heads site shown in Proposals

Map 5, where these are in accordance with a masterplan or other design and development framework prepared under Policy S2.

67. *Policy T1 Sustainable Transport Accessibility and Design.* Seeks to ensure that development proposals will be required to demonstrate best practice in respect of sustainable transport accessibility, impact and design.

*The above represents a summary of those policies considered relevant. The full text, criteria, and justifications can be accessed at: [Plan contents | Durham City Neighbourhood Plan](#) (Adopted Durham City Neighbourhood Plan)*

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## **CONSULTATION AND PUBLICITY RESPONSES**

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### **EXTERNAL CONSULTEE RESPONSES:**

68. *City of Durham Parish Council -*

Initial comments dated 25<sup>th</sup> November 2024

69. Note the proposed variations are significantly different from the carefully crafted parameters for Plot D set out in the approved Aykley Heads Masterplan and consented application DM/20/01846/FPA. Whilst masterplans cannot be rigidly applied and circumstances have changed considerably since 2020, the principles set out in the Aykley Heads Masterplan are too important to be set aside lightly, not only in relation to Plot D but indeed for the whole development of Aykley Heads. As a result of this important concern, they wish this application to be determined by the County Planning Committee at the earliest possible opportunity thereby offering a wider opportunity for representations from interested parties.
70. Specifically, Plot D is described in the consented scheme as being split into natural compartments by woodland belts that should be retained. Each compartment is prescribed to have one or two buildings each of no more than 1,000 square metres floorspace, with a total for Plot D of a maximum footprint of 3,000 square metres in buildings of no more than 3 storeys. The surrounding planned landscape is described as being of meadow character and woodlands. In the event, Plot D is shown in the consented masterplan Phase 2 as having a single building of 3,000 square metres gross floor area over three floors, so a footprint of just 1,000 square metres.
71. The proposed Variations of Conditions completely transgress those meticulous requirements: instead of a building with a footprint of 1,000 square metres there would be a building with a footprint of 4,332 square metres. It isn't slightly bigger than consented, it is over four times bigger in footprint terms and even more in volume terms.
72. The landscape and wider views implications of this very significant departure from the Masterplan and consented scheme are presented in the accompanying 'Landscape and visual impact assessment'. This states in paragraph 3.2.1 that "the consented development for the application site comprises an illustrative outline concept design for a 3,000 square metres commercial building." It fails to say that this is over three floors, and that the footprint of the consented building is just 1,000 square metres. All the conclusions that follow from the application's assessment document about the visual impact of a 15m high building of 4,332 square metres footprint are thereby very questionable indeed, given that it is so very different to what has been most carefully prescribed in the consented scheme.

73. The consented development scheme lays down clear criteria and limits for retaining the landscape qualities of the Aykley Heads strategic employment site and ensuring that buildings are of an appropriate size, disposition and design. Unless all those approved criteria are now to be treated as bad work and redundant there should be no wholesale abandonment of them. To do so invites the very cynicism that so afflicts the planning system in much of the public mind. Accordingly, the Parish Council considers that a true landscape and visual impact assessment is crucial to a judgement on the acceptability of the VOC application. On the basis of the assessment currently available, the Parish Council has sufficient concerns to believe that the County Council should not approve the application before it at present.
74. The proposed amendment to condition 2 reflects amendments to the Use Classes Order. The Parish Council does not object to the revisions proposed. However, it notes that most data centres are in Use Class B.8 - Warehouses, a term which resonates with the proposed huge building with blank high walls. This proposed use and design of the building is thus incompatible with the consented B1 (now E(ii)g) Use Class, being very different in nature and appearance to the high-quality office building permitted and illustrated in the consented scheme.
75. Condition 5 requires a travel plan to be submitted for each plot/phase of development. The application seeks an amendment to this condition, stating that Plot D does not require a travel plan, given the nature of the proposed data centre. Whilst the reasons for this are understood, the Parish Council has concerns that if this condition is varied and the development proposals change in the future, particularly if the data centre is not developed, then this could result in future development of Plot D not according with the requirements of the development plan, particularly County Durham Plan policy 21 and Durham City Neighbourhood Plan policy T1.
76. The application also seeks an amendment to condition 10 which requires development to be carried out in accordance with the mitigation outlined within the approved ecological appraisal. It is noted that the applicant has commissioned updated ecological appraisal documents. The Parish Council therefore concludes that if the technical reports are accepted as being robust by the County Council Ecology Team, it has no objection to this amendment.
77. In conclusion, the Parish Council hopes that these comments assist in the progress of this application, specifically that a true landscape and visual impact assessment is needed to compare the proposed very large single warehouse-type building with the Masterplan's and the consented scheme's much smaller unit. To help and, as noted in paragraph 3 of this letter, we wish to call this application to determination by the County Planning Committee to create wider public engagement in this important project.

#### Updated comments dated 16.12.2024

78. We are writing this follow-up letter in the light of our recent meeting with the University's representatives and the new document L009 that has been provided in response to our initial representations dated 25 November 2024.
79. The Parish Council fully acknowledges and supports the increasing significance of Durham University as a world-class centre of learning and research, which has an important role in both fostering and creating economic growth. It is considered that the principle of the development of a data centre in Durham City has the potential to bring considerable benefits, not only to the City and the wider County but also the region.

80. The Parish Council believes that it is very important that the reasoning for making exceptions for this development at Aykley Heads is expressed in the public domain. There is great value in ensuring transparency and understanding about this case, particularly so that other proposals for development on the Aykley Heads strategic employment site do not attempt to justify inappropriate developments there.
81. That principle arises for the Parish Council on two grounds. The first is that what is being proposed for the data centre is in design terms more like a large warehouse than the illustrations of high quality office developments illustrated in the consented scheme. The proposed footprint seemed to be over four times greater than in the approved masterplan for Plot D. The number of jobs in the proposed data centre is between 7 and 15 jobs instead of the anticipated 200 to 300 on Plot D. The Parish Council believes that this proposal must not be used as a precedent for what constitutes acceptable designs and job densities on the Aykley Heads Strategic Employment Site and indeed for Plot D itself if the data centre proposal does not proceed.
82. The second main ground for ensuring public openness and understanding is regarding the resulting heat generated from the data centre and how this will be used. The submitted Planning Statement, Sustainability Statement and Design and Access Statement refer to maximising the use of waste heat within the development and suggest that the development will be heated through waste heat from the cooling system. Recently, a detailed technical note was provided to the Parish Council by the University, and a subsequent meeting with University representatives very helpfully explained how heat generated by the data centre would be delivered into a district heating system if such a system is installed at Aykley Heads in future. The Parish Council does not claim to have the technical expertise necessary to adequately assess this additional information but welcomes the stated intentions.
83. Accordingly, the Parish Council considers that the level of heat generated from the development and how this is going to be captured/reused, in particular whether consideration has been given to capturing the heat and use it for other parts of the site, are important matters that needs to be covered through an appropriately worded planning condition. It remains the case that, in the absence of a district heating system, there will be waste heat expelled into the atmosphere, and the Parish Council would therefore wish for this to be minimised (see also point (c) below).
84. The new document L009 sets out on behalf of both applicants - Durham University and Durham County Council - responses to consultee comments so far received. Most of the Parish Council's representations made on 25 November are addressed to some extent but there are three matters that remain unresolved:
85. (a) Reference is made to justifying the very low number of jobs on site but the justification is missing from L009 unfortunately. This is important for sustaining the very purpose of the Aykley Heads Strategic Employment Site, namely for the whole site ever achieving the hoped for 4,000 jobs.
86. (b) L009 explains that the building parameters for Plot D would have allowed three buildings each of 1,000 square metres footprint and argues that this amounts to a total of 3,000 square metres footprint and so would remain within the maximum parameter of 3,300 square metres. It declares that "As such, the proposed data centre building with a proposed total footprint of 3,845sqm (with an additional footprint of 487sqm for the associated external generator yard) merely seeks to increase the maximum GEA floorspace parameter by 1,032sqm which is minor when viewed within the context of the wider scheme as a whole." The Parish Council points out that the parameters for

Plot D are for separate units at least 15 metres apart and with trees retained between each unit so as to maintain the parkland quality for which Aykley Heads is promoted.

87. (c) L1009 lacks complete details in relation to capturing and reusing waste heat. There is simply a schematic diagram of cooling systems, no location for the necessary pumps, and no information on whether external modifications will be needed.
88. It is hoped that these comments will inform the decisions on the Reserved Matter and Variation of Conditions planning applications. We are glad that both applications will be determined by the County Planning Committee so as to create wider public engagement in this important project.
89. *Police Architectural Liaison Officer (PALO)* – Have not responded.

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

90. *Access and Rights of Way* – Advise that no recorded public rights of way are affected by this proposal.
91. *Archaeology* – Advise that provision for archaeological investigations at Plot D is already in place, and is not affected by the current proposal.
92. *DCC Active Travel* – Have not responded.
93. *Design and Conservation* – Has provided comments on both the current Section 73 application and the current Reserved Matters application for the proposal at Plot D. They advise that the impact of the proposal on the setting of the Durham City Conservation Area and World Heritage Site is assessed as negligible when compared to the outline approved scheme; neither better nor worse. The difference between the current proposal and the previously approved scheme is considered minor, and only likely to be perceived at site level. They note the woodland immediately to the south of the site prevents intervisibility between the proposed development and the aforementioned assets.
94. They note that the design, appearance and scale of the data centre follows the requirements of the proposed end use. With form following function. They note the applicant has endeavoured to reduce impact and assimilate this development into the site as best as possible. They note the applicant has responded positively to design advice from officers in respect of reduction in associated infrastructure, appropriate materiality, and landscape mitigation. Whilst being a different architectural form, scale, and language to what had been previously consented, they advise the impact of the development on the wider development site will be relatively localised due to the tree enclosed nature of the site and proposed landscape mitigation. They advise that how this form of development sits within the context of the wider masterplan for Aykley Heads, and within the context of existing development, is a matter of judgement for the case officer.
95. *Drainage and Coastal Protection* – Advise that the following further information is required in relation to surface water management:
  - Basin construction detail, side slopes should be no greater than 1 in 5;
  - Identify by annotation or key where the porous asphalt is, the document refers to 'in places';
  - Sub-grade drainage run layout is required, showing connection to surface water drain running under the asphalt area;
  - Detail of how the access road drains to the swale, is it filter strip, kerb dropouts, or gullies;



- Full retention separator locations and manufacturers data for pollution mitigation in accordance with high level risk as identified in table 26.2 CIRIA Guidance.
96. *Ecology* – Advise that the submitted Biodiversity Net Gain Assessment identifies locations which could be used to deliver the required biodiversity units to meet the requirements. These locations need to be surveyed to establish the baseline conditions and the appropriate off-site tabs in the metric completed. A Habitat Management and Monitoring Plan is required (spanning a minimum of 30 years) which states how the habitats will be managed (and monitored) to deliver the uplift in units. This HMMP will need to be priced and the financial resources provided to the land manager.
  97. An alternative that can be considered, is that a fee is paid to the Council for the biodiversity units required, this contribution would be used to deliver biodiversity enhancements within the County and be designed to align with the forthcoming Local Nature Recovery Strategy. The current market value of BU is around £20k per BU.
  98. *Energy and Sustainability* – Have not responded.
  99. *Environmental Health (Air Quality)* – Advise that further information is required following receipt of an Air Quality Assessment and a Construction Management Plan.
  100. *Environmental Health (Nuisance)* – Advise that further information is required following receipt of a Construction Management Plan.
  101. *Highways* – Advise that the details as submitted as part of this Reserved Matters application are considered acceptable by the Local Highway Authority.
  102. The access to the site is also subject to a separate application under a S73 application. Whilst the proposed access road to the Plot would not be adopted, a S184 agreement with the Local Highway Authority would be required to create the access where it joins the adopted highway of Aykley Heads Way. All works to the adopted highway would be at the applicant's expense.
  103. *Landscape* – Note that the application is accompanied by a full AIA which concludes that there would be a significant loss arboriculturally which cannot be fully mitigated on-site. Officers note that some of this tree loss would have been unavoidable when Plot D were developed. However some of the proposed tree loss is specific to these proposals.
  104. Due to the height and volume of the tree canopy to the south of this site, it is considered that the scale and appearance of the development would not have an adverse impact on the amenity of the wider landscape.
  105. *Arboricultural Officer* – Have no objection provided that all tree protection measures remain in place until construction is completed. [secure compliance by condition]

**PUBLIC RESPONSES:**

106. The application has been advertised in the local press, by site notice and individual notification letters sent to neighbouring properties.
107. A total of four letters of objection have been received. Comments from the City of Durham Parish Council have been logged as an objection, and are set out earlier in this report in full.

108. Comments from The City of Durham Trust have also been logged as an objection. The Trust raise concerns in respect of the low quality design, loss of trees, and lack of detail on how the proposal would reduce energy use, along with the proposed loss of direct jobs, and the deviation from the outline approval for Plot D and the wider masterplan for Aykley Heads. Whilst the Trust is generally supportive of the University's ambitions for a combined data centre and supercomputer, it sees no specific justification for this site, rather than another site more closely associated with the University and on its estate, should not be used. The Trust consider the proposal conflicts with Policies 3, 29 and 33 of the County Durham Plan, and with Policies S1 and E3 of the City of Durham Neighbourhood Plan.
109. Two further objections have been received from members of the public, raising the following concerns:
- Impact on biodiversity through habitat loss and disruption during the construction period;
  - Impact on amenity of neighbouring land uses as a result of noise and air emissions;
  - A Data Centre is not an employment land use;
  - A Data Centre should be considered a warehouse in planning use terms;
  - A Data Centre leads to a loss of direct jobs compared to the previously approved office buildings;
  - There are a number of vacant offices and other employment buildings in the City, therefore concerned with the principle of locating the proposal at Aykley Heads;
  - Insufficient car parking and subsequent impact on highway safety.

**ELECTED MEMBERS:**

110. No comments received from Elected Members.

**APPLICANT'S STATEMENT:**

111. The proposed development is for the construction of a Data Centre (Use Class E(g)(ii)) on Plot D of the Aykley Heads Masterplan. The development will replace underutilised brownfield land with a facility comprising research-focused data halls, ancillary office space, and additional infrastructure, integral to the growth of Durham University's advanced research computing potential.
112. Durham University has a history of hosting research computers for its own researchers, north-eastern universities, and national and international research communities. This is predominantly via the University's Advanced Research Computing team, who will be based at the new facilities, and provide expertise and facilities to support the innovative use of High Performance Computing and software to enhance research across the University. The University currently hosts two supercomputers on the main university campus: Bede, national facility for the eight most research-intensive universities in the North of England; and DiRAC, used by cosmologists, astronomers and particle physicists from across the world. The new data halls are designed to continue this approach, via the use of rear-door heat exchangers and two distinct spaces, and will enable a range of different R&D experiments to be run simultaneously. The University's existing data centre is too small to house the next generation of supercomputers and locating the new facilities on Aykley Heads provides the space to house new supercomputers for research collaboration and enables the construction of an engagement space as part of the facilities.
113. This engagement space is designed to be a space for local businesses, schools and the local community which explains supercomputing technology, provides visitors an

insight into a working datacentre and demonstrates the multitude of different uses for supercomputing, and its benefits to society.

114. The principle of development has already been established through hybrid planning permission DM/20/01846/FPA, granted in January 2021, which designated Aykley Heads as a Strategic Employment Site under the County Durham Plan. Through pre-application discussions with the LPA, the proposed use has been confirmed as compatible with surrounding developments and compliant with relevant local and national planning policies.
115. Additionally, it should be noted that the University explored a number of sites for housing this Data Centre in the City and Plot D at Aykley Heads was considered most suitable, as it helps support the next phase of the City's innovation district.
116. The proposed Data Centre will deliver significant social, economic, and environmental benefits. Socially, it will enhance Durham University's and the City's position as a global leader in research, support education and skills development in technology, and inspire young people through regional engagement activities. Economically, the development will generate new jobs, attract businesses to the region, and equip the local workforce with advanced skills, contributing greatly to growth in the local and wider North-East economy plus act as a catalyst for market exposure on Aykley Heads. Environmentally, the development targets a BREEAM 'Very Good' rating and incorporates sustainable design features such as highly efficient lighting, water, heating and cooling systems, and the use of materials with a low lifecycle environmental impact and embodied energy. The proposal also facilitates connection to any future potential district heating system, and offers off-site biodiversity net gains through woodland enhancement. These benefits align with the NPPF and County Durham Plan, delivering a forward-looking, sustainable project with wide reaching benefits.
117. The proposed design of the Data Centre has been carefully refined through an iterative process in consultation with the LPA, the Design and Conservation Officer, and other key stakeholders, ensuring it integrates seamlessly with its surroundings and delivers maximum community value. This vital facility will enhance Durham University's research capabilities while positioning Durham as a leader in advanced computing technology.
118. We respectfully request approval for this application without delay, enabling the delivery of its significant and wide reaching benefits.

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## **PLANNING CONSIDERATIONS AND ASSESSMENT**

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119. 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.

### Background

120. In 2021 the granting of Hybrid planning permission DM/20/01846/FPA established the principle of the development of the site for the formation of a business park (Use Class B1) with supporting retail and leisure uses comprising uses. A Section 73 application is currently pending which seeks to vary the parameter plans approved in relation to

Plot D to facilitate the erection of a data centre as proposed in this application. This reserved matters application in respect of Plot D deals with the detailed matters of scale and appearance, layout, landscaping, and other relevant matters.

## Scale and Appearance

121. The proposed building would measure 6.5m in height, with a 3m gantry above, measuring 9.5m in total height. Louvres would then be erected above the roof up to 13m in total height. The rooftop plant, comprising external heat rejection equipment, would be located within the louvres, which would provide screening. The total height of the flues atop the plant would be 15m above ground level. Therefore, the proposal would be 15m in total height, when factoring in the height of plant and flues to be located upon the roof of the building.
122. The proposed building would comprise the main data hall, generators, delivery bay, office space and meeting rooms. The building would be constructed using a portal frame and would feature elements of green walls and cladding. The transformers and generators used to power the building would be located within a compound to the southern side of the main data hall.
123. The principle of the acceptability of a building of this scale has been considered under the Section 73 application DM/24/02829/VOC. This assessment concluded that subject to further consideration in the reserved matters application, given the height and volume of the existing tree canopy to the south of this site, the scale and appearance of the development would not have an adverse impact on the amenity of the wider landscape and any impact on heritage assets (including the Durham City Conservation Area and World Heritage Site).
124. In respect of the detailed designs, The Council's Design and Conservation Section highlights at a local level, where the development would be seen from local vantage points. These would predominately be from pedestrian routes to the west and east of the site. However, due to the height and volume of the tree canopy to the south of this site, it is advised that the scale and appearance of the development would not have an adverse impact on the setting of the World Heritage Site or other designated heritage assets.
125. The Landscape officer also advised that, due to the height and volume of the tree canopy to the south of this site, it is considered that the scale and appearance of the development would not have an adverse impact on the amenity of the wider landscape.
126. It is recognised that the scale and appearance of the development is driven by the functional need of a Data Centre, as is the requirement for plant of the proposed scale upon the roof of the building. This is an important consideration which has been tested at length with the applicant during the development of the proposals. The applicant has worked proactively on this matter and it is considered that the scale of the building and of the plant upon the roof represent the minimum that is technically required to allow the proper functioning of the building. While recognising that the appearance and scale of the data centre follows the requirements of the proposed end use, with form following function.
127. Timber effect cladding around the main chamber is proposed, along with green/brown chameleon cladding and vertical timber battens on the office building adjoining the northeastern edge of the main chamber. It is considered that this material palette is sympathetic with the site's wooded surroundings, and helps reduce the visual impact

as a result of the scale and massing of the building to a degree, along with the stepping of different levels to create a cascade effect.

128. It is recognised that the proposal is an unusual development, and due to the functional needs of the end user, it has presented challenges when seeking to find an acceptable design and assimilate the building into the site. However, when assessing against the key constraints, including designated heritage assets and the amenity of the wider landscape, the development has avoided adverse impacts. Whilst recognising that the building will be visible from some local public vantage points, it is considered that the scale and appearance of the development would not lead to an unacceptable visual impact at a local level, helped by the appropriate use of materials and the tree cover on the site.
129. The proposal includes two electric substations along the eastern boundary of the site. These will be visible from public vantage points to the east of the site, however the subsequent visual impacts are considered low and are not unacceptable. The functional need for these substations is recognised, whilst the existing substation at the eastern boundary of the site provides a degree of precedence for small buildings along this boundary.
130. Overall the development would comply with Policies 26, 29, 39, 44 and 45 of the County Durham Plan, Policies S1, S2, H1, H2, H3, G1, and E1 of the Durham City Neighbourhood Plan and Parts 12, 15 and 16 of the NPPF in this respect.

#### Layout

131. Turning next to the layout of the development within Plot D, again it is recognised that the footprint and layout of the building is driven by the functional need of a Data Centre. The building is surrounded by an internal road to the south and east, leading from a vehicular access to the north. A small car park is located to the east and a service area is located to the west. The current proposal is a reduction in the amount of hardstanding originally proposed, which is considered to have resulted in an optimal layout allowing the building to be sited as close to the northern boundary as possible.
132. The proposal also includes a perimeter security fence up to 2.4m in height. The fence would enclose the majority of the built form of the development, excluding the office space and adjacent car park and access which are to be left open to enable public access. The security fence is considered a functional requirement for a Data Centre, therefore the visual impact of the fence is considered justified.
133. The access is sought from Aykley Heads Way to the northeast, as previously agreed under the outline consent DM/20/01846/FPA. The access would use the existing route and would be widened to 5.5m to enable two vehicles pass alongside each other. The existing segregated pedestrian footpath to the west of the access would be retained. The access includes a turning head at the southern end to enable vehicles to turn without reversing back onto Aykley Heads Way. The access would then cross a proposed raised table when entering Plot D, which would facilitate an improved active travel route along the eastern edge of Plot D. The Highways officer has been consulted and has no concerns with this access arrangement. The Council's Active Travel officer has been consulted and has not responded. This access arrangement has been informed by lengthy and positive pre-application discussions between those officers and the applicant.
134. The layout including the access and internal roadway within the security perimeter line is informed by a vehicle swept path to ensure acceptable access for refuse and delivery vehicles. The Highways officer has no concerns in this regard.

135. The proposed includes 17 car parking bays, 2 of which are disabled parking bays, and 7 of which are within the security perimeter fence line. All 17 bays would benefit from EV charging points, 2 of which would feature 'active' EV charging points, with the remaining 15 featuring passive EV infrastructure. The Highways Authority advise that the proposed number, layout and design/dimensions of the car parking bays would conform to relevant parking standards.
136. The proposal includes a cycle storage shed to the north of the building, which would provide 12 cycle parking bays which are enclosed and locked. The shed would be timber clad. The Highways Authority advise that this provision is acceptable .
137. The proposal seeks to amend an existing SuDS basin at the southern end of Plot D, due to the extent of the proposed built development and resulting location of the security perimeter fence. The Drainage officer has been consulted and advise that the location and scale/extent of the basin is acceptable. Combined with the proposed permeable paving it is considered that the proposal would not lead to a greater surface water flood risk than existing, both within the site and elsewhere.
138. Concerns have been raised by the Drainage officer in respect of the gradient of this amended SuDS basin, as it could lead to safety concerns in the event someone were to enter the basin. They have requested a shallower gradient. The application has since been amended to include fencing around the perimeter of the basin, whilst a previously indicated proposed footpath adjacent to the basin has been removed. It is considered that the centre of the site would not be a busy route for pedestrians or for recreational purposes during the construction period and once the proposal is occupied and operational, therefore on balance the proposed amendments are considered acceptable.
139. The Drainage officer has requested further details of the fencing around the subject SuDS basin, along with further details showing the precise location of porous asphalt and where the infiltrated surface water would connect to the drain which then connects to the subject SuDS basin. These are considered minor details which can be secured by condition.
140. For the reasons explained above, the layout of the development is considered acceptable and the development complies with Policies 3, 21, 29, 39, 44 and 45 of the County Durham Plan, Policies S1, S2, H1, H2, H3, G1, and E1 of the Durham City Neighbourhood Plan and Parts 9, 12, 15 and 16 of the NPPF.

## Landscaping

141. The application is accompanied by a full AIA which concludes that there would be a loss arboriculturally which cannot be fully mitigated on-site. It is recognised that some of this tree loss would have been unavoidable when Plot D were developed. However, some of the proposed tree loss is specific to these proposals.
142. The Council's Landscape officer has been consulted and notes:
  - Around 30 trees (20 B class 10 C Class) would be removed from the woodland to the north of Plot D and E to allow for the development of a suitable access, including a segregated footpath/cycleway;
  - The central bed of shrubs and trees would be removed, and these were shown as retained on the approved Indicative Masterplan when outline consent was granted under decision DM/20/01846/FPA. This consists mostly of mature ornamental shrubs together with young and early mature trees, some of which are self-sown. This has been seen in the development of past proposals as secondary to the main

woodland infrastructure and 'beneficial to retain' rather than 'essential to retain' but with passing time has become a more mature feature.

- Around 21 trees (7 B class, 13 C class and 1 U class) and a number of hawthorn (H1) along the eastern edge of the site fronting on to the access would be removed. This area consists mostly of mature and younger aspen in what is probably a clonal group, together with a mature ash (B) and oak (U) with condition issues which date from the older estate landscape. The group forms part of a green corridor along a multi-user route and has been considered in the past as part of the primary green infrastructure of the site. It is currently suffering from significant root damage and compaction from unauthorised parking, which is affecting some individual trees, but it retains a group value.
- Around 8 trees would be removed in the north-west corner of the site including a single mature multi-stemmed B class beech, a mixture of early mature and semi-mature B and C class sycamore, Norway maple and silver birch, and a single early mature A class Austrian pine. A further 13 trees - mostly semi-mature birch - would be removed along the northern edge of the site fronting onto Salvus House. A mature B class Scots Pine would be removed on the southern edge of the site together with a group of 9 trees consisting largely of B class mature and semi-mature wild cherry.

143. The Landscape officer also notes that, as shown on the AIA, the remainder of the primary woodland infrastructure would remain largely unaffected – including the woodland and large black pines in the site which are visually influential in screening the development in views from the wider landscape. The Landscape officer notes the Construction Management Plan (CMP) (and amended appendices) generally show that tree constraints have been considered and show 'areas that require high levels of tree protection' in the right places. However in order to secure finer details and refinements of the AIA and CMP, a conditional approach is recommended.
144. The Landscape officer advises the proposals provide for the planting of new trees, hedges and woodland under-storey in a well-considered Site Landscape Strategy.
145. The overall loss of canopy would be around 0.327 Ha according to the submitted Biodiversity Net Gain assessment, which notes that around 0.11 ha of new urban tree habitat would be created. The applicant is proposing to secure BNG credits to achieve an off-site BNG – the Landscape officer advises that these credits would need to include 0.2ha of urban trees to ensure the identified tree/ woodland canopy loss is compensated for in accordance with Policy 40 of the County Durham Plan.
146. Following the detailed assessment by the Landscape officer advises that the proposal would lead to a loss of trees within the site. However, as highlighted earlier in this assessment, officers are mindful that the scale and layout of the development, and subsequent tree loss, is driven by the functional need of a Data Centre. Therefore, on balance, it is considered that the proposed tree loss is justified, however in order to satisfy the tests of Policy 40 of the CDP, the benefits of the proposal are required to clearly outweigh the harm, this assessment is undertaken in the conclusion section of the report. It should also be noted that there have been lengthy negotiations between the applicant and officers to inform the scale and layout of the development to minimise tree loss, and the presented scheme represents the most viable layout.

## Other Matters

### *Biodiversity Net Gain*

147. In line with the original hybrid application (and as proposed to be amended) the County Durham Plan requirement to achieve Biodiversity Net Gain is required to be considered with each reserved matters application for specific plots.
148. In this respect, based on the supporting information, the proposal would lead to a loss of Biodiversity Net Gain (BNG) on-site. It is important to note that this reserved matters application is in relation to an outline consent that was granted in 2021, which pre-dates mandatory 10% BNG which was introduced in 2024. Therefore, this proposal is only required to provide 'a net gain' of BNG.
149. The proposal seeks to provide for BNG using off-site credits. The applicant submits that they seek to purchase their credits from 'Environment Bank', who have sites in the local area. These credits would include 0.2ha of urban trees to ensure the tree/woodland canopy loss is compensated for in accordance with Policy 40 of the County Durham Plan. This approach is considered acceptable in principle.
150. It is therefore considered that a standard condition is required to secure these details. The proposal would achieve a Biodiversity Net Gain in accordance with Policy 43 of the County Durham Plan and Part 15 of the National Planning Policy Framework.

#### District Heating Network

151. Concerns have been raised by the City of Durham Parish Council and by The City of Durham Trust in relation to energy efficiency. They seek to ensure the proposal maximising energy capture opportunities given the likely heat emissions from a Data Centre of this scale. Due to this being a detailed design matter it is considered appropriate to assess this element of the proposal under this reserved matters application, as opposed to the pending application which seeks to vary the outline consent, reference DM/24/02829/VOC.
152. The Council's Energy and Sustainability team have been consulted; whilst they have not specifically responded to this application, they do advise that the Council is continuing to work on future sustainable solutions for Durham City, and it is likely that the forthcoming heat Network Zoning legislation will identify Durham City as being a heat network zone, where connection to any new buildings in zones which do not connect before completion will need to be "heat network ready", meaning they should be designed in such a way that they can connect to a heat network in the future.
153. The applicant has provided further details which show that the proposed equipment within the building is capable of connecting to a district heating system, should one be constructed at a future point in time. It is considered reasonable to only require the proposal to be capable of such a connection. A condition is recommended which secures implementation of these details, whilst further information is sought. The condition is considered necessary to ensure that that a connection from this development can be delivered if and when an off-site district heating scheme is being delivered.
154. Subject to the recommended condition it is considered that the proposal accords with Policy 29 of the County Durham Plan, Policy S1 of the City of Durham Neighbourhood Plan, and Part 12 of the National Planning Policy Framework.

#### Sustainability

155. Condition 23 of the outline consent DM/20/01846/FPA requires this reserved matters submission to include a sustainability assessment demonstrating the proposal achieves a BREEAM score of 'very good'. A range of measures has been set out in



the submitted Design and Access Statement and Sustainability Statement, and note that the Sustainability Assessment states that A BREEAM “Very Good” rating will be targeted as a minimum. It is considered that the submitted details are acceptable in accordance with Policy 29 of the County Durham Plan, Policy S1 of the City of Durham Neighbourhood Plan, and Part 12 of the National Planning Policy Framework. A condition is however recommended to secure adherence to this submission of the final BREEAM accreditation.

### Design and Counter Terrorism Principles

156. Condition 24 of the outline consent DM/20/01846/FPA requires this reserved matters submission to include a security assessment which details how the development of the Plot will incorporate Secured by Design and Counter-Terrorism principles. The submitted Design and Access Statement and Risk Assessment, and Risk Assessment submits that the overall risk rating to threats of normal crime at the site to be Low in comparison to the Northeast of England, England itself as well as the United Kingdom as whole. Notwithstanding this design and security measures which are typical for a Data Centre have been incorporated into the scheme, including the security perimeter fence. It is considered that the submitted details are acceptable in accordance with Policy 29 of the County Durham Plan, Policy S1 of the City of Durham Neighbourhood Plan, and Part 12 of the National Planning Policy Framework.

### Public Sector Equality Duty

157. 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.
158. In this instance, officers have assessed all relevant factors and do not consider that there are any equality impacts identified. Accordingly, no changes to the proposal were required to make it acceptable in this regard.

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## **CONCLUSION**

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159. Section 38(6) of the Planning and Compulsory Purchase Act 2004 sets out that planning applications be determined in accordance with the development plan unless material considerations indicate otherwise.
160. The application site benefits outline planning permission for development of three office buildings at a range of heights along with an ancillary kiosk building under reference DM/20/01846/FPA. Permission is currently being sought to amend the original application to facilitate the siting of a data centre under a s.73 application, reference DM/24/02829/VOC. As part of officers’ assessment of that application, it was concluded that a development of this nature could be accommodated within Plot D, subject to detailed consideration under a reserved matters application. It was concluded by officers under that application that the proposal would be consistent with the original permission and wider masterplan.
161. As considered above, while recognised that the scale, layout and subsequent appearance of the development are driven by the functional need of a Data Centre, the development would not lead to an adverse visual impact when seen from wider vantage points in the local landscape and in particular from Heritage assets including

the World Heritage Site. Whilst there would be some residual visual impact in the local context such as from footpaths from around the site, in the round due to the material uses, screening afforded this is not considered significant. The development is considered to comply with Policies, 3, 16, 29, 44 and 45 of the County Durham Plan, Policies S1, S2, H1, H2, H3 and E1 of the City of Durham Neighbourhood Plan and Parts 12, 15 and 16 of the NPPF.

162. The development would lead to a localised loss of tree cover on the site, at a level greater than that envisaged in the original hybrid planning application. However, none of the trees to be lost are considered of significant landscape or individual value, and the impact of the proposed loss of trees is considered to be outweighed by the benefits associated with the development. This includes the specific economic and social benefits linked to a Data Centre, with the potential for this proposal to act as catalyst for the wider redevelopment of the site. The Development therefore satisfies the tests of Policy 40 of the County Durham Plan. Replacement tree planting is also proposed on site, with further required replacement planting secured off-site via the required BNG credits.
163. The development would also provide parking and access arrangements to the satisfaction of the Highways Authority and would not impact on any ecological interests of the site or species especially protected by law, to the satisfaction of the Council's Ecology officer. The development would comply with Policies 3, 16, 21, 41 and 43 of the County Durham Plan and Policies S1, S2, G3, E1 and T1 of the City of Durham Neighbourhood Plan and Parts 9 and 15 of the NPPF.
164. Whilst the concerns of the City of Durham Parish Council, The City of Durham Trust and members of the public have been carefully considered, it is considered that the application complies with the Development Plan as a whole, and there are no material considerations which indicate a decision should be otherwise. The application is therefore recommended for approval.

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## **RECOMMENDATION**

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

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

24122.101 Revision F Site Landscape Strategy by MHP

24122.201 Revision A Soft Landscape Proposals by MHP

24122.301 Revision B Hard Landscape Proposals by MHP

24122.401 Proposed Site Levels by MHP

24122.411 Revision A Soil Strategy Plan by MHP

2024-10-11 DATA CENTRE LANDSCAPE MANAGEMENT PLAN 10 YEARS V1

2024-10-11 DATA CENTRE LANDSCAPE SPECIFICATION V1

9958 - FUT - V1 - ZZ - DR - Z – 1010 Revision P04 - Site Location and Block Plan

9958 - FUT - V1 - ZZ - DR - Z – 1030 Revision P08 - Proposed Masterplan

9958 - FUT - ZZ - ZZ - DR - A – 1730 Revision P02 – Proposed Sections

9958 - FUT - ZZ - ZZ - DR - A – 1770 Revision P03 – Proposed Elevations

9958 - FUT - ZZ - ZZ - DR - A – 1780 Revision P03 – Proposed Masterplan Sections

9958 - FUT - V1 - 00 - DR - A – 1110 Revision P02 - Proposed General Arrangement

Layouts,

Level Ground

9958 - FUT - V1 - R1 - DR - A – 1160 Revision P01 - Proposed General Arrangement Layouts,  
Level Roof  
9958 - FUT - V1 - R2 - DR - A – 1165 Revision P02 - Proposed General Arrangement Layouts,  
Level Gantry  
9958 - FUT - V1 - ZZ - SC - M – 2010 Revision P04 - Critical Cooling Sheet 1 of 4

24\_069-CSE-V1-XX-DR-C-0001 - Overall Existing Topographical Survey  
24\_069-CSE-V1-XX-DR-C-0010 Revision P03 - Overall Site Layout Plan And Levels

Arboricultural Impact Assessment by Arbux ref: DDCDataCentre\_AIA\_01  
Ecological Impact Assessment by OS Ecology ref: 24287 V5  
Great Crested Newt Survey by E3 Ecology ref: 7714/L01  
Bird Risk Assessment by E3 Ecology Revision R02  
Construction Environmental Management Plan ref: 24287 V3  
Construction Management Plan Revision 2.0 by Patrick Parsons, including appendices  
9958-FUT-ZZ-ZZ-RP-A-1951 Issue 01 Addendum to Construction Management Plan by Future-tech  
Foul and Surface Water Drainage Strategy by CSEA ref: RPT-24\_069-001 4th Issue  
Health and Safety Risk Assessment for SuDS Basin as part of development of Data Centre, Plot D, Land at Aykley Heads, Framwellgate Peth, Durham  
Transport Statement by SAJ ref: JN2947-Rep-0001.3  
Plant Noise Impact Assessment by NSL ref: 92409/NIA/Rev1 Revision 4  
Heritage Statement by DU Archaeological Services ref: 6155rev  
Landscape Visual Impact Assessment by MHP ref: 24122 V5  
Soil Resources Assessment by Land Research Associates ref: 2374/3  
Air Quality Assessment by RPS ref: 794-ENV-AIR-21125 Rev 4  
Exterior Lighting Assessment Issue 02 by Future-tech  
Data Centre For Durham University Risk Assessment by Guidepost

*Reason: To define the consent and ensure that a satisfactory form of development is obtained and in accordance with Policies 2, 3, 21, 22, 25, 26, 29, 31, 32, 35, 36, 39, 40, 41, 43, 44 and 45 of the County Durham Plan, and Policies S1, S2, H1, H2, H3, G1, G3, E1 and T1 of the City of Durham Neighbourhood Plan.*

## **Biodiversity Net Gain**

2. Prior to the commencement of development, a Biodiversity Gain Plan shall be submitted to and approved in writing by the Local Planning authority. The plans shall be in accordance with the 'Biodiversity Net Gain Assessment V2' dated October 2024 and prepared by OS Ecology; and in accordance with the letter titled 'Intention to purchase all required biodiversity net gain credits in relation to the development of Aykley Heads Plot D only pursuant to planning permission DM/20/01846/FPA at Land at Aykley Heads Durham DH1 5UQ' dated 18<sup>th</sup> December 2024 and prepared by Durham University.

*Reason: To ensure the Biodiversity Gain Plan submitted for approval accords with the biodiversity information submitted with the planning application and that 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. Required to be pre-commencement to ensure the development secures a Biodiversity Net Gain.*

## **Highways**

3. The development shall not be brought into use until the cycle parking provision as detailed on the approved plans has been made available for use.

Thereafter, the cycle parking shall be retained in accordance with the approved details and shall be made available for the parking of cycles at all times.

*Reason: In the interest of sustainable development, in accordance with Policies 21 and 29 of the County Durham Plan, Policy T1 of the City of Durham Neighbourhood Plan, and the National Planning Policy Framework*

4. The development shall not be brought into use until the Electric Vehicle Charging Points as detailed on the approved plans have been installed and made available for use. Thereafter, the charging points shall then be retained for use at all times for the lifetime of the development.

*Reason: In the interest of sustainable development, in accordance with Policies 21 and 29 of the County Durham Plan, Policy T1 of the City of Durham Neighbourhood Plan, and the National Planning Policy Framework*

5. The development shall not be brought into use until the car parking area depicted on the approved plans have been hard surfaced, sealed and marked out as parking bays in accordance with the approved plans. Thereafter, the car parking area shall be retained in accordance with the approved plans and shall not be used for any purpose other than the parking of vehicles associated with the development.

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

## **Landscaping**

6. All planting, seeding or turfing and habitat creation in the approved details of the landscaping scheme shall be carried out in the first available planting season following the practical completion of the development.

No tree shall be felled or hedge removed until the removal/felling is shown to comply with legislation protecting nesting birds and roosting bats.

Any approved replacement tree or hedge planting shall be carried out within 12 months of felling and removals of existing trees and hedges.

Any trees or plants which die, fail to flourish or are removed within a period of 5 years from the substantial completion of the development shall be replaced in the next planting season with others of similar size and species.

Replacements will be subject to the same conditions.

*Reason: In the interests of the visual amenity of the area, in accordance with Policies 29 and 40 of the County Durham Plan, Policies S1, S2, G1, and G3 of the City of Durham Neighbourhood Plan, and with the National Planning Policy Framework.*

7. Notwithstanding the hereby approved plans, prior to any works commencing, an Arboricultural Method Statement and updated accompanying Construction Management Plan showing tree protection measures in respect of trees which are to be retained shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved details.

*Reason: To ensure trees of notable amenity value are protected during the works, in the interests of the visual amenity of the area, in accordance with Policies 29 and 40 of the County Durham Plan, Policies S1, S2, G1, and G3 of the City of Durham Neighbourhood Plan, and with the National Planning Policy Framework. Required as pre commencement condition to ensure the retained trees are protected during the construction period.*

## **Drainage**

8. Notwithstanding the hereby approved plans, prior to any works other than site clearance, ground investigation or remediation works commencing, further details of the following shall be submitted to and approved in writing by the Local Planning Authority:
- (a) Details of the precise extent of porous asphalt within the site, including a subgrade drainage layout plan indicating where the infiltrated surface water would connect to the proposed main drain; and
  - (b) Details of the location, scale and appearance of the timber fence enclosing the proposed amended SuDS basin.

The development shall then be carried out in accordance with the approved details.

*Reason: In the interest of preventing surface water flooding within the site or elsewhere, and in the interest of public safety, in accordance with Policy 35 of the County Durham Plan and Part 14 of the National Planning Policy Framework.*

## **District Heating Network Connection**

9. The development shall not be brought into use until the following details have been installed:

9958 - FUT - V1 - ZZ - SC - M – 2010 Revision P04 - Critical Cooling Sheet 1 of 4 – dated November 2024

No development shall commence, other than site clearance, ground investigation or remediation works until an off-site district heat network strategy has been submitted to and approved in writing by the Local Planning Authority. The strategy should consider and detail the installation of any onsite infrastructure during construction to allow a potential heat network to connect to the development from the site boundaries. The development shall thereafter be constructed in accordance with the approved strategy.

*Reason: To enable the development to connect to off-site district heat network infrastructure, in accordance with Policies 29 of the County Durham Plan, Policy S1 of the City of Durham Neighbourhood Plan, and Part 12 of the National Planning Policy Framework.*

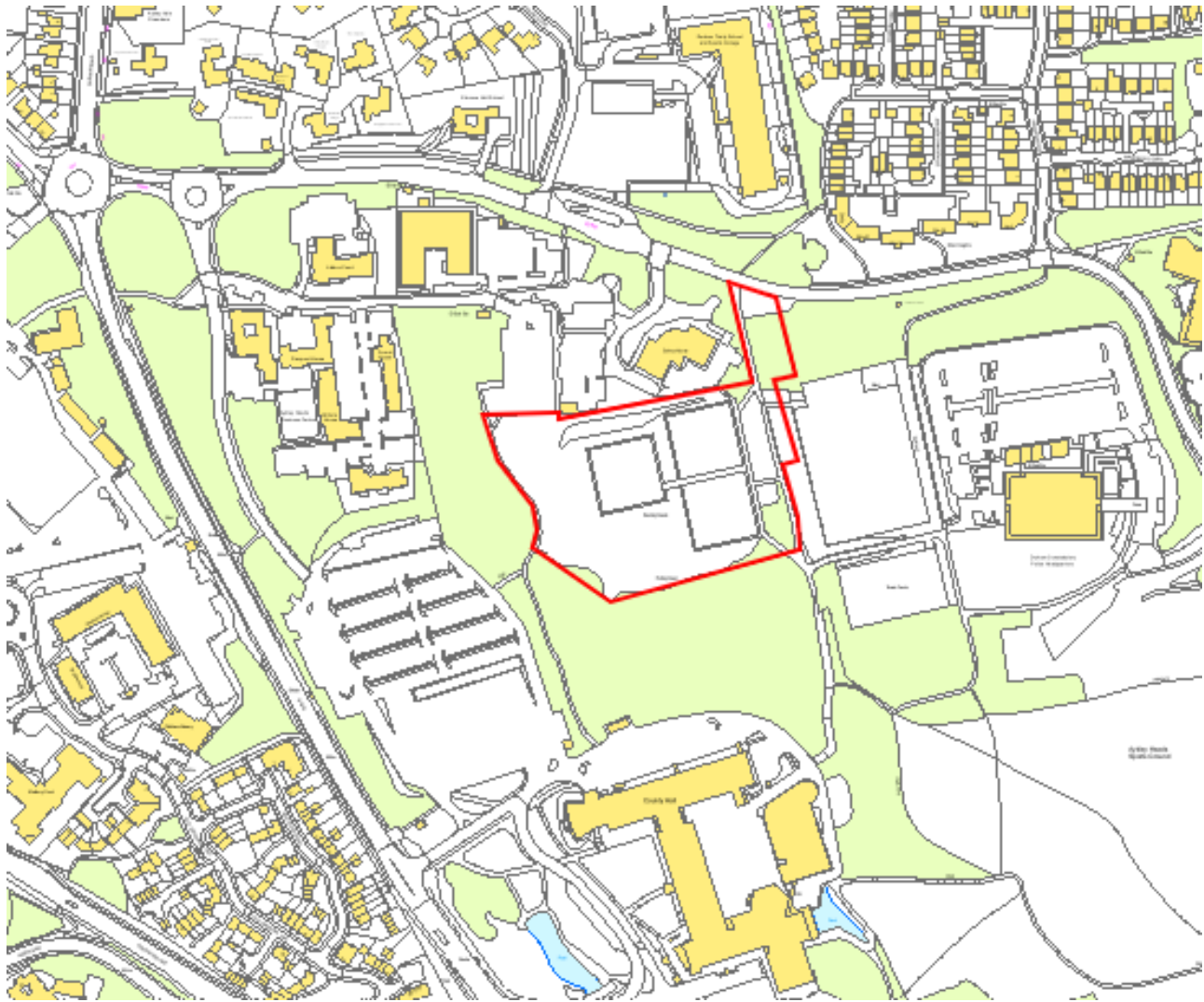
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## **BACKGROUND PAPERS**

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- Submitted application form, plans, supporting documents and subsequent information provided by the applicant
- Statutory, internal and public consultation responses
- The National Planning Policy Framework (December 2024)
- National Planning Practice Guidance Notes
- County Durham Plan (2020)

- Trees, Woodlands and Hedges Supplementary Planning Document (SPD) 2024
- Residential Amenity Standards SPD (2023)
- Parking and Accessibility SPD (2023)
- County Durham Landscape Strategy (2008)
- County Durham Landscape Character (2008)
- Statutory, internal and public consultation responses



**Planning Services**

DM/24/02888/RM

Reserved Matters submission for the matters of Appearance, Landscaping, Layout and Scale pursuant to hybrid planning permission DM/20/01846/FPA, to create a Data Centre and ancillary office space (Use Class E(g)(ii)) with associated landscaping and infrastructure on Plot D

Plot D, Land At Aykley Heads, Framwellgate Peth, Durham DH1 5UQ.

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**Comments**

**Date** December 2024

**Scale** Not to Scale

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## Planning Services

# COMMITTEE REPORT

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### APPLICATION DETAILS

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<b>APPLICATION No:</b>	DM/24/00783/FPA
<b>FULL APPLICATION DESCRIPTION:</b>	Installation of ground mounted photovoltaic farm with associated infrastructure, engineering works, access, and landscaping
<b>NAME OF APPLICANT:</b>	Enviromena Project Management UK Ltd
<b>SITE ADDRESS:</b>	Land West Of Units 1-3, Admiralty Way, Seaham SR7 7DN
<b>ELECTORAL DIVISION:</b>	Dawdon
<b>CASE OFFICER:</b>	Callum Harvey Senior Planning Officer Tel. 07393 469 380 <a href="mailto:Callum.Harvey@durham.gov.uk">Callum.Harvey@durham.gov.uk</a>

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### DESCRIPTION OF THE SITE AND PROPOSALS

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#### The Site

1. The application site is part of an agricultural field. The wider field measures approximately 12 Hectares in area (ha), whilst this application site measures 8.78 hectares in area. The site is located to the south of Dawdon. To the west and north is a belt of trees with Seaham Golf Club beyond, to the east is Foxcover Industrial Estate accessed by Admiralty Way, and to the south is the A182 with the previously approved Seaham Garden Village beyond and the inactive Hawthorn Quarry.
2. The site features a ridge line running north-south through the centre of a notable height. The site measures 91.86m Above Ordinance Datum (AOD) at the highest point, 75m AOD at the western boundary, 76m AOD at the northern boundary, and 71m AOD at the proposed access point on the eastern boundary. The proposed ridge therefore rises approximately 20m higher than the level of the land to the east of the site along Admiralty Way. The site measures approximately 300m in width at the widest point; given the height of the ridge this leads to notable level changes to the east and west of the crest of the ridge.
3. The site does not benefit from a formal vehicular access, however from aerial photos and from on-site observations it appears that when the site has previously been farmed, vehicular access has been sought from Admiralty Way across the pavement.

4. The site does not lie in an area covered by any national or local landscape designations. An Area of Higher Landscape Value (AHLV) is located approximately 200m to the east of the site. The Heritage Coast is located approximately 750m to the east of the site.
5. The site does not contain any ecological designations. The nearest is the Hazel Dene Local Wildlife Site (LWS) located approximately 330m to the north. Cold Hesledon Pond LWS is located approximately 650m to the west. The Stony Cut, Cold Hesledon Site of Special Scientific Interest (SSSI) is located approximately 600m to the west. The Durham Coast SSSI is approximately 800m to the east. The Hawthorn Quarry SSSI is approximately 840m to the south. The nearest Special Conservation Area (SAC) is Durham Coast approximately 800m to the east. The nearest Special Protection Area (SPA) is approximately 1.9km to the northeast. The Noses Point Local Nature Reserve (LNR) is located approximately 550m to the east.
6. The nearest watercourse is Hawthorn Burn approximately 1.6km to the south of the site. The nearest pond is located within Seaham Golf Course approximately 300m west of the site. The site falls within Flood Zone 1 as identified by the Environment Agency, which is the lowest risk area of fluvial flooding. No part of the site is within a surface water flood risk area as identified in the Council's Strategic Flood Risk Assessment (SFRA). The site is within a major Groundwater Vulnerability area and Groundwater Source Protection Zone (Zone 3) as defined by the Environment Agency.
7. The site is within the Low Risk Coalfield Development Area as identified by the Coal Authority.
8. To the immediate north of the site and west of Admiralty Way is a historic landfill known as Area C Foxcover. That land is at a slightly lower level than the northern end of the application site.
9. The site consists entirely of land classified as Grade 3b under the Agricultural Land Classification system and is therefore not best and most versatile.
10. There are no designated heritage assets within or adjacent to the site, with the nearest being the Grade II listed Church of St Hild and St Helen located approximately 650m to the northeast, on the other side of the industrial estate to the east of the site. The nearest Conservation Area is Seaham Conservation Area, approximately 1.5km to the north. Dalton Pumping Station, which is a Locally Listed Historic Park, is approximately 1.4km to the west. The nearest Schedule Monument is the Dalden Tower medieval fortified manor house and related earthworks, allocated approximately 1.3km to the north of the site.
11. There are no public rights of way running through or adjacent to the site. The nearest is Bridleway No. 15 (Hawthorn Parish), located approximately 170m to the south. Bridleway No. 16 (Seaham Parish) is located approximately 250m to the east.
12. The nearest existing residential dwellings are approximately 450m to the northwest of the site, on the opposite side of Seaham Golf Course. Outline planning permission has also been granted for dwellings approximately 80m south of the site, on the opposite side of the A182. These dwellings form Cell H of Seaham Garden Village as shown on the approved Illustrative Phasing Parameters Plan approved under consent DM/22/00844/VOC. Whilst these dwellings are not yet constructed and occupied, the consent for the wider development is extant, and it is anticipated that these dwellings within Cell H will be constructed and occupied during the lifetime of the currently proposed development.

13. The northern and western edges of the site fall within the High Moorsley Meteorological Office consultation zone for any building, structure or works exceeding 91.4 metres in height above ground level. The proposal does not include any works above this height.
14. To the immediate east of the current site, and to the west of Admiralty Way, lies a parcel of land which benefits from planning permission for a petrol filling station and drive thru' coffee outlet with access and car parking. This development has not yet commenced.
15. To the south of the previously approved drive-thru coffee shop and to the southeast of the current proposal lies a parcel of land which benefits from planning permission for the installation of 6no. rapid electric vehicle charging stations and associated development. That development has not yet commenced.

## The Proposal

16. This application is for the installation and operation of a solar farm together with all associated works, equipment and necessary infrastructure. The proposed development comprises solar panels arranged into linear arrays. The majority of the panels would face southwest, whilst some at the northern end of the site would face south. The solar panels would be composed of photovoltaic cells designed to maximise the absorbency of the sun's rays and to minimise solar glare.
17. The solar farm would generate circa 8 Mega Watts (MW) of electricity. The proposal would connect to an existing 20kv cable located to the immediate southwest of the site, north of the A182, which would provide onward connection to the national grid.
18. The submitted plans show the panels would be fixed to the ground upon metal frames. The panels would be fixed at a 15 degree angle and would measure up to 2.5m in height from ground level. The linear arrays would be separated by between 2.5m and 5.5m, depending on the land levels, to prevent overshadowing of panels.
19. Access would be sought from Admiralty Way at the northeast corner of the site, with an internal access road along the eastern edge of the site. Parking areas within the site would comprise grasscrete or similar to enable surface water drainage, and to enable grass to grow between the plastic grids. Precise details of the surface material along the entire length of the internal access road have not been submitted.
20. A substation would be located at the southeastern corner of the site, which would measure 9m in length, 2.8m in width and 3.4m in height. Woodland planting is proposed in the northwestern and southeastern corners, and along the southern edge of the site adjacent to the cut through which the A182 passes. The northern part of the site would be open grass land to provide Skylark habitat.
21. Beyond the access road, the panels would be located within an area enclosed by deer fencing which would measure 1.9m in height. Hedgerows are proposed adjacent to the fencing, with evergreen native hedgerows proposed along the eastern edge, and mixed native hedgerows proposed along the remaining edges. The enclosed area would also include an additional substation and two transformer stations. The substation would measure 6.6m in length, 2.6m in width and 3.1m in height. The application submits that security cameras would be located along the fence line, in order to provide security to the site and prevent unauthorised access by members of the public. No details of their height, appearance or precise location have been submitted.

22. The application submits that during the lifetime of the solar farm, the site could be utilised for the light grazing of livestock (sheep, chickens, geese, etc.) in between the solar arrays, whilst the site could also be used for beekeeping. Precise details have not been submitted as the application submits these opportunities are still being discussed with the landowner.
23. The construction phase of the development would last for approximately 16 weeks. The application submits that construction vehicles would access the site from the A19 via the A182, and that construction vehicles would not be directed through Seaham or Dawdon. During the construction period it is anticipated that there would be 4 two-way HGV movements a day. Working hours can be secured by condition. Precise details of the decommissioning phase have not been submitted. During the operational phase it is anticipated that 2 two-way vehicle trips a month using a van would be required for ongoing maintenance.
24. The proposed solar PV installation of circa 8MW is the equivalent to providing for the energy needs of approximately 3,169 homes within the UK.
25. The solar PV installation would result in a reduction in carbon emissions associated with energy generation equating to approximately 1,764 tonnes of CO2 per year. This is equivalent to the removal of 1,260 standard, internal combustion powered family cars from the road each year, assuming they each generate 1.4 tonnes of CO2 per year.
26. The development would occupy the site for a temporary period of 40 years, after which the equipment would be removed and the land reinstated.
27. The application has not submitted the direct FTE job creation during the construction period however it does submit that 56 indirect and induced FTE jobs would be created from the supply chain and related services.
28. The application is being reported to the County Planning Committee as it is a renewable energy scheme with a site area greater than 1 hectare.

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## **PLANNING HISTORY**

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29. Within the site Planning Permission No. 5/1993/00652 for the Development of prestige industrial estate to include classes B1, B2 and B8 with associated accesses and landscaping was approved January 1994.
30. On adjacent land to the east of the site there have been three planning permissions granted. Planning Permission No. DM/20/03591/FPA for the erection of a petrol filling station and drive thru' coffee outlet (Class E), along with access, car parking, drive thru' lane, external seating area, refuse stores, hard and soft landscaping and associated works. Approved November 2022.
31. Planning Application No. DM/23/00705/NMA for a Non-Material Amendment to condition 15 of Planning Permission DM/20/03591/FPA to relate the condition exclusively to the petrol filling station was approved April 2023.
32. Planning Permission No. DM/3/02271/AD for a 9m high internally illuminated totem pole sign was approved October 2023.

## NATIONAL POLICY

33. A revised National Planning Policy Framework (NPPF) was published in December 2024. The overriding message continues to be that new development that is sustainable should go ahead without delay. It defines the role of planning in achieving sustainable development under three overarching objectives – economic, social and environmental, which are interdependent and need to be pursued in mutually supportive ways. The following elements of the NPPF are considered relevant to this proposal:
34. *NPPF Part 2 – Achieving sustainable development.* The purpose of the planning system is to contribute to the achievement of sustainable development and therefore at the heart of the NPPF is a presumption in favour of sustainable development. It defines the role of planning in achieving sustainable development under three overarching objectives – economic, social and environmental, which are interdependent and need to be pursued in mutually supportive ways. The application of the presumption in favour of sustainable development for plan-making and decision-taking is outlined.
35. *NPPF Part 4 – Decision-making.* Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.
36. *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.
37. *NPPF Part 8 – Promoting healthy and safe communities.* The planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. Developments should be safe and accessible; Local Planning Authorities should plan positively for the provision and use of shared space and community facilities. An integrated approach to considering the location of housing, economic uses and services should be adopted.
38. *NPPF Part 9 – Promoting sustainable transport.* Encouragement should be given to solutions which support reductions in greenhouse gas emissions and reduce congestion. Developments that generate significant movement should be located where the need to travel will be minimised and the use of sustainable transport modes maximised.
39. *NPPF Part 11 – Making Effective Use of Land.* Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Strategic policies should set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously-developed or 'brownfield' land.

40. *NPPF Part 12 – Achieving Well-Designed Places.* The Government attaches great importance to the design of the built environment, with good design a key aspect of sustainable development, indivisible from good planning.
41. *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.
42. *NPPF Part 15 – Conserving and enhancing the natural environment.* Planning policies and decisions should contribute to and enhance the natural and local environment.
43. *NPPF Part 16 – Conserving and enhancing the historic environment.* Heritage assets range from sites and buildings of local historic value to those of the highest significance, such as World Heritage Sites which are internationally recognised to be of Outstanding Universal Value. These assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations.

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

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

44. The Government has consolidated a number of planning practice guidance notes, circulars and other guidance documents into a single Planning Practice Guidance Suite. This document provides planning guidance on a wide range of matters. Of particular relevance to this application is the practice guidance with regards to; air quality; climate change; historic environment; design process and tools; determining a planning application; flood risk; healthy and safe communities; land affected by contamination; light pollution; natural environment; neighbourhood planning; noise; public rights of way and local green space; planning obligations; renewable and low carbon energy, travel plans, transport assessments and statements; use of planning conditions; and water supply, wastewater and water quality.

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

45. Other material considerations include EN:1 Overarching National Policy Statement for Energy and EN-3 National Policy Statement for Renewable Energy Infrastructure. Both National Policy Statements came into force on 17 January 2024. EN-3 states that electricity generation from renewable sources of energy is an essential element of the transition to net zero and meeting our statutory targets for the sixth carbon budget (CB6). Further, it is stated that the government has committed to sustained growth in solar capacity to ensure that we are on a pathway that allows us to meet net zero emissions by 2050. As such solar is a key part of the government's strategy for low-cost decarbonisation of the energy sector. The Policy Statement cites the key considerations involved in the siting of a solar farm.
46. Also relevant are: the Climate Change Act 2008 which sets a targets for the year 2050 for the reduction of targeted greenhouse gas emissions; the Climate Change Committee 2022 Progress Report to Parliament, which stated, '*Following Russia's invasion of Ukraine, the UK Government's response to heightened energy security concerns has been to double down on Net Zero. This is welcome, but the new Energy Security Strategy (ESS) is almost entirely supply-focused and many of its*

*commitments may not be delivered until well after the immediate crisis. There remains an urgent need for equivalent action to reduce demand for fossil fuels to reduce emissions and limit energy bills*’; the Net Zero Strategy: Build Back Greener (Oct 2021, Update April 2022), which covers a wide range of sectors including Power, which ‘recognises that reliable and affordable power is a foundation of a modern industrial economy, and plays a critical role in decarbonising the economy and achieving net zero goals cost effectively’; Energy White Paper: Powering our Net Zero Future, with the goal to, ‘deliver energy reliably, while ensuring fair and affordable costs and accelerating our transition to clean energy, we need to create investment opportunities across the UK to enable a smarter, more flexible energy system, which harnesses the power of competition and innovation to the full’ and the British energy security strategy (Updated 2022) which provides a ‘10 point plan’ for a ‘green revolution’ for less reliance on the global gas market.

## **LOCAL PLAN POLICY:**

The County Durham Plan (October 2020)

47. *Policy 10 – Development in the Countryside.* States development in the countryside will not be permitted unless allowed for by specific policies in the Plan, by relevant policies within an adopted Neighbourhood Plan relating to the application site, or where the proposal relates to one or more of the following exceptions; economic development, infrastructure development or the development of existing buildings. New development in the countryside must accord with all other relevant development plan policies and with the General Design Principles set out in Policy 10.
48. *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.
49. *Policy 21 – Delivering Sustainable Transport.* States that all development shall deliver sustainable transport by (in part) ensuring that any vehicular traffic generated by new development, following the implementation of sustainable transport measures, can be safely accommodated on the local and strategic highway network and does not cause an unacceptable increase in congestions or air pollution and that severe congestion can be overcome by appropriate transport improvements.
50. *Policy 25 – Developer Contributions.* States that new development will be approved where any mitigation necessary to make the development acceptable in planning terms is secured through appropriate planning conditions or planning obligations.
51. *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.
52. *Policy 28 – Safeguarded Areas –* Within safeguarded areas development will be subject to consultation with the relevant authority and will be permitted within the defined consultation zones of the Major Hazard Sites and Major Hazard Pipelines, where it can be demonstrated that it would not prejudice current or future public safety. The Policy also requires that development would not prejudice the safety of air traffic and air traffic services, that there would be no unacceptable adverse impacts upon the operation of High Moorsely Meteorological Officer radar and the operation of Fishburn Airfield, Shotton Airfield and Peterlee Parachute Drop Zone Safeguarding Areas.

53. *Policy 29 – Sustainable Design.* Requires all development proposals to achieve well designed buildings and places having regard to advice within Supplementary Planning Documents (SPDs) and sets out detailed criteria which sets out that where relevant development is required to meet including; making a positive contribution to an areas character and identity; provide adaptable buildings; minimise greenhouse gas emissions and use of non-renewable resources; providing high standards of amenity and privacy; contributing to healthy neighbourhoods; providing suitable landscape proposals; provide convenient access for all users; adhere to the Nationally Described Space Standards (subject to transition period).
54. *Policy 31 – Amenity and Pollution.* Sets out that development will be permitted where it can be demonstrated that there will be no unacceptable impact, either individually or cumulatively, on health, living or working conditions or the natural environment and that they can be integrated effectively with any existing business and community facilities. Development will not be permitted where inappropriate odours, noise, vibration and other sources of pollution cannot be suitably mitigated against, as well as where light pollution is not suitably minimised. Permission will not be granted for sensitive land uses near to potentially polluting development. Similarly, potentially polluting development will not be permitted near sensitive uses unless the effects can be mitigated.
55. *Policy 32 – Despoiled, Degraded, Derelict, Contaminated and Unstable Land.* States [in part] that development will not be permitted unless the developer can demonstrate that the site is suitable for the proposed use, and does not result in unacceptable risks which would adversely impact on the environment, human health and the amenity of local communities.
56. *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.
57. *Policy 35 – Water Management.* Requires all development proposals to consider the effect of the proposed development on flood risk, both on-site and off-site, commensurate with the scale and impact of the development and taking into account the predicted impacts of climate change for the lifetime of the proposal. All new development must ensure there is no net increase in surface water runoff for the lifetime of the development. Amongst its advice, the policy advocates the use of SuDS and aims to protect the quality of water.
58. *Policy 39 – Landscape.* States that proposals for new development will be permitted where they would not cause unacceptable harm to the character, quality or distinctiveness of the landscape, or to important features or views and that development affecting valued landscapes will only be permitted where it conserves, and where appropriate enhances, the special qualities of the landscape, unless the benefits of the development in that location clearly outweigh the harm.
59. *Policy 40 – Trees, Woodlands and Hedges.* States that proposals will be expected to retain existing trees where they can make a positive contribution to the locality or to the development, maintain adequate standoff distances between them and new land-



uses, including root protection areas where necessary, to avoid future conflicts, and integrate them fully into the design having regard to their future management requirements and growth potential.

60. *Policy 41 – Biodiversity and Geodiversity.* States 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.
61. *Policy 43 – Protected Species and Nationally and Locally Protected Sites.* Development proposals that would adversely impact upon nationally protected sites will only be permitted where the benefits clearly outweigh the impacts whilst adverse impacts upon locally designated sites will only be permitted where the benefits outweigh the adverse impacts. Appropriate mitigation or, as a last resort, compensation must be provided where adverse impacts are expected. In relation to protected species and their habitats, all development likely to have an adverse impact on the species' abilities to survive and maintain their distribution will not be permitted unless appropriate mitigation is provided or the proposal meets licensing criteria in relation to European protected species.
62. *Policy 44 – Historic Environment.* States that great weight will be given to the conservation of all designated assets and their settings (and non-designated heritage assets of archaeological interest that are demonstrably of equivalent significance to scheduled monuments)(164). Such assets should be conserved in a manner appropriate to their significance, irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. This aligns with Chapter 16 of the NPPF.
63. *Policy 56 - Safeguarding Mineral Resources.* States that planning permission will not be granted for non-mineral development that would lead to the sterilisation of mineral resources within a Mineral Safeguarding Area. This is unless it can be demonstrated that the mineral in the location concerned is no longer of any current or potential value, provision can be made for the mineral to be extracted satisfactorily prior to the non-minerals development taking place without unacceptable adverse impact, the non-minerals development is of a temporary nature that does not inhibit extraction or there is an overriding need for the non-minerals development which outweighs the need to safeguard the mineral or it constitutes exempt development as set out in the Plan. Unless the proposal is exempt development or temporary in nature, all planning applications for non-mineral development within a Mineral Safeguarding Area must be accompanied by a Mineral Assessment of the effect of the proposed development on the mineral resource beneath or adjacent to the site of the proposed development.

## **SUPPLEMENTARY PLANNING DOCUMENTS**

64. *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.
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. *Solar Energy SPD (2024)* - This SPD sets out guidance for solar development serving residential, business, leisure and community uses and commercial scale solar farms. It covers key planning issues associated with solar development including landscape

character, biodiversity, heritage assets and agricultural land. The SPD seeks to ensure panels are appropriately sited and designed.

<https://www.durham.gov.uk/article/7444/County-Durham-Plan-supporting-documents>

#### 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)*

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## CONSULTATION AND PUBLICITY RESPONSES

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#### STATUTORY RESPONSES:

68. *Highways Authority* – raise no objection. Officers advise that initial concerns relating to Glint and Glare and the impact on the capacity of the surrounding road network have been addressed through the updated Transport Statement and through the updated Glint and Glare Assessment. The proposed access onto Admiralty Way is acceptable subject to technical approval under the Highways Act. They also advise that a Construction Management Plan is required and should be secured by condition. Subject to that recommended condition there are no concerns in respect of highway safety.
69. *Drainage & Coastal Protection (Lead Local Flood Authority)* – raise no objection. Officers advise that previous concerns have been addressed through the updated layout and through submission of a Drainage Strategy which is informed by the Council's "General Guidance from research sources relating to drainage considerations for the construction and maintenance of varying types of Solar / Wind Farms" document. Subject to the received Drainage Technical Note document being secured as an approved plan/document by condition, the Drainage officer has no concerns in respect of the surface water management solution.
70. *Natural England* – raise no objection based on the plans submitted, Natural England considers that the proposed development would not have significant adverse impacts on designated sites and protected landscapes. It considers that the proposed development would not have likely significant effects on the Durham Coast Special Area of Conservation. To meet the requirements of the Habitats Regulations, the Council is advised to record that a likely significant effect can be ruled out. Natural England considers that the proposed development would not damage or destroy the interest features for which nearby Sites of Special Scientific Interest sites have been notified. With regard to the Durham Heritage Coast protected landscapes Natural does not consider that the proposed development would compromise character of the Heritage Coast.
71. Natural England identify that the site would likely affect 8.78ha of BMV agricultural land, but as the development is temporary it is unlikely to lead to significant permanent loss of BMV agricultural land, as a resource for future generations. It is advised that any grant of planning permission should be made subject to conditions to safeguard soil resources and agricultural land, including a required commitment for the preparation of reinstatement, restoration and aftercare plans. Advice is also provided on protected landscapes, wider landscapes, biodiversity duty, designated nature conservation sites, protected species, local sites and priority habitats and species,

biodiversity and wider environmental gains, Ancient woodland, ancient and veteran trees, best and most versatile agricultural land and soils, access and recreation and rights of way, Access land, Coastal access and National Trails.

#### INTERNAL CONSULTEE RESPONSES:

72. *Spatial Policy* – offer key policy observations in relation to the proposed development. They advise that the site is unallocated and does not lie within the built-up area of any settlement. Whilst lying to the west of Foxcover Industrial Estate, which is allocated employment land, they consider the site lies within the open countryside, and that CDP Policy 10 (Development in the Countryside) is therefore relevant to this application's determination.
73. Officers advise that CDP Policy 33 is a key consideration, which supports renewable and low carbon energy development in appropriate locations. They advise that when considering 'appropriate locations', all relevant policies, environmental matters, and sensitive receptors should be considered. They note that the advice from specialist colleagues will be important in determining whether this particular site would be an appropriate location, the magnitude of the environmental impacts, and what mitigation may be needed to approve any future planning application if its impacts are or can be made acceptable. Officers also advise that when applying CDP Policy 33, renewable energy generation and its contribution to the County's commitment to being net zero carbon by 2045 is an environmental benefit to be given significant weight. Advice on other material considerations and relevant applicable CDP Policies is also provided.
74. *Access & Rights Way* – raise no objection to the proposals. Officers advise that there are no recorded rights of way affected by the proposed development. Therefore, they have no objections, and no conditions are recommended.
75. *Archaeology* – raise no objection to the proposals advising that in this instance they are able to secure outstanding details by condition rather than require those details prior to the determination of this application. Subject to the use of those conditions, the Archaeology officer has no concerns in respect of potential underground remains of historic value.
76. *Design and Conservation* – has raised no objections to the proposals advising that the submitted heritage assessment confirms that no designated or non-designated heritage assets are directly affected by this proposal. An assessment radius of 1km for the identification of assets has been set and correctly identifies two grade II listed buildings. An appropriate assessment of impact on setting has been undertaken, and given the scale, layout and height of the development the conclusion that there will be no harm is reasonable. On this basis from a cultural heritage perspective no objection is raised. No conditions are recommended.
77. *Ecology* – Do not object to the proposal following receipt of an Ornithological Impact Assessment, an updated Ecological Impact Assessment, and an updated Biodiversity Net Gain Assessment and accompanying Metric. The Ecology Officer notes that there have been some minor changes to the layout since previous comments, due to the provision of open areas at the northern end of the site to enable Skylarks to continue to land within the site. Overall, they consider that this identified priority bird species can be accounted for, and that the development is capable of delivery mandatory biodiversity net gains. Officers advise that a Habitat Management and Monitoring Plan (to be submitted to and agreed by the Local Planning Authority as part of the Biodiversity Gain Plan used to discharge the Biodiversity Net Gain pre-commencement condition) should be secured by a planning condition, with monitoring fees of £4,224 to be secured via a legal agreement.

78. *Environmental Health and Consumer Protection (Air Quality)* – do not object subject to conditions. Officers advise that previous concerns have been addressed through submission of an Air Quality Assessment Note. Therefore, they have no objection subject to a condition securing a Construction Management Plan.
79. *Environmental Health and Consumer Protection (Contaminated Land)* – do not object subject to conditions. Officers advise that the proposal is a more sensitive receptor than the current land use. They also note that the site is in close proximity to a historic landfill.
80. *Environmental Health and Consumer Protection (Nuisance)* – do not object subject to conditions. Officers advise that the proposal would not likely lead to unacceptable noise impacts. They also have no concerns in respect of residential amenity following receipt of the Glint and Glare Assessment. They have no objection subject to a recommended condition securing a Construction Management Plan.
81. *Landscape* – Note the updated Landscape and Visual Impact Assessment with the inclusion of additional viewpoints as suggested by the Landscape Officer.
82. The Landscape Officer notes that the site is not covered by any national or local landscape designations, and is not located within the locally designated Area of Higher Landscape Value (AHLV). Land within the AHLV is situated to the south-east of the proposed site on the opposite side of the A182, as described earlier in this report.
83. They do however note that the site lies within an area identified in the County Durham Landscape Strategy (2008) as a Landscape Improvement Priority Area with a strategy of ‘enhance’.
84. They note that the proposed development would be of a medium size and scale in terms of solar developments, and would occupy an area of high ground at a maximum of 93m AOD, making the development visible as a skyline feature. The development would be visually noticeable in views from public rights of way, from roads, from residential properties, and from settlements that are local to the site and surrounding area. There would be views from the recently constructed dwellings and from the dwellings which benefit from extant permission in Seaham Garden Village. There would also be more distant views from existing residential dwellings within the town of Seaham to the north and northwest. The Landscape officer’s observations made during their site visit confirmed that the higher ground of the ridgetop within the site is relatively prominent in the landscape, being visible from higher ground to the west towards Cold Hesledon / East Farm (including sections of the A182 and Public Bridleway 15); from land to the south around Kinley Hill such as Public Footpath 7 Hawthorn; from land to the west including Public Footpath 1 Dalton-le-Dale; and from land to the north-west and north of Seaham.
85. The Landscape Officer also notes that the site is visible at close range from Admiralty Way. In views from the adjacent section of the A182 it is partially screened by topography where the road lies within a cutting. The site is however visible from the roundabout to the south-east, on the A182. There are potential views of the site from the England Coastal Path which lies to the east.
86. They note that the development of the site for solar energy purposes would result in the loss of an open arable field that forms a skyline feature, for the duration of the operational period.

87. The Landscape Officer notes that the site forms part of a landscape with rolling topography, and that the proposed solar development would be transformative at site level and would bring about significant and adverse landscape effects locally throughout the construction and operational periods of the development. Changes in landscape character at site level would be substantial. The site would be noticeable locally due to the intervisibility of the site within the surrounding landscape, including the designated AHLV. Landscape effects would be experienced in the long term, throughout the 40 years operational period. Whilst the development site does not lie within the AHLV, as a prominent skyline feature, the change in character of the site would be apparent from the designated landscape as a detractor, adjacent to existing industrial buildings and in the background. The proposed development would not conserve nor enhance the special qualities of the AHLV, and would bring moderate harm to both landscape character and to visual amenity.
88. The Landscape Officer also notes the large consented solar development to the south of Murton some 4.5km to the southwest of the current site, as well as the existing, relatively small solar development adjacent to the A182 some 350m to the east of the current site. The current proposal would increase the presence of solar development in the local area and could potentially have an adverse cumulative effect on wider landscape character. Whilst some of the existing consented solar installations might not be intervisible with the proposed development, there is potential for solar energy developments to be experienced sequentially by receptors travelling through the wider landscape, giving rise to potentially adverse cumulative effects on visual amenity.
89. It is however worth noting that Officers do not consider the potentially adverse cumulative effects to amount to the proposal being EIA development.
90. They note that the development would be experienced in the context of adjacent large typology factory units. The site would, in plan form, provide a bridge of development between Foxcover Industrial Estate and the consented Seaham Garden Village development. The experience of potential coalescence between the garden village and the southern part of Seaham would be less apparent from locations on the ground than that of a plan-based observations, but could potentially be experienced as a merger of settlements from a limited number of locations.
91. They note the landscape effects would improve over time, but some changes to the character of the site would be constantly noticeable. They also note these impacts would not be concealed or filtered by the proposed mitigation. The proposed development would occupy an elevated location with sloping topography making the apparatus more visually noticeable. The proposed solar panels would form a noticeable homogeneous mass of shining surfaces. The proposed solar development would therefore be difficult to filter or screen entirely with vegetation. The proposed hedges and woodland planting shown on the submitted Landscape Strategy, described in the Landscape and Visual Appraisal as embedded mitigation, would only partially filter the edges of the development leaving areas of the proposed panels on sloping higher ground visible from the wider landscape. Shading of the proposed panels by trees could potentially affect the operational capacity of the development and it is assumed therefore that this would limit the feasible extent of screen planting.
92. They also note that at the end of the lifetime of the development and following decommissioning, the land would be returned to agricultural use.
93. The Landscape officers advises that the landscape effects would be substantial and adverse at site level. They advise the effects would not exceed moderate adverse in relation to the wider area surrounding the site.

94. *Arboricultural Officer (Trees)* – Has not objected to this application. Advise that they note the submitted Arboricultural Impact Assessment, and are satisfied that there are no direct adverse impacts on trees, provided the general provisions within the report are complied with e.g. maintaining exclusion zones adjacent to existing trees as part of a tree protection plan.
95. The Trees officer does however concur with the Landscape Officer's comments regarding potential wider impacts on the landscape. They advise that these impacts could, in their view, be mitigated by substantial landscaping works, e.g. screening with new planting around the entire site within a proportionately large enough landscape buffer. However, they are mindful that this would firstly depend on other policy considerations as to whether the proposal is acceptable in this area. If this were the case a detailed landscape plan would be necessary to address the main impacts.

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

96. *High Moorsley Meteorological Office* – do not object to the proposal advising that there would be no impact on the forecasts and warnings derived from the weather radar data at High Moorsley.

#### **PUBLIC RESPONSES:**

97. The application has been advertised in the local press (the Northern Echo), by site notices displayed adjacent to the site and along the A182 to the southwest and southeast of the site, and through neighbour notification letters, as part of the planning procedures. Neighbour notification letters went sent to the adjacent industrial and commercial premises to the east of the site, as well as to the residential property known as Hesleden East Farm to the southeast of the site.
98. No responses from the public have been received.

#### **ELECTED MEMBERS:**

99. No comments have been received from Elected Members.

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

#### **APPLICANT'S STATEMENT:**

100. Enviromena is committed to leading the transition to a world powered by clean energy by providing safe, affordable, and reliable clean energy solutions to customers across the UK and Europe. They are committed to ensuring communities and places that they touch are left in a better condition than when they arrived.
101. The proposed Fox Cover scheme comprises the construction and operation of a grid-connected solar farm and associated infrastructure to provide approximately 8MW of reliable clean, renewable energy to the National Grid. The Proposed Development is sought for a temporary period of 40 years, at the end of which all equipment will be removed and the land returned to its current state.
102. Specific quantifiable benefits arising from the proposed Fox Cover Solar scheme, include:
  - Generation of clean renewable energy to power approximately 3169 homes per year;

- Saving the equivalent of 1,764 tonnes of CO2 per year compared to fossil fuel sources; and
- Supporting approximately 56 FTE jobs throughout the supply chain.

103. Fox Cover Solar scheme will deliver net beneficial gains for biodiversity. Solar farms have a small development footprint, with over 95% of land unaffected, leaving considerable scope for biodiversity enhancements. Existing trees and hedgerows will be retained, protected, and supplemented by additional native species planting and the land under the arrays will be seeded with native meadow grassland species creating new habitats and ensuring significant net gains in biodiversity on the Site will be achieved.
104. The retained and additional planting will also visually screen the arrays and ensure the development assimilates with its surroundings.
105. The Fox Cover solar scheme has been developed and finalised in conjunction with consultees with the result that the scheme has no objections from statutory consultees or from members of the public.

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## **PLANNING CONSIDERATIONS AND ASSESSMENT**

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106. Section 38(6) of the Planning and Compulsory Purchase Act 2004 sets out that if regard is to be had to the development plan, decisions should be made in accordance with the development plan unless material considerations indicate otherwise. In accordance with advice within the National Planning Policy Framework (NPPF), the policies contained therein are material considerations that should be taken into account in decision making. Other material considerations include representations received. In this context, it is considered that the main planning issues in this instance relate to the principle of development, landscape and visual impact, trees, site selection, access and traffic, amenity of neighbouring land uses including residential amenity, contamination and ground stability, flood risk and drainage, ecology, recreational amenity, cultural heritage, agricultural land and soil resources, cumulative impacts, safeguarded areas, overplanting, time limit and public sector equality duty.

### Principle of Development

107. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF is a material planning consideration. The County Durham Plan (CDP) is the statutory development plan and the starting point for determining applications as set out in the Planning Act and reinforced at Paragraph 12 of the NPPF. The CDP was adopted in October 2020 and provides the policy framework for the County up until 2035.
108. 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.

109. In light of the recent adoption of the CDP 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.
110. Planning Policy Guidance advises that increasing the amount of energy from renewable and low carbon technologies will help to make sure the UK has a secure energy supply, reduce greenhouse gas emissions to slow down climate change and stimulate investment in new jobs and businesses. Planning has an important role in the delivery of new renewable and low carbon energy infrastructure in locations where the local environmental impact is acceptable. The NPPF explains that all communities have a responsibility to help increase the use and supply of green energy, but this does not mean that the need for renewable energy automatically overrides environmental protections and the planning concerns of local communities.
111. The NPPF at Part 14, Paragraph 161 sets out that the planning system should support the transition to net zero by 2050 and support renewable and low carbon energy and associated infrastructure. At Paragraph 168 it is advised that when determining planning applications for all forms of renewable and low carbon energy developments and their associated infrastructure, local planning authorities should not require applicants to demonstrate the overall need for renewable or low carbon energy, and at Paragraph 167, should give significant weight to the benefits associated with renewable and low carbon energy generation and the proposal's contribution to a net zero future.

#### Key policies for determination

112. The key policy for the determination of this application is CDP Policy 33 relating to renewable and low carbon energy. This Policy supports renewable and low carbon energy development in appropriate locations, including transmission lines. The Policy advises that significant weight will be given to the achievement of wider social, environmental and economic benefits. The Policy also advises that proposals should include details of associated developments including access roads, transmission lines, pylons and other ancillary buildings. Where relevant, planning applications will also need to include a satisfactory scheme to restore the site to a quality of at least its original condition once operations have ceased. Where necessary, this will be secured by bond, legal agreement or condition.
113. Officers note that a small part of the application site adjoins Admiralty Way and lies within the protected employment land associated with Foxcover Industrial Estate. However, this is simply due to how the County Durham Policies Map polygon for this allocation was drawn. CDP Policy 2 requires a consideration of the development of Employment Sites for Other Uses including protected employment sites (as identified in Table 4). It is considered that the proposed development would not compromise the main use of the Foxcover Industrial Estate for B class uses.



114. The application site is unallocated and does not lie within the built-up area of any settlement. Whilst lying to the west of Foxcover Industrial Estate it is considered that the application site lies within the open countryside and that CDP Policy 10 is relevant to this application's determination. The opening paragraph of CDP Policy 10 states that development in the countryside will not be permitted unless allowed for by specific policies in the Plan. These specific policies are set out in footnote 54 of the CDP and includes all applicable policies relating to low carbon and renewables. As this is a renewable energy development it is considered that the development could be allowed for by specific policies in the plan (CDP Policy 33). The development therefore does not have to demonstrate an exception to CDP Policy 10, but the acceptability criteria are engaged.
115. 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.
116. 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.
117. 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.
118. The potential impacts of the development will be considered in the sections below.
119. Paragraph 168 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 give significant weight to the benefits associated with renewable and low carbon energy generation and the proposal's contribution to a net zero future.
120. It should be noted that the CDP has identified areas suitable for wind turbine development but not for solar.
121. The December 2020 Energy White Paper: Powering our Net Zero Future (WP) reiterates that setting a net zero target is not enough, it must be achieved through, amongst other things, a change in how energy is produced. The WP sets out that solar is one of the key building blocks of the future generation mix. In October 2021, the Government published the Net Zero Strategy: Build Back Greener where under key policies it explains that subject to security of supply, the UK will be powered entirely by clean electricity through, amongst other things, the accelerated deployment of low-cost renewable generation such as solar.

122. The UK Government published their policy paper 'Powering Up Britain: Energy Security Plan' in April 2023. This document outlines the steps to be taken to ensure that the UK is more energy independent, secure and resilient. Within this document it is stated that to provide certainty to investors in the solar industry, in line with the 'Independent Review of Net Zero' recommendation the government will publish a solar roadmap in 2024, setting out a clear step by step deployment trajectory to achieve the five-fold increase (up to 70 gigawatts) of solar by 2035. The Government will also establish a government/industry taskforce, covering both ground mounted and rooftop solar to drive forward the actions needed by Government and industry to make this ambition a reality.
123. The UK Government also published their policy paper 'The Growth Plan 2022' in September 2022, which reinforces the Government's ambition to move to a system where electricity prices better reflect the UK's low carbon energy sources, to bring down consumer bills.
124. Durham County Council declared a climate emergency in 2019. Using electricity from the National Grid accounted for about one fifth (17%) of the total carbon footprint of the County in 2022. In terms of solar PV, County Durham had 62.5MW of installed capacity as at end of 2022. The Durham Climate Emergency Response Plan (CERP) Version 3 (2024-27) was adopted in July 2024, and sets a target of the County being net-zero by 2045, when renewable energy generation, energy efficiency, and resilient infrastructure is in place for a carbon neutral electricity grid. The CERP is regularly reviewed, as is the Council's progress towards achieving the defined target, and the actions needed to achieve it.
125. The CERP aligns with the national response to both the climate emergency and energy crisis. The Government's Energy White Paper (2020) sets plans for a fully decarbonised, reliable, and low-cost power system, which is likely to be composed of predominantly wind and solar. This will reduce our reliance on gas, which currently sets electricity prices. The Government's Net Zero Strategy: Build Back Greener (2021) seeks to accelerate deployment of low-cost renewable generation, such as wind and solar through the Contracts for Difference scheme. The strategy establishes an ambition to fully decarbonise the power system by 2035. The British Energy Security Strategy (2022) pledges to achieve net zero targets to increase solar power capacity from 14 gigawatts (GW) to 70GW by 2035. This was reaffirmed in Powering Up Britain (2023). Also, more recently the Growth Plan (2022) reinforces the government's ambition to move to a system where electricity prices better reflect the UK's low carbon energy sources, to bring down consumer bills.
126. Durham County Council has also adopted a Solar Energy Supplementary Planning Document (SPD) in August 2024. The document is a further important material consideration.
127. The purpose of the proposed development is to generate renewable energy on a large scale. The location affords the space requirement without significant constraints that would limit energy generation. CDP Policy 33 is permissive towards solar farm development, and it is therefore considered that the proposal is acceptable in principle. The social, environmental and economic benefits of the proposal are considered in the sections below along with applicable policies within the CDP and NPPF. The acceptability of the development in relation to the issues set out below will assist in determining if the location of the development is appropriate in the context of CDP Policy 33.

128. Paragraph 187 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.
129. 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.
130. CDP Policy 29 states that proposals will be required to contribute positively to an area's character, identity, heritage significance, townscape and landscape features, helping to create and reinforce locally distinctive and sustainable communities. Policy 29 also states that landscape proposals should respond creatively to topography and to existing features of landscape or heritage interest and wildlife habitats; respect and where appropriate take opportunities to create attractive views of and from the site; reflect in the detailed design any features characteristic of the locality such as boundaries, paving materials and plant species; create opportunities for wildlife including through the use of locally native species; and make appropriate provision for maintenance and long-term management.
131. 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.
132. 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.
133. Paragraph 4.3.13 of the Solar Energy SPD states that the location and siting of development can have a strong influence on its landscape and visual effects. These can be reduced by:
  - i) Selecting locations in landscapes that have a lower susceptibility or sensitivity to solar development.
  - ii) Selecting locations that are naturally well screened in public views by existing topography and vegetation or are capable of being screened with new planting within a relatively short timescale.
  - iii) Avoiding elevated or sloping sites that are difficult to screen.
  - iv) Avoiding locations where development would erode small or important gaps between settlements.
  - v) Avoiding sensitive locations such as historic parks and gardens and features of historical interest such as old field systems, rigg and furrow, strip lynchets and other earthworks.

- vi) Avoiding sites where panels could dominate the user's experience of the public rights of way network.
- vii) Avoiding sites that figure in important views or the settings of sensitive heritage assets.
- viii) Considering how the scheme fits with other operational and consented schemes in the area to minimise cumulative effects.

134. Points i), ii) and iii) are important material considerations when assessing this proposal.
135. The site lies in the East Durham Limestone Plateau County Character Area which forms part of the larger East Durham Magnesian Limestone Plateau National Character Area (NCA 15). It lies in the Coastal East Durham Plateau Broad Character Area which is part of the Coastal Limestone Plateau Broad Landscape Type. The site is made up of Sub type Old Enclosure (Plateau farmland: open arable Local Landscape Type).
136. It is considered that the key consideration when assessing and determining this application is the impact of the development on visual amenity, at both a local level and in the context of the wider landscape. Whilst the site is relatively small when compared to solar developments which have been considered elsewhere in County Durham in the last few years, this particular site is constrained by the height of the ridge line running through the centre of the site, and the resulting drop in levels toward the eastern and western boundaries. The site is visible at a local level from the A182 which is a busy road forming a gateway into Seaham to the north of the site, as well as forming the main connection into Seaham Garden Village which is under construction to the south of the site. The site is also visible from viewpoints in the wider landscape.
137. As a result of the constraints of this particular site, Landscape Officers have provided detailed comments. They note the updated Landscape and Visual Impact Assessment with the inclusion of additional viewpoints as was suggested by the Landscape Officers.
138. The Landscape Officers note that the site is not covered by any national or local landscape designations, and is not located within the locally designated Area of Higher Landscape Value (AHLV). Land within the AHLV is situated to the south-east of the proposed site on the opposite side of the A182, as described earlier in this report.
139. They do however note that the site lies within an area identified in the County Durham Landscape Strategy (2008) as a Landscape Improvement Priority Area with a strategy of 'enhance'.
140. They note that the proposed development would be of a medium size and scale in terms of solar developments, and would occupy an area of high ground at a maximum of 93m AOD, making the development visible as a skyline feature. The development would be visually noticeable in views from public rights of way, from roads, from residential properties, and from settlements that are local to the site and surrounding area. There would be views from the recently constructed dwellings and from the dwellings which benefit from extant permission in Seaham Garden Village. There would also be more distant views from existing residential dwellings within the town of Seaham to the north and northwest. The Landscape officer's observations made during their site visit confirmed that the higher ground of the ridgetop within the site is relatively prominent in the landscape, being visible from higher ground to the west towards Cold Hesledon / East Farm (including sections of the A182 and Public Bridleway 15); from land to the south around Kinley Hill such as Public Footpath 7

Hawthorn; from land to the west including Public Footpath 1 Dalton-le-Dale; and from land to the north-west and north of Seaham.

141. The Landscape Officers also note that the site is visible at close range from Admiralty Way. In views from the adjacent section of the A182 it is partially screened by topography where the road lies within a cutting. The site is however visible from the roundabout to the south-east, on the A182. There are potential views of the site from the England Coastal Path which lies to the east.
142. They note that the development of the site for solar energy purposes would result in the loss of an open arable field that forms a skyline feature, for the duration of the operational period.
143. The Landscape Officers note that the site forms part of a landscape with rolling topography, and that the proposed solar development would be transformative at site level and would bring about significant and adverse landscape effects locally throughout the construction and operational periods of the development. Changes in landscape character at site level would be substantial. The site would be noticeable locally due to the intervisibility of the site within the surrounding landscape, including the designated AHLV. Landscape effects would be experienced in the long term, throughout the 40 years operational period. Whilst the development site does not lie within the AHLV, as a prominent skyline feature, the change in character of the site would be apparent from the designated landscape as a detractor, adjacent to existing industrial buildings and in the background. The proposed development would not conserve nor enhance the special qualities of the AHLV, and would bring moderate harm to both landscape character and to visual amenity.
144. The Landscape officers also note the large consented solar development to the south of Murton some 4.5km to the southwest of the current site, as well as the existing, relatively small solar development adjacent to the A182 some 350m to the east of the current site. The current proposal would increase the presence of solar development in the local area and could potentially have an adverse cumulative effect on wider landscape character. Whilst some of the existing consented solar installations might not be intervisible with the proposed development, there is potential for solar energy developments to be experienced sequentially by receptors travelling through the wider landscape, giving rise to potentially adverse cumulative effects on visual amenity.
145. It is however worth noting that officers do not consider the potentially adverse cumulative effects to amount to the proposal being EIA development.
146. They note that the development would be experienced in the context of adjacent large typology factory units. The site would, in plan form, provide a bridge of development between Foxcover Industrial Estate and the consented Seaham Garden Village development. The experience of potential coalescence between the garden village and the southern part of Seaham would be less apparent from locations on the ground than that of a plan-based observations, but could potentially be experienced as a merger of settlements from a limited number of locations.
147. They note the landscape effects would improve over time, but some changes to the character of the site would be constantly noticeable. They also note these impacts would not be concealed or filtered by the proposed mitigation. The proposed development would occupy an elevated location with sloping topography making the apparatus more visually noticeable. The proposed solar panels would form a noticeable homogeneous mass of shining surfaces. The proposed solar development would therefore be difficult to filter or screen entirely with vegetation. The proposed hedges and woodland planting shown on the submitted Landscape Strategy,

described in the Landscape and Visual Appraisal as embedded mitigation, would only partially filter the edges of the development leaving areas of the proposed panels on sloping higher ground visible from the wider landscape. Shading of the proposed panels by trees could potentially affect the operational capacity of the development and it is assumed therefore that this would limit the feasible extent of screen planting.

148. They also note that at the end of the lifetime of the development and following decommissioning, the land would be returned to agricultural use.
149. The Landscape Officers therefore advise that the landscape effects would be substantial and adverse at site level. They advise the effects would not exceed moderate adverse in relation to the wider area surrounding the site.
150. Due to the height of the ridge line in the centre of the site, and its visibility from a number of viewpoints, this site is considered sensitive to visual change. As a result of the change in levels between the crest of the ridge and the western and eastern edges of the site, it is not possible to visually screen the development through planting of trees and hedgerows, which are typically used for screening solar developments. The existing tree belt to the west and north of the site are noted, as is the proposed landscaping to the southeastern and southern edges of the site, as is the proposed hedgerows along the proposed security fence line. Even when factoring in these planting measures, the proposal would still be visible from longer distance views to the west, southeast, north and northwest; and would be visually prominent from Admiralty Way to the east and from the A182 to the southeast.
151. In many of the wider views and in the more local views from the A182, the site would be seen within the context of the large industrial units to the east of the site. It is a matter of judgement as to whether these existing buildings negate the visual impact of this development.
152. At the level of the site and its immediate surroundings the proposals would involve a transformative change from open arable farmland to a solar farm dominated by features of a notably man-made/industrial character. The effects would be temporary and reversible but would last for 40 years which is still a considerable period of time. The magnitude of the effect at site level would be high and would remain so even with mitigation as the planting proposed would not alter the overall effects upon the character of the site.
153. Landscape Officers advise that the landscape effects would be substantial and adverse at site level. They advise the effects would not exceed moderate adverse in relation to the wider area surrounding the site. The Landscape officer has undertaken a detailed assessment of the proposal, which has been informed by the submitted updated LVIA. Given the site's visibility from public vantage points; and given the height of the ridge line within the site and subsequent changes in levels toward the eastern and western edges of the site which would exacerbate the visibility of the development at a local level; and given the difficulty to screen the development as a result of those land levels; it is clear that this particular site is visually sensitive to solar development.
154. CDP Policy 39 states that proposals will be expected to incorporate appropriate measures to mitigate adverse landscape and visual effects. Officers note the proposed woodland planting is proposed in the northwestern and southeastern corners of the site, and along the southern edge of the site adjacent to the cut through which the A182 passes. Hedgerows are also proposed adjacent to the fencing, with evergreen native hedgerows proposed along the eastern edge, and mixed native hedgerows proposed along the remaining edges. Given the height of the ridge line within the site

and subsequent changes in levels toward the eastern and western edges of the site which would exacerbate the visibility of the development at a local level, it is considered that the proposed landscaping would not be sufficient to negate this harm.

155. The proposal would not lead to the loss of existing trees or woodland, and the Arboricultural (Trees) Officer has no concerns in this respect. The proposal would therefore not conflict with CDP Policy 40.
156. Due to the harm to the amenity of the landscape including the AHLV located to the southeast of the site, as a result of the visual impact of the development at both a local level and within the wider landscape, it is considered that the proposal would be in conflict with CDP Policy 29, and with Part 15 of the NPPF.
157. Whether the harm as a result of the proposal leads to conflict with CDP Policy 39 would depend on whether the identified harm has been clearly outweighed by the benefits of the development in this particular location. That balancing act is set out in the conclusion section of this report.

## Trees

158. CDP Policy 40 states that proposals will be expected to retain existing trees where they can make a positive contribution to the locality or to the development, maintain adequate standoff distances between them and new land-uses, including root protection areas where necessary, to avoid future conflicts, and integrate them fully into the design having regard to their future management requirements and growth potential.
159. To the west and north of the site is a belt of woodland, whilst to the east is a smaller pocket of trees adjacent to Admiralty Way. To the south of the site is an existing hedgerow adjacent to the cutting in which the A182 passes through.
160. Arboricultural (Trees) Officers note the submitted Arboricultural Impact Assessment (AIA), and advise they are satisfied there are no direct adverse impacts on trees, provided the general provisions within the report are complied with, e.g. maintaining exclusion zones adjacent to existing trees as part of a tree protection plan.
161. Provided that the AIA is listed as an approved document, and provided that a Tree Protection Plan is secured by a separate condition, it is considered that the proposal would not have an adverse impact on existing trees. The proposal therefore does not conflict with CDP Policy 40 or with Part 15 of the NPPF.

## Site Selection

162. Whether a proposed site is an 'appropriate location' for a solar farm in accordance with CDP Policy 33 will rely upon the justification for locating the solar farm within that particular site. The application submits that this particular site is suitable for a solar farm due to:
  - There being sufficient capacity at a nearby substation to connect to the National Grid (the nearest being Stoney Cut substation approximately 1.15km to the west of the site). The proposal would connect to an existing 20kv cable located to the immediate southwest of the site, north of the A182, which would provide onward connection to the national grid;
  - The applicant holds an offer of a grid connection by Northern Powergrid;
  - The landowner is interested in allowing the development to be carried out on their land, enabling the site to be available;

- The site's topography, solar gain, and lack of tall adjacent structures enables sufficient solar gain to make the proposal viable;
- The site has good connections to the Strategic Road Network, via the A182 connection to the A19;
- The site lacks any statutory ecology, heritage or landscape designations, and is located in Flood Zone 1 in respect of fluvial flooding; and
- Due to its location adjacent to an industrial estate and a golf course the proposal would have limited amenity impacts.

163. As noted earlier in this report, Paragraph 4.3.13 of the Solar Energy SPD states that the location and siting of development can have a strong influence on its landscape and visual effects. As discussed earlier in this report, this particular location would lead to harm as a result of the visual impact of the development at both a local level and within the wider landscape, conflicting with CDP Policy 39.

164. The above submitted justification will need to be considered in the context of the identified harm. This is carried out during the balancing exercise, which is detailed in the Conclusion section of this report.

#### Access and Traffic

165. Paragraph 115 of the NPPF states that safe and suitable access should be achieved for all users. In addition, Paragraph 116 of the NPPF states that development should only be refused on transport grounds where the residual cumulative impacts on development are severe. CDP Policy 21 states that the transport implications of development must be addressed as part of any planning application, where relevant this could include through Transport Assessments, Transport Statements and Travel Plans. CDP Policy 10 states that development in the countryside must not be prejudicial to highway safety.

166. The site does not benefit from a formal vehicular access, however from aerial photos and from on-site observations it appears that when the site has previously been farmed, vehicular access has been sought from Admiralty Way across the pavement.

167. The application is supported by a Planning Statement and a Transport Statement. The construction phase of the development would last for approximately 16 weeks. The application submits that construction vehicles would access the site from the A19 via the A182, and that construction vehicles would not be directed through Seaham or Dawdon. During the construction period it is anticipated that there would be 4 two-way HGV movements a day. Working hours can be secured by condition. Precise details of the decommissioning phase have not been submitted. During the operational phase it is anticipated that 2 two-way vehicle trips a month using a van would be required for ongoing maintenance.

168. An updated Glint and Glare Assessment has been submitted following initial concerns raised by officers in respect of safety for road users. Officers note that the proposed panels at the southern, eastern and central areas of the site would be clearly visible on approach along the A182 from the east, and along Admiralty Way. The assessment submits that due to the orientation of the panels they would not lead to solar reflections toward drivers in these directions. The panels located at the northern end of the site would theoretically be visible in driver's views when travelling along the A182 to the east of the site, however the Assessment submits that the existing buildings and vegetation on the eastern side of Admiralty Way would obstruct those views. The Assessment therefore concludes that no mitigation is required.



169. There is an extant consent for a petrol station and drive-thru coffee shop to the immediate east of the currently proposed site. There is a difference in levels between the two sites, however, the proposed landscaping for the two proposals provide a degree of screening.
170. Highway Officers advise that previous concerns relating to Glint and Glare and the impact on the capacity of the surrounding road network have been addressed through the updated Transport Statement and through the updated Glint and Glare Assessment. It is considered that the proposed vehicle trip generation would not have a severe adverse impact on the road network, which is the test under Paragraph 116 of the NPPF. The proposed access onto Admiralty Way is acceptable subject to technical approval under the Highways Act 1980.
171. Highways Officers advise that a Construction Management Plan is required and should be secured by condition. Subject to that recommended condition, no concerns in respect of highway safety are raised.
172. Consideration has been given to the current proposal in the context of the extant consent to the east of the current site for a petrol station and adjacent drive-thru coffee shop. The currently proposed access onto Admiralty Way would be to the north of the previously approved access for that adjacent development. It is considered that the current proposal would not have an adverse impact on highway safety in the context of that extant consent.
173. For the reasons set out above it is considered that the proposal would not conflict with CDP Policies 10 or 21, or with Part 9 of the NPPF.

#### Amenity of neighbouring land uses, including residential amenity

174. Paragraph 187 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 198 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 199 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 200 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).
175. 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.

176. To the west and north of the application site is a belt of trees with Seaham Golf Club beyond, to the east is the highway known as Admiralty Way with industrial units beyond, and to the south is the A182 with the previously approved Seaham Garden Village beyond.
177. The nearest existing residential dwellings are approximately 450m to the northwest of the site, on the opposite side of Seaham Golf Course. Outline planning permission has also been granted for dwellings approximately 80m south of the site, on the opposite side of the A182. These dwellings form Cell H of Seaham Garden Village as shown on the approved Illustrative Phasing Parameters Plan approved under consent DM/22/00844/VOC. Whilst these dwellings are not yet constructed and occupied, the consent for the wider development is extant, and it is anticipated that these dwellings within Cell H will be constructed and occupied during the lifetime of the currently proposed development.
178. Officers note that no objections have been received from the public.
179. A Glint and Glare Assessment has been submitted in support of the application. The Assessment concludes that no significant impacts are predicted upon road safety, residential amenity, or aviation activity associated with Peterlee Airfield and Greenhills Airfield, therefore the assessment submits that no mitigation is required.
180. In respect of residential amenity, the Glint and Glare Assessment submits that solar reflections are geometrically possible towards an identified existing dwelling, known as Hesleden East Farm located to the southeast of the site. Officers note that there appears to be two residential buildings at this farmstead, one to the south of the barns and one to the east of the barns. Views of the proposed solar farm from the residential building to the south of the barns would be entirely screened by the existing barns. Views of the proposed solar farm from the residential building to the east of the barns would be entirely screened by the existing bunds located to the north of the barns and south of the A182. It is therefore considered that the proposed solar farm would not have an impact on the amenity of occupiers of these buildings.
181. The submitted assessment is mindful of the extant consent for residential dwellings to the south and southwest of the site, known as Seaham Garden Village. The assessment submits that no solar reflections are expected to be experienced by the proposed dwellings at South Seaham Garden Village due to the existing terrain and screening to the south of the site and north of the A182, combined with the proposed hedgerow planting which would provide additional screening. Therefore, the assessment submits that no impact is predicted, and mitigation is not required.
182. The assessment also submits that due to the orientation of the proposed panels, there would be no adverse impact on residential dwellings to the northwest and north of the site in Seaham.
183. Although not considered in the Glint and Glare Assessment Officers also mindful of the extant consent for a petrol station and drive-thru coffee shop to the immediate east of the currently proposed site. Officers note the difference in levels between the two sites, and note the proposed landscaping under the two proposals, which provide a degree of screening. It is considered that the reduced potential solar glare from the current proposal would not lead to an unacceptable adverse impact on the amenity of users of the adjacent petrol station and of the adjacent drive-thru coffee shop.

184. Officers are also aware of a pending application for 149 dwellings with vehicle access, open space, landscaping, SUDS, and associated infrastructure works, on land to the southeast of the site at Hesleden East Farm as described above. That application (DM/24/02696/FPA) was received 8<sup>th</sup> November 2024, more than 7 months after the receipt of the current application for the solar farm. Officers are aware of that pending application when considering the current proposal for the solar farm and when making this recommendation to Members. It is considered that the onus to mitigate for any potential impact upon residents of that proposed development, as a result of the current proposal, rests upon the applicant for that development.
185. The application is not supported by a Noise Assessment or a Lighting Assessment, though the received Planning Statement submits that noise generated by the proposal will be minimal, as the inverters are mounted to the rear of the solar panels to reduce visual and noise impacts on surrounding receptors. The Planning Statement submits that given the location of the inverters, the scale of the site, the distance to sensitive receptors and the proximity of the A182, there would be no adverse noise impact on residential amenity in terms of air quality, noise impact or light spill.
186. Environmental Health and Consumer Protection (Nuisance Action) Officers advise that the proposal would not likely lead to unacceptable noise impacts. They also have no concerns in respect of residential amenity following receipt of the updated Glint and Glare Assessment. They have no objection subject to a recommended condition securing a Construction Management Plan.
187. Environmental Health and Consumer Protection (Air Quality) Officers initially required an Air Quality Assessment to be submitted under this application to enable officers to fully consider the air quality impacts of this proposal. An Air Quality Assessment Note has since been received which highlights that the site is not within or adjacent to a designated Air Quality Management Area. The Note also submits that due to the nature of the proposal it is not likely to produce air emissions, whilst the emissions created by vehicle trips will be limited due to the short construction period (at approximately 16 weeks) and due to the proposal only generating only two two-way vehicle trips per month during the operational phase by maintenance vehicles.
188. Environmental Health and Consumer Protection (Air Quality) Officers have considered that document and advise that their concerns have been addressed. Therefore, they have no objection subject to a condition securing a Construction Management Plan.
189. Subject to a Construction Management Plan being secured by condition, and subject to further details of the decommissioning phase also being secured by condition, it is considered that the proposal would not have an adverse impact on the amenity of neighbouring land uses, including the amenity of occupiers of the nearest residential dwellings. The proposal would not conflict with CDP Policies 10 or 31 of the CDP, or with Part 15 of the NPPF.

#### Contamination and Ground Stability

190. Part 15 of the NPPF (Paragraphs 125, 187, 196 and 197) 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.

191. The site is within the Low Risk Coal Area as identified by the Coal Authority. No consultation with the Coal Authority is required but standard advice in respect of working on such sites would be included as an informative to any planning permission.
192. To the immediate north of the site and west of Admiralty Way is a historic landfill known as Area C Foxcover. That land is at a slightly lower level than the northern end of the application site.
193. Environmental Health and Consumer Protection (Contamination) Officers advise that the proposal is a more sensitive receptor than the current agricultural land use. Officers are mindful that the construction of the proposal would involve some ground excavations during installation of the poles into the ground to which the panes would be fixed, during the installation of the fencing and CCTV cameras, and during the construction of the access onto Admiralty Way. These groundworks could have contamination implications therefore conditions are recommended in the interest of protecting human and environmental health during the works.
194. Subject to recommended conditions the proposal would not conflict with CDP Policy 32 or with Part 15 of the NPPF.

#### Flooding and Drainage

195. 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 187 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.
196. Paragraph 181 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.
197. 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.
198. The site falls within Flood Zone 1 as identified by the Environment Agency, which is the lowest risk area of fluvial (river) flooding. The nearest watercourse is Hawthorn Burn approximately 1.6km to the south of the site. No part of the site is within an identified area of pluvial (surface water following rainfall) flood risk. The nearest watercourse is Hawthorn Burn approximately 1.6km to the south of the site. The site

is within a major Groundwater Vulnerability area and Groundwater Source Protection Zone (Zone 3) as defined by the Environment Agency.

199. A Flood Risk and Drainage Strategy, described as a Drainage Technical Note, and accompanying drawing have been received showing the implementation of SuDS in the form of infiltration trenches in order to manage the disposal of surface water runoff from the proposed development on the site.
200. Following amendments to the drainage documents and subsequent amendments to the layout, Drainage and Coastal Protection Officers advise that previous concerns have been addressed. They note that the amended proposal is informed by the Council's "General Guidance from research sources relating to drainage considerations for the construction and maintenance of varying types of Solar / Wind Farms" document.
201. Subject to the received Drainage Technical Note document and accompanying drawing being secured as approved plans/documents by condition, Drainage and Coastal Protection Officers have no concerns in respect of the surface water management solution.
202. It is considered that the proposed solar farm development would not lead to an increased flood risk within the site or elsewhere. The proposal therefore does not conflict with CDP Policies 10 and 35, or with Part 14 of the NPPF.

## Ecology

203. Paragraph 187 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.
204. 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.
205. The site does not contain any ecological designations. The nearest is the Hazel Dene Local Wildlife Site (LWS) located approximately 330m to the north. Cold Hesledon Pond LWS is located approximately 650m to the west. The Stony Cut, Cold Hesledon

SSSI is located approximately 600m to the west. The Durham Coast SSSI is approximately 800m to the east. The Hawthorn Quarry SSSI is approximately 840m to the south. The nearest SAC (Special Conservation Area) is Durham Coast approximately 800m to the east. The nearest SPA (Special Protection Area) is approximately 1.9km to the northeast. The Noses Point Local Nature Reserve (LNR) is located approximately 550m to the east.

206. The nearest watercourse is Hawthorn Burn approximately 1.6km to the south of the site. The nearest pond is located within Seaham Golf Course approximately 300m west of the site.
207. The application is supported by an updated Ecological Impact Assessment (EclA) and by an updated Ornithological Impact Assessment (OIA), which recommend mitigation measures in respect of Skylarks, which were identified as being present on the site. Skylarks are Protected in the UK under the Wildlife and Countryside Act, 1981. Skylarks are also classified in the UK as a Red List species under the Birds of Conservation Concern review, and as a Priority Species in the UK Biodiversity Action Plan.
208. Following the mitigation measures recommended by the EclA and OIA, the proposal has been amended to provide areas of open grassland at the northern end of the site to enable Skylarks to continue landing within the site.
209. In respect of Great Crested Newts (GCN), the EclA submits that there are no GCN Survey Licences within 1km of the Site and no records of GCN within 2km of the site. There are no waterbodies suitable for breeding on site. The grassland and hedgerows within the site afford foraging and hibernation opportunities for the terrestrial phase of this species. Two ponds are located approximately 400m to the east of the site, however connectivity is severed by Admiralty Way, a single carriageway, separating the site from these ponds. It is therefore considered unlikely that GCN are present on site. However, the EclA submits that a precautionary approach to site clearance and construction is recommended to deal with residual risk.
210. In respect of bats, the EclA identifies several records of bats within 2km of the site. The hedgerow, arable field and grassland margins offer limited opportunities for foraging and commuting to the wider area, with the southern hedgerow providing connectivity to woodland west of the site. Foraging and commuting resources within the wider landscape are considered good, with a network of woodland, scrub, and hedgerows present. However, the EclA submits that there are no opportunities for roosting bats on site, though trees within the adjacent woodlands may be suitable for roosting bats. Overall, the site is considered to be low value to bats.
211. In respect of badgers, the EclA identified five records of badger from within 2km of the site. The hedgerow on site and woodland and scrub in the area adjacent to the site offer potential for foraging and sett creation, with open grassland and arable habitat providing further foraging opportunities within the site. Several mammal tracks have also been identified on-site at the time of the ecological survey, however no activity or signs confirming badger presence, such as setts, latrines or hairs, were recorded. The EclA submits that a precautionary approach will be adopted to safeguard the species during construction.
212. In respect of Priority Species, the EclA submits that the site has good potential to support hedgehog and brown hare, both priority species, within the grassland and arable field. No evidence of these species was found at the time of survey, however the EclA submits that a precautionary mitigation should be implemented during any vegetation clearance within the site to avoid harm to these species.

213. The likely risk of presence of a European Protected Species has been adequately ruled out, the requirement for a license, and hence application of the derogation tests in this instance is therefore not required.
214. In respect of Habitat Regulations, the site is within the 2km Impact Zone of the Durham Coast SSSI, and the proposal would create a solar farm of greater than 0.5ha in area. Durham County Council is the Competent Authority who must decide whether the application requires an Appropriate Assessment under The Conservation of Habitats and Species Regulations 2017 (as amended). The purpose of the Appropriate Assessment would be to determine whether the current proposals would constitute a plan or project under the Regulations which might have a negative, direct or indirect impact, on any European Protected Site on or near the application site or on any species for which the European site is designated. This would be undertaken by the carrying out of a screening exercise on the planning application using the survey data submitted by the applicant.
215. In this instance the potentially affected site would be the Durham Coast Special Area of Conservation (SAC). Natural England, the statutory consultee in this process, advises that based on the plans submitted, Natural England considers that the proposed development would not have likely significant effects on the Durham Coast SAC and has no objection to the proposed development. To meet the requirements of the Habitats Regulations, Natural England advises that the Council record its decision that a likely significant effect can be ruled out. Ecology Officers advise that there would be no direct or indirect impacts on the SSSI, or on the SAC or other designated sites. There would be no impact on the birds or habitats associated with the designations, and the proposal would not lead to a recreational impact upon the designated sites. Therefore, Ecology Officers advise that no mitigation is required.
216. 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 23<sup>rd</sup> March 2024 and so is legally required to deliver biodiversity net gains of at least 10%.
217. In respect of Biodiversity Net Gain (BNG), the proposal would result in a 213% BNG in respect of Habitat units, and a 192% BNG in respect of Hedgerow units, to be delivered on-site. The submitted BNG Metric advises that the trading rules have been satisfied. These amounts of BNG are significantly higher than the statutory 10% BNG requirement for this application, and the proposal would deliver these measures on-site. The subsequent benefits weigh in favour of the proposal.
218. The application is also supported by a draft Habitat Management and Monitoring Plan (HMMP) however this would need to be updated to form a finalised HMMP should planning permission be granted.
219. The Ecology Officer has been consulted following receipt of further information. In respect of priority species, the Ecology Officer notes that there have been some minor changes to the layout since previous comments, due to the provision of open areas at the northern end of the site to enable Skylarks to continue to land within the site. Overall, Ecology Officers consider that this identified priority bird species can be accounted for. No conditions have been recommended in respect of priority species, however recommend that the received updated Ecological Impact Assessment and Ornithological Impact Assessment, and the mitigation measures therein, be secured through condition as approved documents.

220. In respect of Biodiversity Net Gain (BNG), the Ecology Officer advises that that a finalised Habitat Management and Monitoring Plan needs to be secured by condition to ensure it is submitted to and agreed by the Local Planning Authority as part of the Biodiversity Gain Plan used to discharge the Biodiversity Net Gain pre-commencement condition. They also advise that monitoring fees of £4,224 need to be secured via a legal agreement.
221. 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.
222. 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.
223. Paragraph 58 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.
224. 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.

#### Recreational Amenity

225. 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.
226. There are no public rights of way running through or adjacent to the site. The nearest is Bridleway No. 15 (Hawthorn Parish), located approximately 170m to the south. Bridleway No. 16 (Seaham Parish) is, located approximately 250m to the east and then 200m to the south of the site.



227. Access and Rights of Way Officers advise that there are no recorded rights of way affected by the proposed development. Therefore, they have no objections, and no conditions are recommended.
228. It is considered that the proposed development would not result in the loss of or deterioration in quality of existing public rights of way in accordance with CDP Policy 26 and Part 8 of the NPPF.

## Cultural Heritage

229. 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 harm must be given considerable importance and weight by the decision-maker.
230. 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.
231. There are no designated heritage assets within site, with the nearest being the Grade II listed Church of St Hild and St Helen located approximately 650m to the northeast, on the other side of the industrial estate to the east of the site. The nearest Conservation Area is Seaham Conservation Area, approximately 1,500m to the north. Dalton Pumping Station, which is a Locally Listed Historic Park, is approximately 1.4km to the west. The nearest Schedule Monument is the Dalden Tower medieval fortified manor house and related earthworks, allocated approximately 1.3km to the north of the site.
232. Design and Conservation Officers advise that the submitted Heritage Assessment confirms that no designated or non-designated heritage assets are directly affected by this proposal. An assessment radius of 1km for the identification of assets has been set and correctly identifies two grade II listed buildings. An appropriate assessment of impact on setting has been undertaken, and given the scale, layout and height of the development the conclusion that there will be no harm is reasonable. On this basis from a cultural heritage perspective no objection is raised. No conditions are recommended.
233. Archaeology Officers note that the submitted Heritage Statement is not complete in respect of potential archaeological assets within the site. They also note that the Heritage Statement concludes that further trial trenching should be carried out in support of this application.
234. The Archaeology officers have considered that submission and advise that they would be willing to accept that the trenching be carried out post-determination, however they highlight that the applicant needs to be aware that this approach includes an element of risk, in that depending on the results of those further investigations, changes in the design of the proposal may be necessary, which may not then be easy for the applicant

to resolve post-determination. The Archaeology officers have advised that if the applicant is happy to accept that risk, then they agree to the archaeological work being secured by conditions as opposed to being submitted prior to the determination of this application. The applicant has since agreed to this approach and subsequent use conditions, one of which ensures a Written Scheme of Investigation be agreed in writing with officers prior to the development commencing.

235. Subject to the conditions recommended by the Archaeology officer and agreed by the applicant, it is considered that the proposed solar farm would not harm above-ground or below-ground heritage assets. The proposal would therefore not conflict with Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, or with CDP Policy 44, or with Part 16 of the NPPF.

#### Agricultural Land and Soil Resources

236. Paragraph 187 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.
237. In their comments on this application, Natural England identify that the site would likely affect 8.78ha of BMV agricultural land. They note that the development is temporary and would therefore unlikely to lead to significant permanent loss of BMV agricultural land as a resource for future generations. Officers note that the application is supported by an Agricultural Land Classification Report, which concludes that the site consists entirely of land classified as Grade 3b under the Agricultural Land Classification system. The land within the site is therefore not best and most versatile as defined by the National Planning Policy Framework.
238. In respect of management of soils, Natural England had raised initial concerns due to the lack of a soil management strategy. A Soil Management Strategy has since been submitted, and states that the proposal would not lead to the removal of soils from the site, whilst disturbance of soil would be minimal and only necessary as part of installation of poles to which the panels would be attached, and installation of fencing and CCTV cameras, and construction of the access onto Admiralty Way, and installation of cables. The strategy is considered acceptable.
239. The site would occupy 8.78 hectares of agricultural land, however due to it being Grade 3b land the impact of the loss of arable land is reduced. The proposed development would have a lifespan of 40 years, after which the panels and associated infrastructure would be removed, and the land returned to its former agricultural use.
240. The application states that during the lifetime of the solar farm the site could be utilised for the light grazing of livestock (sheep, chickens, geese, etc.) in between the solar arrays, whilst the site could also be used for beekeeping. Precise details have not been submitted as these opportunities are still being discussed with the landowner, therefore this proposed mitigation measure is afforded only limited weight.
241. The proposal does not conflict with CDP Policy 14 or with Paragraph 187 of the NPPF.

#### Cumulative Impact

242. Paragraph 198 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. Specific to renewable energy schemes, Paragraph 165 notes that whilst maximising the potential for suitable development, adverse impacts should be appropriately addressed, including cumulative landscape and visual impacts. 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.
243. Officers are mindful of the Seaham Garden Village development for 1,500 dwellings to the south of the site, as well as the large consented solar development to the south of Murton some 4.5km to the southwest of the current site, and the existing, relatively small solar development adjacent to the A182 some 350m to the east of the current site.
244. Neither Environmental Health and Consumer Protection Officers nor Design and Conservation Officers have raised concerns with cumulative impact in respect of the proposal's cumulative impact on health, living conditions, the natural environment, or the setting of designated heritage assets.
245. Landscape Officers advise that the current proposal would increase the presence of solar development in the local area and could potentially have an adverse cumulative effect on wider landscape character. Whilst some of the existing consented solar installations might not be intervisible with the proposed development, there is potential for solar energy developments to be experienced sequentially by receptors travelling through the wider landscape, giving rise to potentially adverse cumulative effects on visual amenity. The impacts of this proposal are discussed in greater detail in the Landscape section of this assessment.
246. Whilst there would be a cumulative impact on the amenity of the wider landscape, this would not be unacceptable or overbearing. The proposed solar development would not therefore cumulatively add to the amount of energy infrastructure in the surrounding area. There would be temporary impacts during the construction and decommissioning stages including vehicle trips, noise, dust and air emissions, and these impacts are considered within this report and are considered to be acceptable, subject to conditions where appropriate. It is therefore considered that the solar farm proposal would not conflict with CDP Policy 31 and Part 15 of the NPPF.

### Safeguarding Areas

247. 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, or the operation of High Moorsley Meteorological Officer radar.
248. The site is not in proximity to a high-pressure gas pipeline. Nor is the site in a location which could affect the operation of Newcastle International Airport or Teeside International Airport.
249. The submitted Glint and Glare Assessment has also considered potential impacts on Peterlee Airfield and on Greenfield Hills Farm Airfield, located approximately 6.3km

southwest of the site. The Assessment concludes that the proposal would not have an adverse impact on the operation of these airfields.

250. The site is within the defined safeguarding area around the High Moorsley Meteorological Office radar. The northern and western edges of the site fall within the High Moorsley Consultation Zone for any building, structure or works exceeding 91.4m in height above ground level. The proposal does not include any works above this height. High Moorsley Meteorological Office has advised that there would not be any impact on the forecasts and warnings derived from the weather radar data at High Moorsley and there has no objections. The proposal would not conflict with CDP Policy 28 or with Paragraph 45 of the NPPF.

#### Overplanting

251. The High Court Judgement of Fordham J in relation to a claim by an objector against a grant of planning permission by Durham County Council for a solar farm resulted in the quashing of the Council's decision. The Judgement states that when making their decision the Planning Committee did not consider if the proposed development could be delivered on a smaller site, with less panels.
252. In order for the Council to be able to assess if the proposed scale of development proposed for the application is necessary to deliver the expected power output, the applicant has provided a statement setting out justification as to the quantum and location of solar panels.
253. The statement advises that the proposed solar farm would have an AC capacity of 8MW, with a DC capacity of 8.495MW. The statement also advises that the AC capacity is based upon the grid connection offer from Northern Powergrid to the applicant, which is for a maximum export capacity to the grid of 8MW.
254. Solar farms are typically overplanted by a factor of 1.25 – 1.8, equivalent to approximately 62MWp-90 megawatt peak (MWp) on a 49.9 megawatt alternating current (MWac) connection. Overplanting is typically carried out to maximise renewable energy generation efficiency.
255. The ratio on this site of DC power output to AC power output is 1.06. This is below the 1.2 ratio threshold. Given that the 8MW AC output is controlled by Northern Powergrid's power output capacity as per their grid connection offer to the applicant, Officers consider the proposed information to be sufficient.

#### Time Limit

256. Section 91 of the Town and Country Planning Act 1990 (as amended) advises that every planning permission granted or deemed to be granted shall be granted subject to the condition that the development to which it relates must be begun not later than the expiration of 3 years beginning with the date on which the permission is granted or, such other period (whether longer or shorter) beginning with that date as the authority concerned with the terms of planning permission may direct.
257. The applicant has requested that the standard three year time limit to commence works be amended to a five year period, to give flexibility when agreeing a connection to the National Grid. It may be the case that, with the benefit of planning permission for the development, a grid connection agreement could be reached at an earlier date. In this case the development would be able to commence earlier. There are no applicable policies or other material considerations that indicate that an extension to

the standard commencement period of three years should be restricted and it is therefore considered that a five year commencement period is acceptable.

## Public Sector Equality Duty

258. 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.
259. In this instance, officers have assessed all relevant factors and do not consider that there are any equality impacts identified.

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## **CONCLUSION**

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260. Section 38(6) of the Planning and Compulsory Purchase Act 2004 sets out that planning applications shall be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF is a material consideration in planning decisions.
261. There would be landscape harm as a result of the proposed development with the proposals would be out of keeping with the character of the site and surrounding countryside. The strategy for this area of landscape is to enhance existing character rather than develop. As an incursion into an area of countryside, the proposals would potentially cause substantial harm at site level and moderate harm to the surrounding local landscape during the operational period of the development. There would also be substantial harm to visual amenity of receptors close to the site and moderate harm to wider visual amenity, considering that the development would be noticeable from a distance and would be experienced in combination with large industrial buildings, during the operational period. There is potential for cumulative harm considering other solar energy developments and other nearby developments of scale.
262. It is considered that the proposal would be out of keeping with the character of the surrounding landscape, and would result in harm. Landscape Officers advise that the landscape effects would be substantial and adverse at site level. They advise the effects would not exceed moderate adverse in relation to the wider area surrounding the site. This particular site is considered visually sensitive to solar development, and due to the land levels across the site and the levels of adjacent land, it is considered that the proposed landscaping would not be sufficient to entirely screen views of the development, therefore it would not be sufficient to negate this harm. Officers are also mindful of the large consented solar development to the south of Murton some 4.5km to the southwest of the current site, as well as the existing, relatively small solar development adjacent to the A182 some 350m to the east of the current site, therefore the proposal would lead to a cumulative impact on the amenity of the wider landscape.
263. Due to the harm identified as a result of the visual impact of the development at both a local level and within the wider landscape, it is considered that the proposal would be in conflict with CDP Policy 39 and with Part 15 of the NPPF. 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. As there is conflict with the development plan, this planning balance exercise will need to be undertaken.

264. As highlighted in the recent appeal decisions in the County for notably larger sized solar farms at Sheraton Hall Farm (DM/20/03722/FPA) and at land to the south of Murton (DM/21/03420/FPA,) both national and local development plan policy recognise that large scale solar farms may result in some landscape and visual impact harm. However, both adopt a positive approach indicating that development can be approved where the harm is outweighed by the benefits. Planning Inspectors have indicated that 'very significant' weight should be afforded to the benefits of solar development.
265. The proposed 12 ha solar PV installation of circa 8MW is the equivalent to providing for the energy needs of approximately 3,169 homes within the UK.
266. The solar PV installation would result in a reduction in carbon emissions associated with energy generation equating to approximately 1,764 tonnes of CO<sub>2</sub> per year. This is equivalent to the removal of 1,260 standard, internal combustion powered family cars from the road each year, assuming they each generate 1.4 tonnes of CO<sub>2</sub> per year.
267. The application submits that this particular site is suitable for a solar farm, with the submitted site selection justification set out in detail earlier in this report. This justification is to be afforded weight in favour of the proposal.
268. The development would occupy the site for a temporary period of 40 years, after which the equipment would be removed and the land reinstated. This ensures the identified landscape impacts and subsequent harm would be for a temporary period, albeit 40 years is still a considerable period of time.
269. Although the direct FTE job creation during the construction period has not been provided 56 indirect and induced FTE jobs would be created from the supply chain and related services. The subsequent economic benefits are therefore to be afforded weight in favour of the proposal.
270. In respect of Biodiversity Net Gain, the proposal would result in a 213% BNG in respect of Habitat units, and a 192% BNG in respect of Hedgerow units, to be delivered on-site. These amounts of BNG are significantly higher than the statutory 10% BNG requirement for this application, and the proposal would deliver these measures on-site. The subsequent benefits weigh in favour of the proposal.
271. Whilst it is accepted that the proposed solar farm would have an impact to the landscape, it is considered that the benefits of the development in terms of energy supply and security, support for renewable energy, biodiversity enhancement, and job creation would outweigh that harm.
272. It is therefore considered that the identified conflict with CDP Policy 39 is justified, and that the proposal would therefore not conflict with CDP Policy 33. By not conflicting with CDP Policy 33, the proposal does not conflict with CDP Policy 10 in relation to development in the open countryside.
273. All other material considerations have been taken into account in the determination of the solar farm application and found to be acceptable. A number of conditions are recommended by Officers to ensure the proposal is acceptable.
274. The proposed development has not generated any public interest, with no representations from the public received.

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## RECOMMENDATION

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275. That this application for the installation of ground mounted photovoltaic farm with associated infrastructure, engineering works, access, and landscaping, 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 of £4,224 toward biodiversity monitoring for a 30 year period:

### Time Limit

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

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

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

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

3) This consent is granted for a period of 40 years from the date of first export of electricity to the Grid ("the date of first export"). Within 1 month of the date of first export, written confirmation of the same shall be given to the Local Planning Authority. Before the expiry of the 40 year period hereby approved the buildings, structures and infrastructure works hereby approved shall be removed and the land restored to its former condition, in accordance with details to be submitted to and approved by the Local Planning Authority. The approved details shall then be implemented in full within 6 months of approval of those details.

*Reason: In the interests of visual amenity, pollution prevention and reinstatement of agricultural land in accordance with County Durham Plan Policies 10, 14, 31, 33 and 39 and Part 15 of the National Planning Policy Framework.*

### Plans

4) The development hereby approved shall be carried out in accordance with the following approved plans and documents:

P007065-01-GeneralLayout Revision J, General Layout – dated 18/10/2024

P007065-04-ArraySections Revision C, Array Section Views – dated 09/02/2024

P007065-06-SiteLocation Revision C, Site Location Plan – dated 15/03/2024

P007065-08-FenceSections Revision A, Fence Section Views – dated 09/02/2024

P007065-09-TXStationSections Revision A, Transformer Station Section Views – dated 09/02/2024

P007065-10-CustSubSections Revision A, Customer Substation Section Views – dated 09/02/2024

P007065-11-DNOSubSections Revision A, DNO Substation Section Views – dated 09/02/2024

Drainage Technical Note, Reference FSF-BWB-ZZ-XX-RP-YE-0002\_DTN, by BWB – dated July 2024

Flood Risk Assessment, Reference: FSF-BWB-ZZ-XX-RP-YE-0001\_FRA Revision P04, by BWB – dated 19/07/2024

Surface Water Drainage Strategy, Reference: FSF-BWB-ZZ-XX-DR-CD-0001 Revision P03, by BWB, dated 18/07/2024

Ecological Impact Assessment, Reference: BIOC23-043 V1.2, by Biodiverse Consulting, dated 23/10/2024

Ornithological Impact Assessment, Reference: BIOC23-043 V1.1, by Biodiverse Consulting, dated 23/10/2024

Biodiversity Net Gain Metric, Reference: BIOC23-043 V1.2, dated 06/11/2024

Biodiversity Net Gain Statement, Reference: BIOC23-043 V1.2, by Biodiverse Consulting, dated 06/10/2024

Habitat Management and Monitoring Plan V1 DRAFT, by Biodiverse Consulting – dated 22/08/2024

Air Quality Note, by Stantec – dated 14/06/2024

Arboricultural Impact Assessment, Reference: FCS-BWB- BWB-ZZ-XX-RP-YE-0001\_AIA Revision P02, by BWB – dated May 2024

Landscape Strategy, Reference: N1385-ONE-ZZ-XX-D-L-0001 Revision P04, by One Environments – dated 26/10/2024

Outline Soil Management – Method Statement Revision P1 – dated July 2024

Solar Farm MW Output letter, by Stantec – dated 01/11/2024

Solar Photovoltaic Glint and Glare Assessment Issue 5, by Pager Power – dated June 2024

*Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with Policies 10, 14, 31, 33 and 39 of the County Durham Plan and Part 15 of the National Planning Policy Framework.*

## **Ecology**

5) The Biodiversity Gain Plan shall be prepared in accordance with the 'Fox Cover Solar Farm Biodiversity Net Gain Statement Reference BIOC23-043 V1.2' dated 06.11.2024 and prepared by Biodiverse Consulting.

*Reason: To ensure the Biodiversity Gain Plan submitted for approval accords with the biodiversity information submitted with the planning application and 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.*

6) No development shall not 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 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. Required*



to be a pre-commencement condition to accord with the relevant legislation and development plan policy.

7) Notice in writing shall be given to the Local Planning Authority when the:

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

*Reason: To ensure the development is carried out in accordance with the proposed habitat creation and/or enhancements and so 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.*

8) 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
- (b) 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.*

9) The created and/or enhanced habitat(s) specified in the approved HMMP shall be managed and maintained in accordance with the approved HMMP.

*Reason: To ensure the proposed habitat creation and/or enhancements are appropriately managed and maintained for the required 30 year period 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.*

10) Monitoring reports shall be submitted to the Local Planning Authority in writing in accordance with the methodology and frequency specified in the approved HMMP.

*Reason: To ensure the proposed habitat creation and/or enhancements are appropriately managed and maintained for the required 30 year period development delivers a biodiversity net gain on site 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.*

### **Construction Management Plan**

11) 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, and in the interest of highway safety, having regards to Policies 10, 21 and 31 of the County Durham Plan and Parts 9 and 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.*

## **Construction Hours**

12) 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 protecting the amenity of neighbouring site occupiers from the impacts of the construction phases of the development, and in the interest of highway safety, having regards to Policies 10, 21 and 31 of the County Durham Plan and Parts 9 and 15 of the National Planning Policy Framework.*

## **Vehicle Cleaning**

13) 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 interest of highway safety in accordance with the County Durham Plan Policy 21 and Part 9 of the National Planning Policy Framework.*

### **Above-ground Structures**

14) Notwithstanding the details contained in the plans approved under condition 4, prior to their erection or siting, full details of the:

- i. final positioning;
- ii. design; and
- iii. materials

of any above-ground structures, including, but not restricted to sub-stations, security fencing, CCTV cameras and supports, security lighting and supports, and all fencing and gates, have been submitted to the Local Planning Authority and approved in writing. The approved details shall be implemented in full thereafter.

*Reason: To ensure the development is carried out in accordance with the approved documents and in the interests of visual amenity in accordance with County Durham Plan Policy 39 and Part 15 of the National Planning Policy Framework.*

### **Internal Access Road**

15) Notwithstanding the details contained in the plans approved under Condition 4, prior to the construction of the vehicular access or the laying of an internal access road, precise details of the appearance of the internal access road shall be submitted to the Local Planning Authority for written approval. The approved details shall be implemented in full thereafter.

*Reason: In the interests of visual amenity in accordance with County Durham Plan Policy 39 and Part 15 of the National Planning Policy Framework.*

### **Landscape Planting, Trees and Hedgerows**

16) Prior to works commencing, a Tree Protection Plan, detailing protection measures during the construction and decommissioning phases of the development, in respect of the trees and hedgerows adjacent to the site shall be submitted to and approved in writing by the Local Planning Authority.

The approved tree protection measures shall then be implemented prior to works commencing, and retained throughout the construction and de-commissioning periods. No materials, equipment or vehicles shall be stored within the approved protective fencing.

*Reason: In the interests of the visual amenity of the area in accordance with Policies 10, 39 and 40 of the County Durham Plan and Parts 12 and 15 of the National Planning Policy Framework. Required to be a pre-commencement condition to ensure retained trees and hedgerows are not harmed during the works.*

17) Notwithstanding the details contained in the plans approved under Condition 4, prior to the development being brought into use, a scheme detailing the proposed planting within the site shall be submitted to and approved in writing by the Local Planning Authority.

The scheme shall also detail the ongoing maintenance of the areas.

*Reason: In the interests of the visual amenity of the area, in accordance with Policies 10, 39 and 40 of the County Durham Plan and with the National Planning Policy Framework.*

18) All planting, seeding or turfing and habitat creation in the approved details of the landscaping scheme shall be carried out in the first available planting season following the practical completion of the development.

No tree shall be felled or hedge removed until the removal/felling is shown to comply with legislation protecting nesting birds and roosting bats.

Any approved replacement tree or hedge planting shall be carried out within 12 months of felling and removals of existing trees and hedges.

Any trees or plants which die, fail to flourish or are removed within a period of 5 years from the substantial completion of the development shall be replaced in the next planting season with others of similar size and species.

Replacements will be subject to the same conditions.

*Reason: In the interests of the visual amenity of the area, in accordance with Policies 10, 39 and 40 of the County Durham Plan and with the National Planning Policy Framework.*

### **Archaeology**

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

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

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

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

### **Contaminated Land**

21) No development shall commence until a land contamination scheme has been submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall be compliant with the YALPAG guidance and include a Phase 1 preliminary risk assessment (desk top study).

If the phase 1 assessment identifies that further investigation is required a Phase 2 site investigation shall be carried out, which shall include a sampling and analysis plan. If the Phase 2 identifies any unacceptable risks, a Phase 3 remediation strategy shall be produced and where necessary include gas protection measures and method of verification.

*Reason: To ensure that the presence of contamination is identified, risk assessed and proposed remediation works are agreed in order to ensure the site is suitable for use, in*

accordance with Policy 32 of the County Durham Plan and with Part 15 of the National Planning Policy Framework. Required to be pre-commencement to ensure that the development can be carried out safely.

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

*Reason: To ensure that the remediation works are fully implemented as agreed and the site is suitable for use, in accordance with Policy 32 of the County Durham Plan and Part 15 of the National Planning Policy Framework.*

### **Ceasing Export**

23) In the event the site does not export electricity to the grid for a continuous period of 12 months after the date of first export, a scheme for the restoration of the site, including the buildings, structures and infrastructure works, dismantling and removal of all elements, shall be submitted no later than 3 months after the end of the 12 month non-electricity generating period to the local planning authority for its approval in writing. The approved scheme shall be carried out and completed within 6 months of approval of the scheme.

*Reason: In the interests of visual amenity, pollution prevention and reinstatement of agricultural land, in accordance with County Durham Plan Policies 10, 14, 31 and 39 and Part 15 of the National Planning Policy Framework.*

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## **STATEMENT OF PROACTIVE ENGAGEMENT**

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

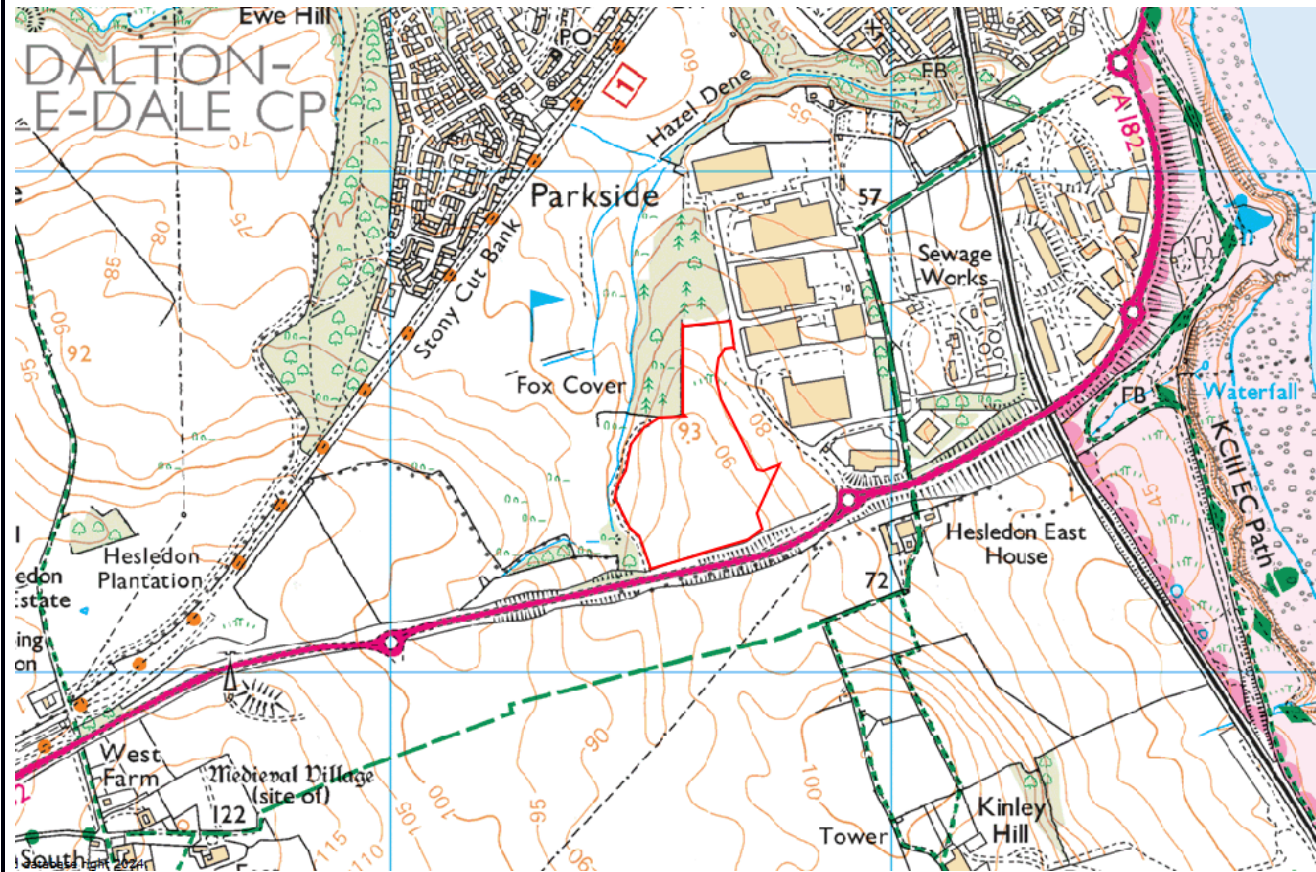
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## **BACKGROUND PAPERS**

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- Submitted application form, plans, supporting documents and subsequent information provided by the applicant
- Statutory, internal and public consultation responses
- The National Planning Policy Framework (December 2024)
- National Planning Practice Guidance Notes
- County Durham Plan (2020)
- Trees, Woodlands and Hedges Supplementary Planning Document (SPD) 2024
- Solar Energy Supplementary Planning Document (SPD) 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)
- Powering Up Britain: Energy Security Plan (April 2023)
- Climate Change Act (2008)
- Climate Change Committee 2022 Progress Report to Parliament
- Net Zero Strategy: Build Back Greener

- Energy White Paper: Powering our Net Zero Future
- British energy security strategy
- Statutory, internal and public consultation responses



**Planning Services**

DM/24/00783/FPA

Installation of ground mounted photovoltaic farm with associated infrastructure, engineering works, access, and landscaping. Land West Of Units 1-3, Admiralty Way, Seaham SR7 7DN.

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**Comments**

**Date** December 2024

**Scale** Not to Scale

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# COMMITTEE REPORT

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## APPLICATION DETAILS

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<b>APPLICATION NO:</b>	DM/23/02510/FPA
<b>FULL APPLICATION DESCRIPTION:</b>	Construction of a solar farm of circa 16MW, Battery Energy Storage System, and associated infrastructure
<b>NAME OF APPLICANT:</b>	Farm Energy Company
<b>ADDRESS:</b>	Land South-West of West Farm, Stainton, DL12 8RD
<b>ELECTORAL DIVISION:</b>	Barnard Castle East
<b>CASE OFFICER:</b>	Steve France Planning Officer Telephone: 03000 264871 <a href="mailto:steve.france@durham.gov.uk">steve.france@durham.gov.uk</a>

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## DESCRIPTION OF THE SITE AND PROPOSALS

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### The Site

1. The site of the proposed solar farm occupies an area of around 26 hectares (ha) of arable agricultural land between Barnard Castle and the village of Stainton to the north. 3 large fields of irregular shape are separated by established hedgerows currently produce arable crops on a rotational basis.
2. The site is gently sloping to the south, with a slight undulation on its lower part. Beyond the south boundary, where a Northumbrian Water pipeline infrastructure project (Planning Permission No. DM/21/04293/FPA) has been implemented during the course of this application, the slope below the site increases in gradient to fall to Black Beck, beyond which the ground rises again towards Barnard Castle, and the Hub, a state of the art facility, home of the charity Teesdale Community Resources (TCR). The playing fields associated with Teesdale School sit south of Black Beck on the rising land, to the west of which, part separated by a disused railway embankment upon which there is an informal footpath to the west of which GlaxoSmithKline (GSK) factory, the intended client of the power the scheme would generate. GSK manufacture medicines and are a significant local employer.
3. The site is surrounded by and is bounded to the west by open farmland in arable and grazing uses, within which there are sporadic dwellings, generally agriculturally related.
4. The surrounding fields are generally hedged, including sporadic trees. The south site boundary circumvents a small area of woodland. Trees within the site are not covered by a Tree Preservation Order (TPO).
5. The site and all its surroundings lie wholly within an area of Higher Land Value (AHLV) as defined in the County Durham Plan but is not affected by any other national or local

landscape designations. The site has 4.5km and 5.3km separation from the former North Pennines AONB at its nearest points. It is noted that the AONB designation has been replaced in November 2023 with new terminology, the North Pennines National Landscape (NPNL).

6. There are four Sites of Special Scientific Interest (SSSI) to the west and north of the site, at Cotherstone Moor, Baldersdale Woodland, Shipley and Great Woods and Bollihope, Pikestone, Eggleston and Woodland Fells, all more than 5km away. There is a Local Wildlife site to the south-west beyond the B6278, south of the Golf Club at Flatts Wood. The site is entirely within the Teesmouth and Cleveland coast Special Protection Area (SPA)/Ramsar site nutrient neutrality catchment.
7. The entirety of the site is within the lowest risk flood area, Flood Zone 1 as defined by the Environment Agency, although there are some very small areas of historical flooding within the site. The site is also situated in a major Groundwater Vulnerability Zone as defined by the Environment Agency.
8. There are no designated or non-designated heritage assets within the solar farm application boundary. Barnard Castle: ringwork, shell keep castle, chapel and dovecote, designated Scheduled Monuments are 1.9km south-west of the site in the centre of the eponymous settlement. There are listed buildings alongside the principal routes into the town, including Bowes Museum, Barnard Castle School and Percy Beck Bridge, the nearest of these over 1.2km from the site. The north part of Barnard Castle Conservation area is contained within the built settlement, extending as far north as the junction of the A67 and A688, where Footpath No.10 (Barnard Castle Parish) heads north towards the site, 1.3km distant. Non-designated Heritage Assets include the disused railway line and associated bridges that form the west boundary, visually and physically separating the site from the intended beneficiary of the proposal – the GSK factory to the south-west.
9. There are several public rights of way in and around the site: Footpath No.1 (Streatlam & Stainton Parish) crosses land to the east of the site connecting Stainton to Stainton Grove. Footpath No.3 (Streatlam & Stainton Parish) runs from West Farm at Stainton past Daisy Hill, alongside the east boundary of the site, again leading to Stainton Grove. Footpath No.4 (Streatlam & Stainton Parish) runs from West Farm on an irregular route following field boundaries south-west in the direction of GSK diverging and connecting with other footpath routes, to connect to Dent Gate Lane, the C42 (Footpath Nos. 4 and 31) and the B6278 Harmire Road to the west (Footpath No.21). Footpath No.21 heads south into Barnard Castle, becoming Footpath No.10, running along the side of Teesdale School, emerging at the A688 near the junction with the A67 Darlington Road. A Public Right of Way order has been made but not confirmed on the line of the dismantled railway that runs along the west boundary of the site, which in a broad sweep connects Coal Row Cottages to the GSK works.
10. The nearest settlements to the site are: within Barnard Castle, the new housing estates currently under development between A67 and A688 around 550m south of the site, and surrounding, the small hamlet of Stainton to the north-west, with the residential development of West Farm within 300m of the northern extent of the site and Stainton Grove, which sits east of and adjacent the A688, 160m from the eastern extent of the site. Isolated dwellings include Quarry Grange 420m to the west, Coal Road Cottages 290m north-west, Field House and New Broomielaw are respectively 330m and 530m to the north-west, with the semi-detached bungalows of 56/57 Stainton 330m to the north, with a dwelling off The Crescent, approximately 100m southeast of the site, the closest residential property.

11. The is not located in a Coalfield Development Risk area but is affected in small part by a Glacial Sand and Gravel safeguarding area.

## Proposal

12. The proposal seeks the erection of a solar farm, with a generating capacity of 16MW and an associated 12 MWh Battery Energy Storage System (BESS). The renewable energy generated by the proposed solar farm would directly power operations at the nearby GSK's (Glaxo Smith Kline), Barnard Castle factory over the 40 year operational period of the solar farm, with oversupply of electricity being exported onto the local electricity network and 'sleeved' to the other GSK facilities across the UK.
13. The physical development would consist of Solar PV modules mounted on to tracker system arrays, containerised Battery Energy Storage System (BESS) areas, inverter/transformer units, access tracks, onsite cabling, fencing and security measures and a substation.
14. In the event of an approval, underground cabling would also be required to connect the solar farm to the nearby GSK site. Any excess generation being exported to the local electricity network for 'resleeving' to other GSK sites. This underground cabling would be the subject of a separate planning application.
15. With insufficient land available within the GSK boundary, sites were sought as close to the factory as possible, but where landform minimises views. Further mitigation is proposed to be provided through improved boundary planting. The solar panels would be composed of photovoltaic cells mounted to angled arrays utilising a tracking system, with the panels moving slowly following the daily movement of the sun. The final detailed layout of the arrays is yet to be finalised, the submitted plans showing an indicative arrangement. The arrays would likely have a ground clearance of 1m, with a post height of 2m. The height of the PVs on the arrays would vary as they track the sun between a height of 2m and 3.5m.
16. The proposed Battery Energy Storage System (BESS) would appear as dark green coloured containerised units, 3m width x 6m length x 2.5m height. The proposed battery is a 12 MWh system (4 MW, 3 hour system). Potential options for the foundations of the BESS and inverter units include pile driven solutions or concrete slab, the chosen method for which would be removed fully during decommissioning and restoration when the PV units are removed. The location of the BESS has been amended during the course of the application to disassociate it from the PRoW, and is now proposed grouped alongside the maintenance road that runs parallel with the existing tree/hedge line that runs east / west across the centre of the site.
17. Security fencing would enclose the areas of solar panels, originally proposed as 2m high green mesh fencing, but amended to deer-proof fencing of a similar height at the suggestion of Landscape Officers. A pole mounted CCTV/lighting system is proposed as 'likely to be deployed around the perimeter of the proposal'. Additional security measures may be required to meet with the requirements of the chosen insurance company. These would be the subject to further applications,
18. Access to the site would be from the A688 via existing access tracks. Tracks would be constructed within the site to provide access for construction and maintenance. The access track would be a gravel track to be overseeded with durable grass mixture. This would allow it to be assimilated into the landscape while also providing access for ongoing maintenance and servicing through the lifespan of the proposal.

19. The proposed development site extends across 26ha of land, with the layout contained within the existing field system, avoiding intrusion into existing hedgerows and small woodland features. The application proposes continued agricultural use of the land along with environmental improvements. The installation of the arrays are stated as causing little ground intrusion, equivalent to under 5% of the site area, with the associated inverter/transformer units and access track covering less than 10% of the site. The BESS units and sub-station occupy under 1% of the site. Underground cabling would be required to connect the solar farm to the GSK factory to the south-west.
20. The Public Right of Way which runs through the centre of the site would remain throughout the operational period of the solar farm. With a general requirement for a Public Right of Way to provide a 2m width (i.e. for two users to comfortably pass) the proposed retained route would vary between 9m and 30m in width, within which planting will provide for a green corridor. The PROW adjacent the site would remain unaffected. A new permissive path between the existing PROWs is proposed.
21. Existing mature trees along the boundary of Field 3 would be retained. The proposals include for Biodiversity Net Gain from planting new hedgerow trees, creating new hedgerows along with landscaped areas for countryside users.
22. The proposals would directly power operations at GSK around 500m to the south-west, providing around 52% of the factory's energy demand. It has the potential to provide around 16MW of solar power (the equivalent for around 3,250 houses) and includes a 12MWh BESS to store energy at peak generation times when GSK is unable to use it, discharging this when required, contributing to energy security. This would reduce the carbon footprint of the business by approx. 4,353 tonnes of CO<sub>2</sub> per year and contribute to GSK achieving a carbon neutral chain by 2045.
23. This direct supply to a single user is a noteworthy aspect of the application, where most schemes presented to this Committee supplying power into the National Grid. There is therefore a direct impact on the local economy, rather than a benefit to the greater good.
24. The proposals are represented as a temporary loss of 31% of the site as grade 3a, or 'best and most versatile' agricultural land, with the land available for biodiversity gain and potentially grazing in the interim.
25. A detailed assessment of the biodiversity net gain of the Proposal has been undertaken as part of the Ecological Impact Assessment submitted as part of the planning application. Against a legislative requirement for 10% bio-diversity net gain (BNG) the scheme sets out a proposal for a minimum of 68% BNG, which is contended a significant benefit.
26. Both the construction and operational phases of the development would create direct employment; however, this is not quantified within the application. The construction phase should take 3 to 6 months. As an energy development with a direct client, the proposal claims ensuring job security for those employed at the factory as a direct benefit.
27. The development would occupy the site for a temporary period of 40 years, after which the equipment would be removed and the land reinstated.
28. The application is accompanied by an Environmental Statement (ES) as it is considered to be Environmental Impact Assessment (EIA) development having regard to the Town and Country Planning (Environmental Impact Assessment) Regulations

2017 (as amended) (the EIA Regulations). This report has taken into account the information contained in the ES, further environmental information including that submitted under Regulation 25 of the EIA Regulations and information arising from statutory consultations and other responses.

29. The application is being reported to Planning Committee as it is a major development with a site area greater than 1 hectare.

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## **PLANNING HISTORY**

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30. Two very small areas of the southern boundary of the site overlap with the extent of the approval for approval DM/21/04293/FPA: Installation of below ground pipeline from Lartington Water Treatment Works to Shildon Service Reservoir and associated works.

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## **PLANNING POLICY**

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### **NATIONAL POLICY**

31. A revised National Planning Policy Framework (NPPF) was published in December 2024. The overriding message continues to be that new development that is sustainable should go ahead without delay. It defines the role of planning in achieving sustainable development under three overarching objectives – economic, social and environmental, which are interdependent and need to be pursued in mutually supportive ways. The following elements of the NPPF are considered relevant to this proposal.
32. *NPPF – Part 2 Achieving Sustainable Development* - The purpose of the planning system is to contribute to the achievement of sustainable development and therefore at the heart of the NPPF is a presumption in favour of sustainable development. It defines the role of planning in achieving sustainable development under three overarching objectives - economic, social, and environmental, which are interdependent and need to be pursued in mutually supportive ways. The application of the presumption in favour of sustainable development for plan-making and decision-taking is outlined.
33. *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.
34. *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.
35. *NPPF - Part 9 Promoting Sustainable Transport* - Encouragement should be given to solutions which support reductions in greenhouse gas emissions and reduce congestion.
36. *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.

37. *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.
38. *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.
39. *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>

40. The Government has consolidated a number of planning practice guidance notes, circulars and other guidance documents into a single Planning Practice Guidance suite. This document provides planning guidance on a wide range of matters. Of particular relevance to this application is the practice guidance with regards to; air quality; biodiversity net gain; climate change; determining a planning application; environmental impact assessment; flood risk and coastal change; historic environment; natural environment; noise; light pollution; land affected by contamination; planning obligations; renewable and low carbon energy; travel plans, transport assessments and statements; use of planning conditions.

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

41. Other material considerations include EN:1 Overarching National Policy Statement for Energy and EN-3 National Policy Statement for Renewable Energy Infrastructure. Both National Policy Statements came into force on 17 January 2024. EN-3 states that electricity generation from renewable sources of energy is an essential element of the transition to net zero and meeting our statutory targets for the sixth carbon budget (CB6). Further, it is stated that the Government has committed to sustained growth in solar capacity to ensure that we are on a pathway that allows us to meet net zero emissions by 2050. As such solar is a key part of the Government's strategy for low-cost decarbonisation of the energy sector. The Policy Statement cites the key considerations involved in the siting of a solar farm.
42. Also relevant are: the Climate Change Act 2008 which sets a targets for the year 2050 for the reduction of targeted greenhouse gas emissions; the Climate Change Committee 2022 Progress Report to Parliament, which stated, '*Following Russia's invasion of Ukraine, the UK Government's response to heightened energy security*

concerns has been to double down on Net Zero. This is welcome, but the new Energy Security Strategy (ESS) is almost entirely supply-focused and many of its commitments may not be delivered until well after the immediate crisis. There remains an urgent need for equivalent action to reduce demand for fossil fuels to reduce emissions and limit energy bills'; the Net Zero Strategy: Build Back Greener (Oct 2021, Update April 2022), which covers a wide range of sectors including Power, which 'recognises that reliable and affordable power is a foundation of a modern industrial economy, and plays a critical role in decarbonising the economy and achieving net zero goals cost effectively'; Energy White Paper: Powering our Net Zero Future, with the goal to, 'deliver energy reliably, while ensuring fair and affordable costs and accelerating our transition to clean energy, we need to create investment opportunities across the UK to enable a smarter, more flexible energy system, which harnesses the power of competition and innovation to the full' and the British energy security strategy (Updated 2022) which provides a '10 point plan' for a 'green revolution' for less reliance on the global gas market.

## **LOCAL PLAN POLICY:**

### The County Durham Plan (October 2020)

43. *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. Footnote 54 includes low carbon and renewable policies within the list of relevant specific Policies.
44. *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.
45. *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.
46. *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.
47. *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.

48. *Policy 27 - Utilities, Telecommunications and Other Broadcast Infrastructure* – relevant for the BESS element of the proposals, Policy 27 supports such proposals provided that it can be demonstrated that there will be no significant adverse impacts or that the benefits outweigh the negative effects; it is located at an existing site, where it is technically and operationally feasible and does not result in visual clutter. If at a new site then existing sites must be explored and demonstrated as not feasible. Equipment must be sympathetically designed and camouflaged and must not result in visual clutter; and where applicable the proposal must not cause significant or irreparable interference with other electrical equipment, air traffic services or other instrumentation in the national interest.
49. *Policy 29 - Sustainable Design* - requires all development proposals to achieve well designed buildings and places having regard to SPD advice and sets out detailed criteria which sets out that where relevant development is required to meet including; making a positive contribution to an areas character and identity; provide adaptable buildings; minimise greenhouse gas emissions and use of non-renewable resources; providing high standards of amenity and privacy; contributing to healthy neighbourhoods; providing suitable landscape proposals; provide convenient access for all users; adhere to the Nationally Described Space Standards (subject to transition period).
50. *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.
51. *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.
52. *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.
53. *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.
54. *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.

55. *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.
56. *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.
57. *Policy 42 – Internationally Designated Sites* – States that development that has the potential to have an effect on internationally designated site(s), either individually or in combination with other plans or projects, will need to be screened in the first instance to determine whether significant effects on the site are likely and, if so, will be subject to an Appropriate Assessment.
58. *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.
59. *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.
60. *Policy 56 - Safeguarding Mineral Resources*. Sets out that planning permission will not be granted for non-mineral development that would lead to the sterilisation of mineral resources within a Mineral Safeguarding Area unless certain exception criteria apply.

## SUPPLEMENTARY PLANNING DOCUMENTS

61. *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.
62. *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.
63. *Solar Energy SPD (2024)* - This SPD sets out guidance for solar development serving residential, business, leisure and community uses and commercial scale solar farms. It covers key planning issues associated with solar development including landscape character, biodiversity, heritage assets and agricultural land. The SPD seeks to ensure panels are appropriately sited and designed.

<https://www.durham.gov.uk/article/7444/County-Durham-Plan-supporting-documents>

### NEIGHBOURHOOD PLAN:

64. There is no Neighbourhood Plan for this area.

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

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## CONSULTATION AND PUBLICITY RESPONSES

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65. The National Planning Policy Framework (NPPF) was updated on 12 December 2024 as this report was being prepared. The Policy implications of the changes will be discussed below. It must be noted that where consultees quote paragraph numbers and references from the NPPF in their responses, that these may now have changed. In the main body of this report, the up-to-date paragraph numbers and advice is used. However, to put this in context, the changes to Part 14 of the NPPF, 'Meeting the challenge of climate change, flooding and coastal change', are designed to give 'significant' weight to the benefits associated with renewable and low carbon energy generation, and proposals' contribution to meeting a net zero future with the stated aim of the changes for this topic described as seeking to increase the likelihood of local planning authorities granting permission to renewable energy schemes and contribute to reaching zero carbon electricity generation by 2030.
66. The nature of the changes are such that Consultees comments are not considered likely to be significantly or fundamentally affected to a point where a reconsultation is justified for updates, nonetheless, this issue should be borne in mind when reviewing them.
67. In November 2023 the Government renamed Areas of Outstanding Natural Beauty (AONBs) 'National Landscapes' which now come within the remit of National Parks and National Landscapes (NPNLs) following a consultation to review their role in environmental land management schemes and the planning system. The rebranding embodied their role in environmental land management schemes and the planning system following legislative changes.
68. Again, Consultee comments issued during the course of the application may refer to the earlier designation, but such comments are not considered likely to be significantly

or fundamentally affected to a point where a reconsultation is justified for updates, nonetheless, this issue should be borne in mind when reviewing them.

#### STATUTORY RESPONSES:

69. *Highway Authority* – has raised no objections to the proposals. Officers advise that by their very nature, solar farms do not generate very much traffic once constructed, and so their impact on the local road network is negligible.
70. The proposal would generate a higher level of traffic during the construction phase, and so a Construction Management Plan should be submitted. This could be secured by condition.
71. The proposed site access is currently just a farm gate just off the A688. This access should be improved with proper hardstanding at the access to the A688, installation of proper radii and provision of 60mph visibility splays (215m x 2.5m). This would require the applicant to enter into a S278 agreement with the Local Highway Authority for works to the adopted highway. All works to the adopted highway would be at the applicant's expense.
72. *Lead Local Flood Authority (Drainage and Coastal Protection)* - advise approval of the submitted Flood Risk and Drainage Assessment Report for this proposal.
73. *Environment Agency* - have no objection to the proposed development as submitted but do offer some comments and advice: Energy storage will play a significant role in the future of the UK energy sector. Effective storage solutions will benefit renewables generation, helping to ensure a more stable supply and give operators access to the Grid ancillary services market. The National Grid's Enhanced Frequency Response programme will provide a welcome catalyst for a significant level of battery storage deployment in the UK. Currently, the Department for Environment Food and Rural Affairs (DEFRA) does not consider the need to regulate the operation of battery energy storage systems (BESS) facilities under the Environmental Permitting Regulations regime.
74. Although these are a source of energy to the National Grid they do not result in the direct impact to the environment during normal operations. The Environment Agency advises that they do not generally object to battery storage proposals, however, the potential to pollute in abnormal and emergency situations should not be overlooked, including the scope of the UK's producer responsibility regime for batteries and other waste legislation.
75. *County Durham Fire and Rescue Brigade* – have not responded to their consultation, issued on the basis of the BESS element of the proposals. In lieu of response Officers have given due regard to the advice in guidance on battery storage and fire safety produced by the National Fire Chiefs Council (NFCC): 'Grid Scale Battery Energy Storage System planning – Guidance for FRS'.
76. *National Powergrid* – have confirmed they have no Grid Electricity Transmission assets affected by the development.
77. *National Gas* - have confirmed they have no National Gas Transmission assets affected by the development.
78. *Natural England* – In deference to the importance of the advice, this response is set out at length, only slightly abridged:

79. Based on the plans submitted, Natural England considers that the proposed development would not have significant adverse impacts on designated sites and protected landscapes and has no objection.
80. Natural England considers that the proposed development would not have likely significant effects on the notified features of the North Pennine Moors Special Protection Area (SPA) & Special Area of Conservation (SAC) European habitat sites, with consideration of this meeting the requirements of the Habitat Regulations advising that the LPA record the decision that a likely significant effect can be ruled out. This conclusion is reached taking into consideration the location, type and scale of the proposed scheme and adopting a source-pathway-receptor approach.
81. The application site lies just over 5km away from a number of SSSIs. Based on the submitted information Natural England does not anticipate adverse effects on the notified features of these SSSIs and has no objection.
82. The submitted Landscape and Visual Impact Assessment (LVIA) and the additional Glint and Glare Assessment have been reviewed. These have sufficiently addressed concerns outlined in the earlier response letter dated 9/10/2023. Based on the submitted information Natural England has no objection to the proposed development. They do not consider that the proposed development would compromise the purposes of designation or special qualities of the National Landscape but advise that the proposal is determined in line with relevant NPPF, and development plan policies, landscape and visual impacts are minimised as far as possible and landscape advice is obtained from the National Park team.
83. Under the Town and Country Planning (Development Management Procedure) (England) Order 2015 (DMPO) Natural England is a statutory consultee on development that would lead to the loss of over 20ha of 'best and most versatile' (BMV) agricultural land (land graded as 1, 2 and 3a in the Agricultural Land Classification (ALC) system, where this is not in accordance with an approved plan.
84. From the description of the development this application is likely to affect 26.9ha of agricultural land of which 8.3ha is BMV agricultural land. The proposed development, if temporary as described, is unlikely to lead to significant permanent loss of BMV agricultural land, as a resource for future generations. This is because the solar panels would be secured to the ground by steel piles with limited soil disturbance and could be removed in the future with no permanent loss of agricultural land quality likely to occur, provided the appropriate soil management is employed and the development is undertaken to high standards. Although some components of the development, such as construction of a sub-station, may permanently affect agricultural land this would be limited to small areas of BMV agricultural land.
85. However, during the life of the proposed development it is likely that there would be a reduction in agricultural production over the whole development area. The LPA should therefore consider whether this is an effective use of land in line with planning practice guidance which encourages the siting of large scale solar farms on previously developed and non-agricultural land. Paragraph 174b (now para. 187) and footnote 53 of the National Planning Policy Framework (NPPF) states that:  
*'Planning policies and decisions should contribute to and enhance the natural and local environment by: recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland.'*

86. Local planning authorities are responsible for ensuring that they have sufficient information to apply the requirements of the NPPF. The weighting attached to a particular consideration is a matter of judgement for the local authority as decision maker. This is the case regardless of whether the proposed development is sufficiently large to consult Natural England.
87. For mitigation soil is a finite resource which plays an essential role within sustainable ecosystems, performing an array of functions supporting a range of ecosystem services, including storage of carbon, the infiltration and transport of water, nutrient cycling, and provision of food. It is recognised that a proportion of the agricultural land would experience temporary land loss. In order to both retain the long term potential of this land and to safeguard all soil resources as part of the overall sustainability of the whole development, it is important that the soil is able to retain as many of its many important functions and services (ecosystem services) as possible through careful soil management and appropriate soil use, with consideration on how any adverse impacts on soils can be avoided or minimised.
88. Consequently, Natural England would advise that any grant of planning permission should be made subject to conditions to safeguard soil resources and agricultural land, including a required commitment for the preparation of reinstatement, restoration and aftercare plans; normally this would include the return to the former land quality (ALC grade).
89. It is also advised that conditions are applied to secure appropriate agricultural land management and/or biodiversity enhancement during the lifetime of the development, and to require the site to be decommissioned and restored to its former condition when planning permission expires.
90. *National Landscapes (NPNLs)* - views from receptors within the National Landscape are of key concern, ensuring that any development does not introduce a discordant note into the wide vistas to the south across Barnard Castle, but ultimately, no objection is raised.

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

91. *Spatial Policy* – has raised no objections to the proposed solar farm, noting CDP Policy 33 supports renewable and low carbon energy development and allows for its development in the countryside.
92. Officers identify the key planning policies and their current status relevant to the consideration of this proposal. Comments also highlight any policy related material considerations relevant to the consideration of this proposal in terms of national policy, guidance and locally derived evidence bases. Officers consider that the key determining factors will be the low carbon and economic benefits of the proposals balanced against impacts on the AHLV, BMV agricultural land, and any impacts on the setting of heritage assets, archaeology, biodiversity, PROW, amenity, surface water flooding, trees and hedgerows.
93. *Archaeology* – The applicant has submitted an evaluation report as a result of first phase trial trenching as agreed with Archaeology Officers This has identified significant archaeological remains in parts of the site and given an indication for the reliability of the geophysical survey. Further trenching is needed, and it has previously been agreed that this could be conditioned. Following this further mitigation would need to be agreed. Conditions to secure further trial trenching and a subsequent archaeological mitigation strategy are suggested. No objection is raised.

94. *Design and Conservation* - The proposal would have no direct impact to any known above ground heritage assets within the site boundary. Any impacts arising from the proposal would be visual and confined to setting. A range of designated heritage assets have been identified within the wider setting of the site in the application, although there is a substantially greater number than those listed within 2km for example.
95. The greatest cluster of these would be found within Barnard Castle to the south, including higher status designated heritage assets such the Castle (a Scheduled monument and Grade I listed asset), and a number of other Grade I and II\* listed heritage assets. The town centre is also covered by a conservation area designation and includes numerous additional listed buildings and non-designated heritage assets.
96. Within the wider 6km boundary are a number of additional conservation areas and a significant number of designated and non-designated heritage assets. Despite this, however any impact on setting would only be at a distance. These long-range views also incorporate surrounding built development such as to the northern edge of Barnard Castle and surrounding villages. The impact on the setting of heritage assets is also limited by the local topography and intervening built development and the natural environment in the form of vegetation and trees. The ZTV plan submitted notes no visibility from within Barnard Castle town centre and the core of the conservation area for example, limiting visual impacts to long-range views from beyond the town to the south and west. Therefore, whilst there would be some potential visibility within the setting of a range of designated and non-designated heritage assets these would be at a distance in wider views across the expansive surrounding landscape and would limit their overall impact on the setting of these assets. No objection is raised.
97. *Ecology* – Officers confirm that the supporting ecological data is sound and allows the LPA to assess the application. There are no expected impacts on protected species and the development provides a net gain as per CDP Policy 41. There are no issues with the metric and trading rules are met.
98. In terms of grazing management of the grasslands, this is an appropriate management tool and mentioned as an option in the Landscape and Ecological Management Plan. The LEMP has appropriate monitoring in place, and this would allow adjustments to be made to management techniques if these are required to meet the target habitat types and conditions specified in the metric. No objection is raised.
99. *Environmental, Health and Consumer Protection (Contaminated Land)* – have no adverse comments to make. There is no requirement for a contaminated land condition but suggest a standard informative for unforeseen contamination. No objection is raised.
100. *Environmental, Health and Consumer Protection (Air Quality)* – has raised no objections. Due to the scale and nature of the proposed development it is considered that it will be unlikely to exceed national air quality objectives and limit values in relation to particulate matter in operation. During the development phase, the operator recognises that dust escaping from the site could give rise to negative impact in the short term and also recognises the need to control such emissions; it is recommended a condition is attached to any approval requiring a Dust Management Plan, this could be incorporated into a Construction and Environmental Management Plan. No objection is raised.
101. *Environmental, Health and Consumer Protection (Nuisance Action)* – has raised no objections to the proposals. The Solar Photovoltaic Glint and Glare Study appears to

have been undertaken by suitably qualified and competent consultants. The study has been reviewed the study in relation to the impact upon residential receptors and not in relation to the impact upon roads users, rail users or aviation, planners are advised to seek consultation from relevant authorities in relation to roads, rail and aviation.

102. With regard to the impact upon residential receptors, the report concludes that impact upon residential receptors would not be significant: there is no reason not to agree with this finding. It is noted that Glint and Glare cannot be considered in relation to statutory nuisance, hence no advice is provided in that regard.
103. For potential noise issues, no issue is raised with a condition requiring a Construction Management Plan be submitted prior to commencement, referencing the submitted noise assessments and conclusions. No objection is raised.
104. *Landscape* – Officers have written detailed advice in response to three consultations, Abridged and summarised it sets out that the site covers approximately 26 hectares of farmed agricultural (arable) fields comprising 3 fields located within attractive open countryside between Barnard Castle and the village of Stainton. The topography of the site is undulating and broadly slopes gentle to the south.
105. The proposed site lies within an Area of Higher Landscape Value (AHLV) as defined in the County Durham Local Plan (CDLP) and as such would be a valued landscape for the purpose of Paragraph 187 of the National Planning Policy Framework (NPPF). The North Pennines Area of Outstanding Natural Beauty (AONB) (Now National Landscape (NPNL)) at its nearest boundary is approximately 5km to the west of the site.
106. The County Durham Landscape Character Assessment 2008 (CDLCA) identifies that the site lies in the Dales Fringe which forms part of the larger Pennine Dales Fringes National Character Area (NCA 22). It lies in the Raby & Streatlam Broad Character Area (BCA) which belongs to the Gritstone Vale Broad Landscape Type (BLT).
107. The site is made up of gently rolling arable farmland falling in a broadly southerly direction (Vale farmland: arable Local Landscape Type, Old enclosure Subtype) and forms part of a wider tract of attractive landscape with a nucleated settlement pattern of small green villages centred on the historic market town of Barnard Castle and is described in the CDLCA as a tranquil, settled, rural landscape with a strong sense of cultural continuity. The field pattern is sub-regular bounded by clipped hedgerows and scattered hedgerow oak, ash, and sycamore with occasional small plantations.
108. The landscape is open which in places affords broad scale panoramic views across the vale from higher vantage points as the site occupies a gently undulating landscape, falling in a broadly southerly direction. Due to the nature of the topography, views of the locality are generally shallow.
109. Key receptors in the locality include the network of well used public footpaths (FP) within or adjacent to the site (including Streatlam and Stainton No. 3 and 4 and the railway path (which is in the process of being designated as a PR
110. OW, with future plans for it to be incorporated into a strategic multi-user route from Bishop Auckland to Barnard Castle that bounds the site to the west), receptors within Stainton, Stainton Grove and on the northeast edge of Barnard Castle and local road users including Stainton Road (C43), Coal Road (C42) which also doubles as the promoted Sustrans Walney to Wear Cycle Route (W2W), A688 and Darlington Road (A67). It is overlooked in medium distance views to the south and more distance views from the higher ground of the North Pennines AONB to the northwest, west and south.

111. For effects on landscape features, there would be no material change to the landform of the site to accommodate the access tracks, solar panels and other associated structures.
112. The proposed development would locate the solar arrays within the existing field pattern. It appears that no trees, woodlands or hedges would be lost as a result of the development with the exception of two small sections to allow for the proposed permissive footpath linking Footpath Nos. 3 and 4. There would be a localised contribution to the conservation and enhancement of the local landscape from the proposed mitigation.
113. At the level of the site and its immediate surroundings the proposals would involve a transformative change from the currently open, rural, and agrarian character to a solar farm dominated by features of a notably man-made/industrial character adversely altering the physical and perceptual qualities of the site.
114. The visibility of the development, and therefore its effects on the character of the local landscape, would be reduced over time in varying degrees by a combination of tailored management of existing hedges and the planting of new trees and hedges which would help integrate the proposals with the surrounding area. This would also reinforce the existing landscape framework and enhance character to a lesser degree. The time taken to achieve this would vary. In some cases, rejuvenating existing hedges and allowing hedges to grow taller would be effective in a few years, in other cases where new planting was proposed it would take longer. New planting particularly adjacent to the most sensitive receptors will take a considerable length of time to become effective, and in the interim period the impact on character would be marked.
115. The effects of the proposal would become less with distance. In the wider landscape where views are typically shallow, and development would be largely filtered or screened by intervening topography and vegetation or difficult to perceive in the wider panorama and therefore the effects on the character of the landscape are reduced.
116. Due to the value and sensitivities of the AHLV, the proposals would have substantial albeit localised impact on the AHLV. Development would cause harm to the character, quality, distinctiveness, and the special qualities / valued attributes of the AHLV and particularly in respect of its condition and scenic qualities. These effects would be prominent in views from the well-used PROW network within the AHLV. The proposal would affect views from within and across the AHLV. The magnitude of change within the AHLV would become less with distance.
117. The proposed mitigation would reinforce the existing landscape framework and enhance the character to a degree, but landscaping within and on the boundaries of the site would do little to mitigate these effects from sensitive receptors.
118. For the relationship to the AONB (NLNP), the undulating nature of the topography coupled with a strong woodland and tree presence within the wider landscape and considering the intervening distance, the proposal would be a minor element and there would be no noticeable deterioration in the overall appreciation of the view out of the AONB. There would however be some views where the proposal would appear as a discordant element in the existing pleasing rural scene out across the AHLV in which the AONB is seen in the backdrop. Notwithstanding this, this is unlikely to impact significantly on the wider setting of the AONB.



119. After a series of amendments to reflect comments and suggestions, Landscape officers' final comments are summarised as: the Substation and Battery Energy Storage System (BESS) have been relocated to the central area of the site, removing it from the southwestern corner, adjacent to both the disused railway line and PROW through the centre of the site, which would reduce the prominence of the BESS and the east as per previous comments. Further mitigation should be considered.
120. For the BESS and Substation, indicative elevations of the substation are still missing. Further information on the colour of the Battery Energy Storage System and Substation will be required. Whilst these elements need to be a visually recessive colour such as dark green.
121. For landscape mitigation, the Landscape Proposals Plan has been updated to reflect the amended site layout and proposed additional landscape and visual mitigation proposals along with detailed softworks drawings.
122. Following further amendments are requested to enhancing the existing hedgerow to east of Field 1, bordering the PROW through ongoing management, infilling gaps and adding in additional hedgerow trees (if required); given the existing trees within this boundary, hedgerow species should be shade tolerant such as hazel or holly. Mitigation should be introduced on the southern boundary of Field 1, between the PROW and disused railway with additional hedgerow and trees / native structure planting. The new proposed hedgerow along western boundary of Field 3 should connect with southern boundary, with additional hedgerow trees and native structure planting between field 3 and 2 in the southwest corner of Field 3. Additional robust native structure planting to the northern boundary, to increased screening from visual receptors at Stainton and along the PROW routes north of the site should be considered. The new hedgerow along the western boundary of Field 2, should be extended east in the northwest corner, along the new proposed track to help further screen the substation in views from the PROW. Further native hedgerow trees introduced into the southern boundary of Field 2. It is noted that the amended landscape proposal plan suggests that small blocks of trees/structure planting is to be provided, however this is not shown on either this plan of the detailed softworks drawings.
123. A Landscape and Ecological Management Plan has now been supplied, but additionally needs, confirmation that monitoring should take place throughout the developments operational period (40 years). Throughout the lifetime of the development monitoring and management of hedgerows should be undertaken throughout the Site, building in coppicing, laying or re-planting as an ongoing programme if required. Management actions should include monitoring and replacing ash trees affected by Die Back as an ongoing programme throughout the lifetime of the development. Hedgerow cutting should follow a rotational regime.
124. The promised Woodland Management Plan should be secured.
125. With the requested details of the "Deer" style fencing having been accepted, a specification for the construction method and materials of the proposed track and the proposed gates need to be specified.
126. *Arboricultural Officer (Trees)* – Officers advise they defer to the comments of the Landscape Team. No objection is raised.
127. *Public Rights of Way* – Attention must be drawn to Footpath No. 4 (Stainton Parish) which runs through the site. It appears from the plans the PROW is to be retained and it is shown on the plans. It must be stressed that the PROW must be kept on the legal

line as per the definitive map held by DCC. The width of the footpath should be maintained with a minimum width of 2 metres surfaced path, with level grass verges each side of a minimum of 0.5m, the path must be surfaced with at least half a metre verge each side which is grassed, flat and level. Any tree planting or hedges should be set back from the path beyond this to allow for growth without encroaching on the available width.

128. It is noted that the north/south section of Footpath No. 4 (Stainton Parish) would have a 3-meter natural grassland retained either side, the west/east section of Footpath 4 needs to be clear that the same spacing is being allowed as this it a field edge path and future hedge growth needs to be taken into consideration.
129. The proposed permissive footpath should be constructed to the same width of surfaced path and side verges as Footpath No. 4 (Stainton Parish).
130. As the development would effectively fence in the footpaths, provision needs to be made by the developer on how the rights of way and permissive footpath would be kept clear and unobstructed for the public to use. No objection is raised

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

131. *Police Architectural Liaison Officer* – recommend that monitored CCTV should provide full coverage of the site, there should be no gaps in boundaries, consideration should be given to obstructing vehicular access, overt deterrents are considered (CCTV, warning signs), plant being forensically marked to aid recovery if stolen and that fencing is regularly monitored.
132. *Business Durham* – write that solar PV can offer both economic and environmental benefits to businesses whilst contributing to the carbon reduction targets of the County. The scheme would lower operating costs, provide energy security and support future energy demands. The cost savings can be redirected to research and development, expanding production and other critical areas, thereby protecting existing jobs and potentially creating new ones. Installation and maintenance of the PVs would generate employment opportunities in the local community. Embracing the scheme will enhance GSK's reputation as a forward thinking, environmentally friendly company, and this sustainable approach would support long term job security and growth.

#### **PUBLIC RESPONSES:**

133. The application has been advertised in the local press (the Teesdale Mercury) and by site notice. In addition, neighbour notification letters were sent to 773 neighbouring residential, commercial and properties and community facilities in and around the site. The receipt of further information was advertised in accordance with Regulation 25 of the EIA Regulations (including press notice) and a reconsultation took place with consultees and those members of the public who had originally been notified and those who had made representations.
134. A Statement of Community involvement, in line with the advice of paragraph 40 of the NPPF and Durham County Council's adopted Statement of Community Involvement (SCI) advice. has been submitted with the application detailing the consultation undertaken which included meetings with Cllr Mark Wilkes, Lead Member for Climate Change at Durham County Council and Stainton Parish Council and Streatlam Parish Council. The Farm Energy Company and GSK held an initial consultation event, described as 'relatively well attended'. This event informed a Landscape Masterplan with which a second event was undertaken. An invitation newsletter was distributed

to approximately 750 properties sitting close to the proposal site of the solar farm, and to the GSK site. This included all properties located in the village of Stainton to the north-east and the settlement of Stainton Grove to the south east, and a number of properties sitting to the west of the proposal site within Barnard Castle and rural properties north of the GSK facility. Residents that attended the original exhibition event, as well as those that had contacted The Farm Energy Company and GSK with queries, were also emailed a copy of the invitation. The invitation newsletter also displayed details of the Freephone information line, email address and the project's dedicated website address to allow people to request further information. To ensure the wider community was aware of the proposals, a press release was issued to local newspapers.

135. 14 objections and 22 letters of support (many being proforma letters) have been received in response to the consultation. 1 letter has been received offering comments.

## Objection

136. The Campaign for the Protection of Rural England (CPRE) = object, discussing whether the site is within an 'appropriate location' within the context of Policy 33 of the CDP. The charity question whether the development will meet the needs of GSK as stated, in particular with the seasonal variations in nature of the technology, and limitations of the supporting BESS. The use of 31% of the site as BMV is questioned directing development to the GSK site itself. The PRoW across the site is considered compromised from a pleasant open aspect to an industrial one, contrary to advice in the NPPF. The implications for the cabled connection to GSK to affect a potential cycle-track is queried. Conflict between potential low level grazing use of the land around the arrays and the biodiversity offer of the site is raised. Conflict with CDP Policies 26, 33 and 39 is contended.
137. Members of the public objecting, describe the historic layout and use of the land and the ancient route between Stainton and Barnard Castle which is now proposed to pass through the solar farm, the resultant effect running the character of this centuries old connection passing between metal fences and arrays of solar panels, compromising the appreciation of cultural heritage, and public and community visual amenity use of the footpath along with the loss of landscape value in an designated Area of High Landscape Value. New landscaping will take significant time to establish. Reference is made to the Council's Supplementary Policy on Solar Farms that was emerging during the course of this application. A lack of community benefits is stated.
138. Refusal of the development is not considered likely to compromise GSK's presence in Barnard Castle on the basis of a minimal reduction of the profits of a big international firm.
139. There is further objection to the very considerable impact upon the landscape of an AONB and the changes it will bring to the functioning of a quiet village founded and sustained on the agricultural economy. The loss of the natural environment will harm the desirability of Teesdale as a tourist destination.
140. The efficiency of solar farms in County Durham is questioned.
141. Property prices in Stainton will be compromised, along with the potential for locals to develop tourist accommodation.

142. Some objectors support the principle of the application, but object to the loss of high grade agricultural land, others suggest the use of sites closer to GSK, or the factory car parks for siting. Italy has banned solar farms being erected on agricultural land.
143. One correspondent queries the authenticity of the pro-forma letters, and that not all representations are from local addresses.

### Support

144. Some residents of West Far, closest to the development in the village of Stainton, to the north, write to support the proposal, noting the development will be visible to them, but acknowledging that efforts have been made to screen and integrate it into the landscape, that it will revert to agricultural land, supporting GSK's efforts to reduce their carbon footprint. That the footpaths crossing the site are proposed retained is crucial to this support, likewise the creation of an additional permissive path.
145. As a significant local employer and global company, GSK is purported to contribute to the economic and cultural prosperity of the area: with their products always energy intensive, the site and community it supports are contended to have a responsibility to mitigate the climate impact as locally as possible, with the proposed solar farm the lowest impact way of doing this. The plans will make the business competitive with GSK's European counterpart.
146. The scheme aligns with both GSK's and the Council's environment and carbon neutral plans and are described as a 'discreet incorporation into the landscape', especially in comparison with other forms of renewable energy generation, such as the existing wind turbines.
147. The land will still be available for a form of agriculture, and can revert back to such, with biodiversity improvements facilitated through the life of the solar farm.
148. The pro forma letters write that the development will assist decarbonising, provide clean, green energy for the GSK Barnard Castle facility, providing up to 52% of the factory's need whilst reducing CO<sub>2</sub>, whilst noting the intention to provide a Community Benefit Fund of £15k per year for local initiatives and good causes. The development will support the County Council's net-zero efforts. Supporters consider that GSK attracts new residents, and that the proposal will ensure the site remains competitive with counterparts in Europe.

### Comments

149. Some residents of West Farm, the nearest dwellings to the north of the proposed development note discussions with the applicants and that in principle they have no objection, acknowledging the proposed landscaping and the context of the use on a modern agricultural landscape and operation, having been concerned but reassured from meetings with the applicant. Landscaping proposals alongside the well-used footpaths are welcomed. Likewise, there is a positive reaction to the inclusion of a suggested permissive path connecting two existing footpaths on the southern boundary. It is suggested there is further opportunity for enhancing foot/cyclepath links in line with Government Strategies along the path of the dismantled railway to the west of the site, along which the cable feed from the solar farm to GSK will be constructed, to the benefit of both the general public and GSK employees.

### **ELECTED MEMBERS:**

150. No comments have been received from Elected Members.

## **APPLICANTS STATEMENT:**

151. Regardless of the recent shift in national policy context, with a direction of travel towards increased security of energy generation from renewable energy and large scale ground mounted solar in particular, there are clear benefits to the Barnard Castle solar farm which would be felt within the local area and should be given weight when viewed against the limited identified adverse impacts of the proposal.
152. The Environmental Statement and supporting reports submitted as part of the planning application demonstrate that there will be an overall limited adverse impact on environmental, heritage and residential amenity. Where potential 'harm' has been identified, there is direct reference within the relevant policies of the County Durham Plan (i.e. Policy 14 – BMV, Policy 39 – Landscape, Policy 41 – Biodiversity and Geodiversity). The amendments to the layout of the scheme, in line with comments received from the Council's Landscape Officer, demonstrate significant improvements to the scheme including increased levels of planting which provides not only additional screening but improvements to biodiversity net gain, which is now seven times the 10% minimum required for all developments in England.
153. The key question is therefore whether, on balance, the absence of significant environmental effects on other receptors and the benefits of the Proposed Development are such that they outweigh the acknowledged limited harm of the Proposal on the environment, which are generally confined to local visual receptors and are noted to be inevitable as a result of a commercial solar energy development, or indeed any form of development. The harm is not only localised but is temporary and reversible. The construction of the solar farm does not require extensive groundworks and can be removed easily at the end of its operational life, with the fields returned to the current greenfield, agricultural use.
154. In terms of Agricultural Land; there will be no permanent detrimental impact on best and most versatile agricultural land nor will it demonstrably negatively impact on soils on the Application Site. Weight should also be given to the ability of this agricultural land to directly address the problems associated with food production as a consequence of climate change. The installation of solar farms is a reversible use of land and the deployment of this type of technology will help meet the UK's energy security and climate change objectives. The proposal would also continue to support an agricultural use through sheep grazing. The combination of sheep grazing and grassland will improve the soil quality (soil carbon and soil organic matter) for future agricultural use.
155. Intensive arable farming has been held partly responsible for widespread reductions in biodiversity within the countryside, especially in farmland species. A study carried out in 2016 (Link) across 11 solar farms in the south of the UK showed that, where a diverse grassland mix was established, there were significant biodiversity gains within one growing season when compared with intensive arable and grazing on the same farm. The Proposal seeks to actively improve biodiversity across the Site through the use of local seed mixes and native tree species.
156. Farm diversification is also a key reason for farmers signing solar leases, which in turn will support continued investment in the farm business.

157. There are also a wide number of benefits that will be derived from the Proposal, including:
- The power generated by the solar farm will directly supply GSK's Barnard Castle factory. The Proposal represents a significant investment in the local area, injecting investment into the local economy and creating potentially both temporary construction jobs and operational jobs. Furthermore, the provision of renewable energy solutions to GSK demonstrates a long term commitment to the site and the region. This promotes energy security in a climate where fuel prices continue to undermine business confidence.
  - This has indirect benefits to the local community where employees live, as they will be spending wages in local shops and services.
  - GSK have ambitious targets to reach net zero which can only be achieved through the provision of the proposed solar farm. Significant work has been carried out on site to improve energy efficiency, as well as exploring options for roof top solar, however these can only provide modest improvements. The graph below illustrates the emissions projections at GSK's Barnard Castle factory with the red line showing the current emission trajectory without any intervention. The green line shows the projections when incorporating all of the on-site solutions for energy efficiency and renewable energy production (i.e. the proposed solar farm), as well as the removal of the two existing CHP plants and wind turbines. The proposed solar farm would therefore:
    - Meet around 52% of its electricity consumption
    - Reduce its carbon footprint by around 4,353 tonnes of CO<sub>2</sub> per year (87,064 tonnes of CO<sub>2</sub> across the lifetime of the solar farm)
  - Work has been undertaken to make sure that there will be no impact on wildlife on the application site. Significant improvements to biodiversity have been demonstrated with BNG at approximately 73% for habitat and 168% for hedgerows.
  - While the solar panels may be visible in the landscape, the location, layout and topography have been utilised to ensure that views will be minimal. Further mitigation in the form of improved boundary planting will be utilised to reduce any visual impact making sure they are not unacceptable and are potentially seen in the context of existing industrial development.
  - There will be no unacceptable impacts from noise or air quality.
  - The development will not increase the risk of flooding the area.
  - There will be no loss of existing Public Rights of Way through and around the Site, and the Proposal incorporates a further permissive path along the southern boundary to improve connectivity around the Site. The PRow which runs through the Site will have a minimum width of approximately 30m where it runs between Fields 1 and 3 creating an attractive green corridor to pass through the Site.
158. It should be concluded that sustainable development, biodiversity enhancement, continued agricultural use through livestock grazing, reduction in carbon emissions, social and economic benefit are all arguments of environmental and economic improvement, which should weigh significantly in favour of the use of this arable land which will continue to be utilised for agriculture as well as a solar farm on a temporary basis.
159. The thrust of national and local policy would support the principle of the proposed solar farm to not only achieve net-zero targets but in terms of wider sustainability goals with regards to economic, environmental and social benefits.
160. The need to achieve the Government's legally binding net zero targets should be given significant weight in the determination of the application. This is alongside the declaration of a Climate Emergency in Durham County and the ability of the Proposal

to directly combat climate change. Again, significant weight should be given to the Proposed Development's ability to assist with achieving these locally agreed targets.

161. It should be acknowledged that the wider environmental benefits associated with increased production of energy from renewable sources should outweigh any potential harm. As detailed above, there will be significant environmental benefits including through significant planting and screening as set out in the Landscape Proposal Plan.
162. Having regard to all the beneficial and adverse effects which the Proposed Development could create in the context of national, strategic and local planning policy, it is considered that the Proposed Development is in accordance with the relevant provisions of NPPF and the Development Plan, and that there are no material considerations which indicate that the Proposed Development should not proceed. Indeed, there are material considerations which determine that the overriding need for Proposals such as this is essential in achieving legally binding renewable energy targets, as well as providing direct power to an existing large scale employer.

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## **PLANNING CONSIDERATIONS AND ASSESSMENT**

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163. 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, development in the countryside, landscape and visual impact, access and traffic, residential amenity, contamination, flooding and drainage, ecology, recreational amenity, cultural heritage, agricultural land, overplanting, cumulative impact, safeguarded areas, community fund, Battery Energy Storage Systems, farm diversification, other matters, climate change and public sector equality duty.

### Principle of Development

164. The NPPF encourages local planning authorities to promote renewable energy development and identify appropriate sites for it to support the transition to a low carbon future. Recent revisions to the NPPF further emphasise significant weight should be given to a proposal's contribution to renewable energy generation and a net zero future, and that community-led projects also provide a valuable contribution to cutting greenhouse gas emissions. Planning Practice Guidance (PPG) sets out the factors local planning authorities will need to consider when determining a planning application for a large scale ground-mounted solar farm. This includes encouraging the effective use of land by focussing large scale solar farms on previously developed and non-agricultural land, if it is not of high environmental value.
165. The Overarching National Policy Statement for Energy (EN-1) and National Policy for Renewable Energy Infrastructure (EN-3), are applicable to NSIPs including those onshore projects delivering 50MW or above. EN-1 and EN-3 have limited applicability when determining other applications. EN-1 includes general policies for the submission and assessment of energy infrastructure applications. EN-3 provides guidance in relation to solar PV on site selection and design, the impacts to be assessed and potential mitigation which may be needed.

166. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF is a material planning consideration. The County Durham Plan (CDP) is the statutory development plan and is the starting point for determining applications as set out in the Planning Act and reinforced at Paragraph 12 of the NPPF. The CDP was adopted in October 2020 and provides the policy framework for the County up until 2035.
167. 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.
168. In light of the adoption of the CDP, the Council now has an up-to-date development plan. Paragraph 11 of the NPPF establishes a presumption in favour of sustainable development. For decision taking this means approving development proposals that accord with an up-to-date development plan without delay (Paragraph 11c). Accordingly, Paragraph 11(d) of the NPPF is not engaged.
169. Planning Policy Guidance advises that increasing the amount of energy from renewable and low carbon technologies will help to make sure the UK has a secure energy supply, reduce greenhouse gas emissions to slow down climate change and stimulate investment in new jobs and businesses. Planning has an important role in the delivery of new renewable and low carbon energy infrastructure in locations where the local environmental impact is acceptable. The NPPF explains that all communities have a responsibility to help increase the use and supply of green energy, but this does not mean that the need for renewable energy automatically overrides environmental protections and the planning concerns of local communities.
170. The NPPF at Part 14, Paragraph 161 sets out that the planning system should support the transition to net zero by 2050 and support renewable and low carbon energy and associated infrastructure. At Paragraph 168 it is advised that when determining planning applications for all forms of renewable and low carbon energy developments and their associated infrastructure, local planning authorities should not require applicants to demonstrate the overall need for renewable or low carbon energy, and at Paragraph 167, should give significant weight to the benefits associated with renewable and low carbon energy generation and the proposal's contribution to a net zero future.
171. The proposal is for a circa 16 MW solar PV development and associated 12 MWh Battery Energy Storage System. In terms of potential economic benefits, it is stated the solar farm would directly power the nearby GSK's Barnard Castle factory (approximately 52% of the factory energy demand) and this would be secured through a long term PPA contract over the 40 year operational period of the solar farm.
172. The key policy for the determination of the principle of this application is CDP Policy 33 relating to renewable and low carbon energy. This Policy supports renewable and low carbon energy development in appropriate locations. The Policy advises that significant weight will be given to the achievement of wider social, environmental and economic benefits. The Policy also advises that proposals should include details of associated developments including access roads, transmission lines, pylons and other ancillary buildings.
173. During consideration of this application, the Council has adopted a Solar Energy Supplementary Planning Document (SPD) August 2024 which provides guidance on key planning issues associated with solar including landscape character, biodiversity,



heritage assets and agricultural land. It seeks to ensure panels are appropriately sited and designed and that, where possible, wider social, economic and environmental benefits are achieved.

174. These overarching Policies and advice relevant to consideration of the principle of development must be considered as each of the individual topic areas is assessed in detail, for eventual weighting and conclusion through the 'planning balance' at the end of this report.

#### Development in the Countryside

175. 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 (appended within the Policy) and includes applicable policies relating to low carbon and renewables. As this is a renewable energy development it is considered that the development could be allowed for by specific policies in the plan (CDP Policy 33). The development therefore does not have to demonstrate an exception to CDP Policy 10, but the acceptability criteria are engaged.
176. 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.
177. 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.
178. Assessing these requirements, 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.
179. 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.
180. Paragraph 168 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 give significant weight to the benefits associated with renewable and low carbon energy generation and the proposal's contribution to a net zero future.
181. It should be noted that the CDP has identified areas suitable for wind turbine development but not for solar.
182. The December 2020 Energy White Paper: Powering our Net Zero Future (WP) reiterates that setting a net zero target is not enough, it must be achieved through,

amongst other things, a change in how energy is produced. The WP sets out that solar is one of the key building blocks of the future generation mix. In October 2021, the Government published the Net Zero Strategy: Build Back Greener where under key policies it explains that subject to security of supply, the UK will be powered entirely by clean electricity through, amongst other things, the accelerated deployment of low-cost renewable generation such as solar.

183. The UK Government published their policy paper 'Powering Up Britain: Energy Security Plan' in April 2023. This document outlines the steps to be taken to ensure that the UK is more energy independent, secure and resilient. Within this document it is stated that to provide certainty to investors in the solar industry, in line with the 'Independent Review of Net Zero' recommendation the government will publish a solar roadmap in 2024, setting out a clear step by step deployment trajectory to achieve the five-fold increase (up to 70 gigawatts) of solar by 2035. The Government will also establish a government/industry taskforce, covering both ground mounted and rooftop solar to drive forward the actions needed by government and industry to make this ambition a reality.
184. The UK Government also published their policy paper 'The Growth Plan 2022' in September 2022, which reinforces the Government's ambition to move to a system where electricity prices better reflect the UK's low carbon energy sources, to bring down consumer bills.
185. The Council declared a climate emergency in 2019. Using electricity from the national grid accounted for about one fifth (17%) of the total carbon footprint of the County in 2022. In terms of solar PV, County Durham had 62.5MW of installed capacity as at end of 2022. The Durham Climate Emergency Response Plan (CERP) 3 (2024-27) sets a target of the County being net zero by 2045, when renewable energy generation, energy efficiency, and resilient infrastructure is in place for a carbon neutral electricity grid. The CERP is regularly reviewed, as is our progress towards achieving our target and the actions needed.
186. The CERP aligns with the national response to both the climate emergency and energy crisis. The Government's Energy White Paper (2020) sets plans for a fully decarbonised, reliable, and low-cost power system, which is likely to be composed of predominantly wind and solar. This will reduce our reliance on gas, which currently sets electricity prices. The Government's Net Zero Strategy: Build Back Greener (2021) seeks to accelerate deployment of low-cost renewable generation, such as wind and solar through the Contracts for Difference scheme. The strategy establishes an ambition to fully decarbonise the power system by 2035. The British Energy Security Strategy (2022) pledges to achieve net zero targets to increase solar power capacity from 14 gigawatts (GW) to 70GW by 2035. This was reaffirmed in Powering Up Britain (2023). Also, more recently the Growth Plan (2022) reinforces the government's ambition to move to a system where electricity prices better reflect the UK's low carbon energy sources, to bring down consumer bills.
187. The purpose of the proposed development is to generate renewable energy on a large scale directed to a single end user. CDP Policy 33 is permissive towards solar farm development, and it is therefore considered that the proposal is acceptable in principle. The social, environmental and economic benefits of the proposal are considered in the sections below. The acceptability of the development in relation to the issues set out below will assist in determining if the location of the development is appropriate in the context of CDP Policy 33 and Part 15 of the NPPF.
188. The SPD sets out guidance is provided based on three scales of solar development: small scale, medium scale and large scale, the latter defined as: commercial scale

solar farms which connect to the national grid, panels are free-standing ground mounted. It is noted that in this instance that the intention is to supply to a direct user, rather than to connect to the national grid – with any oversupply being sleeved through the grid to the applicant's other facilities.

189. There are also a number of applicable environmental protection policies within the CDP and the NPPF which are considered below.
190. In terms of the required assessment against Policy 10, against the backdrop of Part 15 of the NPPF, the proposals are considered benefit from the exemption set out at footnote 54, with low carbon and renewables, assessed against Policy 33, where 'Renewable and low carbon energy development in appropriate locations will be supported'. A detailed consideration of the 'General Design Principles for all Development in the Countryside' in landscape terms is then required.

#### Landscape and Visual Impact

191. Paragraph 187 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.
192. 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.
193. 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.
194. 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.
195. The Landscape Character Areas and Landscape designations the application site sits within are set out above in the Landscape Officer's comments.
196. The site is not covered by any national landscape designations. The site lies in an area identified in the County Durham Plan as an Area of High Landscape Value (AHLV). Trees within the site are not covered by a Tree Preservation Order (TPO).
197. The site is gently rolling arable farmland, with a sub-regular field pattern of hedges and trees, with occasional small plantations. the landscape is described as open, in

Landscape Officer's description, which allows for broad panoramic views from some vantage points, including from Footpath No. 4 (Streatlam & Stainton Parish), which runs from West Farm, Stainton on the higher slope to the north, through the site, to the former railway line, where it turns into Footpath No. 21 (Marwood Parish) and then in the directions of the GSK factory to the west, and Barnard Castle towards the Community Hub and through the grounds of Teesdale School, to the south. Footpath 3 heads south from the east side of West Farm, due south, passing the east boundary of the site to emerge onto the A688 at Stainton Grove. Footpath 1 runs in parallel with Footpath No. 3, gain heading south to the A688 from the east end of Stainton Village, 500m east of the site.

198. The recreational value of the area is advised as moderate by Landscape Officers, with that value being higher locally due to the well-used local network of public rights of way within and adjacent to the site which offer recreational opportunities to the south of Stainton where other alternatives are limited. This value will be enhanced by the currently informal railway path which is in the process of designation.
199. There would be no material change to the landform of the site to accommodate the access tracks, solar panels and other associated structures. At the level of the site and its immediate surroundings the proposals would involve transformative change from the currently open, rural, and agrarian character to a solar farm dominated by features of a notably man-made/industrial character adversely altering the physical and perceptual qualities of the site.
200. Improvements have been made during the course of the application to address criticism of the proposed security fencing. The Substation and Battery Energy Storage System (BESS) have been relocated to the central area of the site, removing it from the southwestern corner, adjacent to both the disused railway line and PROW through the centre of the site, which has reduced the prominence of the BESS and Substation. This prominent intersection is now proposed as a meadow planted area with additional informal native tree planting to reflect the site boundaries and enhance the vegetation along the disused railway line. Immediately north of this small meadow, an interpretation board would provide information on the solar farm. Confirmation is still required to ensure that the BESS and substation features are finished in a recessive colour. This can be achieved by condition.
201. The Landscape Proposals Plan, informed by an LVIA, has been updated to reflect the amended site layout and proposed additional landscape and visual mitigation proposals along with detailed softworks drawings. This shows proposed native structure planting in the form of hedge planting around site boundaries with additional individual trees and blocks of trees alongside the existing and proposed permissive footpaths. Wildflower seeding would be carried out under the overhead power line where arrays are not proposed. Landscape Officers have suggested a list of further detailed enhancements to reduce the impacts of the scheme, and these can be achieved through the imposition of appropriate conditions.
202. At the level of the site and its immediate surroundings, notwithstanding the applicant's landscaping scheme, the proposals would involve a transformative change from open arable and pastoral farmland to a solar farm dominated by features of a notably man-made/industrial character. Added to which, the internal tracks, perimeter fencing, CCTV, BESS, substation would undoubtedly increase the industrial character of the proposal in this rural location. New planting particularly adjacent to the most sensitive receptors would take a considerable length of time to become effective, and in the interim period the impact on character would be marked. The effects would be temporary and reversible but would last for a substantial period (40 years). The

additional hedge and tree planting would be a permanent feature of the landscape, retained after restoration.

203. The transformative effect on landscape character within the site and its immediate surroundings would be strongly evident in particular from Footpath No. 4 which runs through the site, from Footpath No. 3 which runs alongside its east boundary. The effect on the currently informal footpath on the disused railway line would be lessened by its form as it passes across cuttings and escarpments, but mainly from the established planting that flanks it. Ultimately, as set out in the Landscape response, the visibility of the development, and therefore its effects on the character of the local landscape, would be reduced over time in varying degrees by a combination of tailored management of existing hedges and the planting of new trees and hedges which would help integrate the proposals with the surrounding area. This would also reinforce the existing landscape framework and enhance character to a lesser degree.
204. The effects of the proposal would become less with distance. In the wider landscape where views are typically shallow, and development would be largely filtered or screened by intervening topography and vegetation or difficult to perceive in the wider panorama and therefore the effects on the character of the landscape are reduced.
205. From residential properties proposed planting development would appear a significant landscape feature from Stainton and Barnard Castle at a distance. The proposed planting would again reduce this by degree but would not screen. The establishing landscaping will reduce the effect by degree over time, and familiarity would also be a factor in reducing the shock of the new.
206. In terms of wider designated landscapes, the Government ran a consultation from 15 January 2022 to 9 April 2022 regarding changes to the legislative framework of Protected Landscapes, which included National Landscapes, the new name for Areas of Outstanding natural Beauty, for their role in environmental land management schemes and the planning system, and the potential for greater enforcement powers to manage visitor pressures. Since then, the strengthened biodiversity duty in the 2021 Environment Act has come into force which places a legal duty on public authorities to consider and take action to conserve and enhance biodiversity and has led to new DEFRA guidance that public bodies should consider Protected Landscapes as part of the duty, particularly if they have functions within or close to the designation.
207. In the context of the surrounding landscape and the local visual receptors the gently undulating landscape means that views of the site are generally shallow. The site is overlooked in medium distance views to the south and more distant views from the higher ground of the North Pennines NPNL (formerly AONB) to the northwest, west and south. Views from receptors within the National Landscape are noted a key concern by consultees, requiring that any development does not introduce a discordant note into the wide vistas to the south across Barnard Castle. The views from the NPNL would be concentrated on the main public-accessible routes but must be acknowledged that the designated area has large tracts of open access land too. The proposals would result in some substantial, long-term, and adverse, albeit localised effects to the character, quality and distinctiveness of the local landscape and views by virtue of its nature and visibility. Whilst localised, it would not conserve or enhance the special qualities of the Area of High Landscape Value. It would reduce the quality of the experience for recreational users using the countryside south of Stainton. The proposed landscape planting would not fully mitigate the effects.
208. The North Pennines National Landscape at its nearest boundary is around 5km to the west of the site. The site is overlooked in medium distance views to the south and more distance views from the higher ground of the North Pennines National

Landscape to the northwest, west and south. From this wider landscape the effects of the proposal would become less with distance. In the wider landscape where views are typically shallow, and development would be largely filtered or screened by intervening topography and vegetation or difficult to perceive in the wider panorama and therefore the effects on the character of the landscape are reduced. The undulating nature of the topography coupled with a strong woodland and tree presence within the wider landscape and considering the intervening distance, the proposal would be a minor element and there would be no noticeable deterioration in the overall appreciation of the view out of the designated National Landscape. There would however be some views where the proposal would appear as a discordant element in the existing pleasing rural scene out across the AHLV in which the National landscape is seen in the backdrop. Advised by the Landscape Officer's comments, notwithstanding this, this is unlikely to impact significantly on the wider setting of the National Landscape. It is noted that Natural England considers that the proposed development would not have significant adverse impacts on designated sites and protected landscapes and has no objection.

209. The views of the Council Landscape Officer, Natural England, National Landscapes and the Planning Officer's assessment of the effects of the development on Landscape issues have all taken into account the submitted Glint and Glare reports which conclude there would be no significant glint and glare impacts for the North Pennines Area of Outstanding Natural Beauty (AONB) (sic.). The proposed landscape mitigation would minimise potential effects on the wider and local landscape too.
210. In terms of the required Policy assessment, the land within the development site forms an attractive area of countryside and the proposed development would give rise to some changes in character with adverse effects, with the potential to reduce over time. There would be adverse effects on visual amenity and general amenity. However, additional areas of planting would be created and all existing recreational routes within and around the site would remain open. The harms would be most apparent at the local level, reducing with distance. It is therefore considered that there would be limited harm to the intrinsic character and beauty of the countryside, when assessed against CDP Policy 10. What harm there is will need to be assessed in the Planning Balance.
211. For assessment against CDP Policy 39, a similar conclusion is reached in terms of the parallel requirements not to cause unacceptable harm to the character, quality or distinctiveness of the landscape, or to important features or views. The requirement for development affecting Areas of Higher Landscape Value to 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 will be weighted and assessed in the Planning Balance section of this report.
212. For Policy 40 it is noted that no existing trees and hedges would be lost, and that these features will be strengthened and enhanced to improve screening of the site. The proposals are not in conflict with Policy 40.
213. Policies 10, 39 and 40 have been considered in the context of Part 15 of the NPPF, and the conclusions reached weighted appropriately against this document.
214. Whilst the scheme would represent as a change to the setting of the National Landscape, this assessment, informed by the views of consultees, has concluded that the proposed development would not have significant adverse impacts on protected landscapes.

215. Paragraph 115 of the NPPF states that safe and suitable access should be achieved for all users. In addition, Paragraph 116 of the NPPF states that development should only be refused on transport grounds where the residual cumulative impacts on the road network, following mitigation, would be severe, taking into account all reasonable future scenarios. CDP Policy 21 states that the transport implications of development must be addressed as part of any planning application, where relevant this could include through Transport Assessments, Transport Statements and Travel Plans.
216. The access to the site both for construction and operation is from the A688, due east of the site where there is an existing farm gate which then gives wider transport access to the A66 and A67. This access should be improved with proper hardstanding at the access to the A688, installation of proper radii and provision of 60mph visibility splays (215m x 2.5m). This would require the applicant to enter into a S278 agreement with the Local Highway Authority for works to the adopted highway. All works to the adopted highway would be at the applicant's expense.
217. The construction access tracks would be implemented in stone aggregate and then retained for the operation of the proposal, overseeded with a durable grass mixture. There are a number of potential access routes for construction traffic on the strategic road network as identified that would need to be formally agreed. A construction compound and vehicle turning area would be required for the duration of construction, and when the temporary development is removed. This would be removed after construction. Suggested specifications for construction vehicles and working hours are set out for a likely construction staff of up to 60 employees, with an average of 25 persons per day expected on site. Use of public transport would be encouraged, and there are bus services that serve Stainton Grove and transit the A688 on this location. Standard working hours are proposed, and construction lighting would only be used during these times. Dust control and monitoring is proposed. Wheel-washing facilities will control the transit of mud onto the public highway. The construction period is anticipated to last around 3 months, across which time 185 HGV deliveries are expected. This equates to 60 HGVs per month or 3 per day. These deliveries would be on standard construction vehicles, and not 'abnormal loads'. Deliveries would be timed to avoid peak hours on the busy A688.
218. Officers consider that sufficient information has been submitted to assess the highway construction implications of the development, and a detailed Construction Transport Management Plan can be conditioned on the basis of this.
219. The operational nature of the development will generate negligible traffic, from occasional maintenance or security traffic.
220. No issues of glint and glare have been identified for highway safety in the submitted assessment. No concerns have been raised by the Highways Authority.
221. No objection is raised by the Council as Highways Authority subject to appropriate conditions. It is considered that the proposals have been appropriately assessed and would not result in harm to the safety of the local or strategic highway network and would not cause an unacceptable increase in congestion or air pollution from this source. Subject to the conditions set out the development would not conflict with CDP Policy 21 nor Part 9 of the NPPF.

222. Part 15, Paragraph 187 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 soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air quality and water quality.
223. Paragraph 198 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, and seek to mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life and identify and protect tranquil areas which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason; and c) limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.
224. Paragraph 199 of the NPPF advises that planning decisions should sustain and contribute towards compliance with relevant limit values or national objectives for pollutants, taking into account the presence of Air Quality Management Areas and Clean Air Zones, and the cumulative impacts from individual sites in local areas. Opportunities to improve air quality or mitigate impacts should be identified, such as through traffic and travel management, and green infrastructure provision and enhancement.
225. Paragraph 200 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).
226. 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.
227. The context of the site to the surrounding settlements of Barnard Castle and Stainton, and to nearby individual residential dwellings is set out at paragraph 10 of this report demonstrating a separation to one dwelling of 100m from the south-east of the site and thereafter a separation in excess of 280m to other receptors. An updated Noise Impact Assessment submitted with the application concludes noise from construction activities during the worst-case construction activity, namely the foundation posts ramming, daily predicted noise levels are expected to be below the lower threshold of 65 dB LAeq,T at all NSRs (Noise Sensitive Receptors), therefore, noise from construction activities as part of the proposed development are not expected to have a significant impact upon existing NSRs. For Operational Noise, the predicted internal noise levels at the NSRs are in the range of 12-14 dB below the BS 8233 internal



noise criteria for bedrooms. Therefore, the impact of noise from the proposed development at the NSRs is deemed to be low.

228. Environmental, Health and Consumer Protection (Nuisance Action) raise no objection to the proposals, subject to imposition of a condition for this aspect of the assessment, requiring submission of a Construction Management Plan be submitted prior to commencement, to ensure that the rating level of noise emitted from 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.
229. 14 objections have been received in response to the proposal, with these including concerns for effect on residential amenity, including for issues of noise, glint and glare and visual impact. One objection relates to these issues potentially compromising a holiday accommodation operation.
230. A Glint and Glare Assessment has been submitted in support of the application. This provides background information for the review of legislation, assessment methodology including identification of receptors, baseline conditions and an impact assessment. Geometric analysis was conducted at 43 individual residential receptors and 26 road receptors. The assessment concludes that: Solar reflections are possible at seven of the 43 residential receptors assessed within the 1km study area. The initial bald-earth scenario identified potential impacts as Low at seven receptors and None at the 36 remaining receptors. Upon reviewing the actual visibility of the receptors, glint and glare impacts reduce to Low at two receptors and to None at all remaining receptors. Solar reflections are possible at four of the 26 road receptors assessed within the 1km study area. The initial bald-earth scenario identified potential impacts as High at one receptor, Low at three receptors and None at the remaining 22 receptors. Upon reviewing the actual visibility of the receptors, glint and glare impacts reduce to None at all receptors. Mitigation is not required due to all impacts on ground-based receptors being Low and None.
231. Environmental, Health and Consumer Protection (Nuisance Action) comment that there is no reason to disagree with these findings.
232. Landscape impact has been assessed in the section above, but it is acknowledged that those people living near to the site experience landscape harm as a constant rather than passing impact. Whilst the development would have a transformative impact the site would still retain green space and additional planting is proposed to lessen the visual impact. Given the existing screening and impact to a limited number of residential properties it is considered that the visual impact of the site in terms of residential amenity would be acceptable.
233. One correspondent objects to the solar farm as a landscape feature potentially undermining a holiday accommodation business. This objection is translated as objecting to the view of the solar farm from that property. Loss of view is not a material planning consideration.
234. The proposed solar farm has very limited potential to create any noise, dust or light pollution impacts. The panels themselves would be of the static variety that are silent in operation. Environmental Health and Consumer Protection Officers have considered the proposals and raise no objections in respect of potential nuisance, air pollution or glint and glare. Officers have, however, recommended a condition to control nighttime noise levels from the site.
235. It is considered that the proposed development would not create an unacceptable impact on health, living or working conditions or the natural environment. The

proposals would not result in unacceptable noise, dust or light pollution and, subject to the imposition of the conditions recommended above, including the Construction Management Plan, it is considered that the proposals would, both through the construction and operational phases of the development, provide an acceptable standard of residential amenity in accordance with CDP Policies 10 and 31 and Part 15 of the NPPF.

## Contamination

236. Part 15 of the NPPF requires the planning system to consider remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land where appropriate. Noting that where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner. CDP Policy 32 requires that where development involves such land, any necessary mitigation measures to make the site safe for local communities and the environment are undertaken prior to the construction or occupation of the proposed development and that all necessary assessments are undertaken by a suitably qualified person.
237. The application site is in agricultural use and historic plans do not indicate any other land use within the site boundary that may have caused any ground contamination. The proposed solar farm development is considered to be of low sensitivity with respect to Human Health, therefore the risk from any ground contamination is considered to be low. Risks to groundwater are also considered to be low given the relatively low environmental sensitivity of the site, although the Environment Agency has offered advice, principally for the applicant, for the presence of the BESS.
238. Environmental Health and Consumer Protection (Contamination) officers have considered the proposals and raise no objections in respect of land contamination but suggest a standard informative to address any potential for unforeseen contamination.
239. It is concluded that the proposed development would be suitable for the site in respect of this topic area 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, subject to the suggested informative note, that the proposals are compliant with the requirements of Policy 32 and the relevant elements of Part 15 of the NPPF.

## Flooding and Drainage

240. 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 161 of the NPPF advises that planning decisions should take full account of all climate impacts including overheating, water scarcity, storm and flood risks and coastal change, with paragraph 187 advising Development should, wherever possible, help to improve local environmental conditions such as air and water quality.
241. Paragraph 181 of the NPPF states that when determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere.
242. 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.

243. A Flood Risk Assessment (FRA) and Drainage Impact Assessment have been submitted and updated in support of the application. Review of the EA Flood Map for Planning shows the site is located entirely within Flood Zone 1. A Screening Assessment shows that all sources of flooding have been identified as low risk or lower and therefore are not considered further. The impermeable area created by the development is small relative to the site area and will only have a small impact on the runoff rates from the site. However, without mitigation the development would have a lower permeability than the existing greenfield composition.
244. The existing land use at the site predominately comprises arable fields which are routinely furrowed and ploughed for crop production. The proposed development will result in the cessation of commercial farming at the site and allow for the widespread re-vegetation of the land. Proposed wildflower meadows would be seeded and allowed to establish / grow across parts of the site with other additional habitat planting within field margins and under seeding to the module arrays. The FRA states that this would provide significant betterment to the site hydrological runoff patterns / regime
245. A proposed Surface Water Drainage Strategy has been provided, including the implementation of erosion protection measures and runoff reduction / dispersion measures. The drainage strategy for the battery storage / substation facilities will comprise formal attenuation within the underlying makeup of these development areas (aided by a herringbone drainage system) with a restricted discharge to the Percy Beck via an existing drainage route / watercourse to the west of the site boundary. Access tracks with a total area of 0.42ha are to be required across the site. Permeable mediums would be used to create areas of new access tracks allowing surface water to be disposed through infiltration to the ground, in order to mimic as much as possible, the existing runoff conditions. PV solar arrays create an impermeable surface, however as the arrays are set above ground, they do not prevent the ground beneath from absorbing rainfall. Runoff from the site is therefore not considered to be increased as a result of the PV panels. Around the BESS and substation, a herringbone drainage system is proposed to convey flows to the hydrobrake chambers. The proposed SuDS systems have been designed as such that they can accommodate a 1:100-year return period event with an additional 40% to account for climate change.
246. Council Lead Local Flood Authority (Drainage and Coastal Protection) Officers advise approval of the submitted Flood Risk and Drainage Assessment Report for this proposal.
247. It is considered that submitted FRA and flood mitigation measures would meet with policy requirements. It is therefore considered that the proposed solar farm development would not lead to increased flood risk, both on and off site, and through the use of SUDs would ensure there is no net increase in surface water runoff for the lifetime of the development. It is therefore considered that the proposals would not conflict with CDP Policies 10 and 35 and Parts 14 and 15 of the NPPF.

## Ecology

248. Paragraph 187 of the NPPF sets out the requirement that Planning decisions should contribute to and enhance the natural and local environment by (relevant here):

protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan); recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland; minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures and incorporating features which support priority or threatened species; and, preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability.

249. Government's commitment to halt the overall decline in biodiversity by minimising impacts and providing net gains where possible and stating that development should be refused if significant harm to biodiversity cannot be avoided, mitigated or, as a last resort, compensated for. CDP Policy 41 reflects this guidance by stating that proposals for new development will not be permitted if significant harm to biodiversity or geodiversity resulting from the development cannot be avoided, or appropriately mitigated, or, as a last resort, compensated for. CDP Policy 42 seeks to restrict development that cannot demonstrate that there would be no residual adverse effects to the integrity of internationally designated sites. CDP Policy 43 states that development proposals that would adversely impact upon nationally protected sites will only be permitted where the benefits clearly outweigh the impacts whilst adverse impacts upon locally designated sites will only be permitted where the benefits outweigh the adverse impacts.
250. CDP Policy 25 advises that any mitigation necessary to make the development acceptable in planning terms will be secured through appropriate planning conditions or planning obligations. Planning conditions will be imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects. Planning obligations must be directly related to the development and fairly and reasonably related in scale and kind to the development.
251. 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.
252. An Ecological Impact Assessment has been provided with the application. The assessment provides a baseline study of the site including the proximity of designated sites, habitats and constraints within the site and includes a Phase 1 habitat survey and breeding bird survey.
253. There are no SSSIs within 5 km of the site. The closest statutory designated sites are: The North Pennine Moors Special Area of Conservation (SAC) which is designated

for a wide range of habitats, and the North Pennines Moors Special Protection Area (SPA). The SPA is classified for the following Annex I breeding bird species: hen harrier, merlin, peregrine and golden plover. Both designations are approximately 6 km to the west and north-west of the Site. SACs and SPAs are of international importance. The nature of the development (which is unlikely to have a zone of influence very far beyond the boundaries of the Site), and the distance between the SAC and the site, mean there is no likelihood of an adverse impact on any of the habitat interests of the SAC. The SPA designation is for breeding populations of species that are not likely to breed on arable farmland that is 6 km from the habitat of the SPA.

254. The Site is located within the Impact Risk Zone (IRZ) for North Pennine Moors SAC / SPA. Guidance from Natural England is that the local planning authority should consider whether it needs to consult with Natural England. This has been undertaken. There is no objection from this consultee.
255. Data provided by ERIC North-East indicated that there are no non-statutory sites within 1km of the Site. Given the limited zone of influence of a relatively small solar development, significant impacts on non-statutory sites further afield are unlikely to arise. They were scoped out of this assessment.
256. A number of habitats were identified across the site, which is predominantly arable cropland. Hedgerows on the site are primarily defunct, with large gaps between hedgerow species, but were assessed as important at the level of the site. Two hedgerow verges as Neutral Grassland habitat – one on the east of the Site and one run north-south down the middle of the site. The sward of both is richer than the other, narrower hedgerow verges. There is a small area of mixed woodland is located just beyond the southern site boundary.
257. Relevant to CDP Policy 40, Trees and hedgerows on the site would be retained during construction and operational phases of development, with a 10-15m buffer strip around them. Access and movement for construction and maintenance within the Site will make use of existing gaps and gateways. No hedgerow loss is expected to arise during the construction period. However, if cabling were required to pass underneath a hedge line for unforeseen reasons, this would either be installed through directional drilling; or will give rise to minimal short-term loss of hedgerow which would be immediately replanted. Given the very gappy nature of many of the hedges, this may not result in the removal of any hedgerow shrubs. Potential harm arising from direct damage and soil compaction to retained trees and hedgerows would be avoided by installing tree protection fencing where appropriate during the construction phase. Semi-improved neutral grassland margins would be retained. No adjacent habitats would be directly impacted by the proposed scheme during construction or operational phases of development.
258. From the survey findings and impact assessment conducted the assessment concludes that the proposed development is likely to have no significant adverse effects on local wildlife. However, precautionary and mitigation measures have been proposed, which include pre-commencement survey checks for badger, bats and birds and working to avoid harm to reptiles and amphibians if any suitable habitat is removed during construction. These mitigation measures would form part of the Biodiversity Management Plan (BMP).
259. Habitats would be enhanced as new species-rich native hedgerows and hedgerows with trees would be created within the proposed development. Defunct hedgerows at the site would benefit from supplementary planting to gap them up to provide better structure and a greater species diversity in the hedges. Following construction, the

management of hedgerows would primarily be for nature conservation (for instance, less frequent rotational cutting). This would maintain their species diversity, size and structure, and would enhance their habitat value above their current value.

260. The submitted landscape drawing shows that grassland would be sown under and around the solar arrays in all three fields. This would be with a mixed native grassland suitable to the soil type). Further wildflower species would be incorporated into the marginal areas where a more diverse array of forbs is targeted, away from the shade of the solar panel arrays. Grassland would be managed through a low intensity mowing or grazing regime, to be agreed.
261. The proposed solar farm site is considered of negligible importance for bats due to lack of suitable habitat and features. The desk survey returned one record from 2010 of pipistrelle. bats within 1km of the site. The boundaries would remain unlit, and retained trees will have bat boxes installed. Habitat enhancements such as native hedgerow planting and wildflower meadows will improve the site for invertebrates that bats feed on. Safeguards, such as a root protection zone buffer, would be put in place to protect potential bat roosts within boundary trees during construction. No significant adverse effects on the local bat population is likely to arise. Residual effects are assessed as negligible at worst, and potentially beneficial.
262. The territories of nine species of bird have been found on site, including one species of high conservation concern, and six of moderate conservation concern. All but one of the bird species known to breed on site are associated with trees and hedgerows, which would be retained and protected with a buffer area. No direct or indirect (lighting) impacts on these species are assessed as likely to arise. The loss of the arable cropland would result in a loss of skylark nesting habitat, however, only a single territory was recorded, and the site is surrounded by arable land and grazing pasture of suitable quality. Skylark were observed displaying territorial breeding behaviour in arable fields to the immediate south of site. Given the low number of breeding pairs recorded and the abundance of suitable alternative habitat in the immediate vicinity, the loss of the single breeding pair from the area is considered unlikely to arise. There is evidence to suggest that a range of bird species, including passerine species and skylarks, would continue to use to solar farms during their operational phase. In the unlikely event that a single pair was lost from the area, this would be assessed as significant at the level of the site only. This would not give rise to a specific requirement to mitigate the loss.
263. Bird nesting habitat in the trees and hedges will be retained. Further habitat for birds would be created including enhanced and new hedges, tussocky wildflower grassland and grassland on the main development area underneath and between the solar panel arrays. In addition, six all-purpose bird nesting boxes would be fitted on different aspects of mature trees in the centre of the site. This would benefit a range of bird species for nesting and foraging. Skylark would potentially be the bird species most affected by the proposed development, as the arable habitats used for nesting will be changed to grassland the solar arrays would create a more locally "cluttered" environment for ground-nesting birds. However, following the creation / enhancement and management of grassland habitats within the solar array areas, skylark would be expected to use the site, although they may breed offsite locally. Overall, the post-development breeding bird assemblage is unlikely to be significantly adversely affected in the long-term, and residual effects are assessed as negligible at worst, and potentially beneficial.
264. For other protected and notable species, the site is not considered to provide optimal habitat for hedgehog or red squirrel but may afford opportunities for species such as brown hare, and there is a single record of a badger. Standard measures would be

put in place as a precaution during construction to avoid impacts on these and other protected and notable species.

265. The Ecological Impact Assessment concludes that the short-term disturbance resulting from the proposed development would not be significant if the recommended mitigation is undertaken. It is considered that the proposed development would not result in harm to protected species.
266. 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 21 August 2023 and so is not legally required to deliver biodiversity net gains of at least 10%, but there is a requirement through CDP Policy 41 to provide net gains for biodiversity.
267. Ecology Officers have considered the proposals and raise no objection, advising that the supporting ecological data is sound and allows the LPA to assess the application. There are no expected impacts on protected species and the development provides a net gain as per Policy 41. There are no issues with the metric and trading rules are met. It is recommended that the biodiversity enhancement would be secured through a condition and a legal agreement Section 39 Agreement under the Wildlife and Countryside Act 1981 to secure the long term management and monitoring of the development site. Section 39 of the Wildlife and Countryside Act 1981 enables local authorities to enter into management agreements with the owner of land for its conservation (and for other related purposes) and is regarded as a suitable mechanism for securing long term land management in relation to biodiversity net gain.
268. Durham County Council is the Competent Authority who must decide whether the application requires an Appropriate Assessment under The Conservation of Habitats and Species Regulations 2017 (as amended). The purpose of the Appropriate Assessment would be to determine whether the current proposals would constitute a plan or project under the Regulations which might have a negative, direct or indirect impact, on any European Protected Site on or near the application site or on any species for which the European site is designated. This would be undertaken by the carrying out of a screening exercise on the planning application using the survey data submitted by the applicant.
269. In this instance the potentially affected sites are the North Pennine Moors SPA and North Pennine Moors SAC that lie just over 5km from the site. As previously stated, Natural England advises that based on the submitted information it does not anticipate adverse effects on the notified features of these habitat sites and has no objection. To meet the requirements of the Habitats Regulations, the Council is advised to record its decision that a likely significant effect can be ruled out and suggests that a suitable justification for that decision is taking into consideration the location, type and scale of the proposed scheme and adopting a source pathway-receptor approach the Council conclude that that the development is not likely to have significant effects on Habitats sites. Ecology Officers advise that the qualifying features (hen harrier, merlin, peregrine falcon and golden plover) of the SPA are unaffected by the development and are regarded as absent from the development site and so no impacts are expected. Given the distances involved no direct impacts are expected on the qualifying features of the SAC and there are no pathways evident that would result in any indirect impacts on qualifying features arising from the proposed development.
270. The site lies within the catchment area of the Teesmouth & Cleveland Coast Special Protection Area/Ramsar (SPA). In this instance, the proposed works relate to the

installation of a solar photovoltaic array/solar farm with associated infrastructure and do not create any overnight accommodation. The planning application would fall outside the scope of nutrient neutrality.

271. The proposed solar farm would provide biodiversity enhancement to the site and, whilst there may be temporary displacement of wildlife during the construction process, the net increase in biodiversity value would adequately mitigate any residual harm. It is considered that the proposed solar farm would not impact upon any internationally, nationally, or locally protected sites. Suitable mitigation would be secured through Section 39 Agreement. It is therefore considered that the proposals would not conflict with CDP Policies 25, 40, 41, 42 and 43 and Part 15 of the NPPF in respect of avoiding and mitigating harm to biodiversity.

#### Recreational Amenity

272. 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.
273. There are several public rights of way in and around the site with Footpath No. 4 passing through the site and Footpath No. 3 passing along the eastern extent of the site. Footpath No. 21, west of the railway line is largely screened from the site. The former railway line is in the process of being designated a footpath, along which the existing established flora would provide some screening, with the submitted landscape plans proposing to reinforce this.
274. The development would retain and protect all existing public rights of way on their existing alignments. Footpath No. 4 would pass through the site and as described elsewhere, would pass on a wide channel between new planning to a meadow area at the intersection with the railway path. Deer-proof fencing, a significant improvement over that originally proposed would secure the site. Details of the pole mounted CCTV and security lighting would be required by condition. One section would be left unplanted and open, with an information board explaining the nature and operation of the development to footpath users. Notwithstanding this, the effect on users of this footpath would be transformational.
275. Access and Rights of Way Officers do not object to the proposals but stress that the PROW must be kept on the legal line as per the definitive map held by DCC and the width of the footpath should be maintained with a minimum width of 2 metres surfaced path, with level grass verges each side of a minimum of 0.5m, the path must be surfaced with at least half a metre verge each side which is grassed, flat and level, with tree planting or hedges should be set back from the path beyond this to allow for growth without encroaching on the available width. As the development would effectively fence in the footpaths, provision needs to be made by the developer on how the rights of way and permissive footpath would be kept clear and unobstructed for the public to use.
276. Objectors to the proposal have raised harm to the recreational and historic value of the path as an issue.



277. The development would not result in the loss of public rights of way and there would be no physical deterioration in the quality of the paths. However, the recreational value of the affected rights of way would be temporarily reduced while screen planting establishes. However, it is considered that the temporary harm would not be sufficient to conflict with CDP Policy 26, due to the short section of affected footpath and limited visual harm caused by the solar panels. The protection of the path's historic value is proportionate to the nature of the asset, and it is considered that any conflict with Policy 44 of the CDP is minimal.
278. A positive element of the proposals is the plan for a permissive path between Footpath Nos. 3 and 4 included within the landscaping proposals, reflecting an existing line of causal trespass. This feature would give additional permeability to the existing footpath network, adding an east/west link to the footpaths from Stainton which at present are north/south in nature.
279. Whilst the development would lead to a degree of change to views from established rights of way this would not lead to a deterioration in their quality and the proposal would not conflict with CDP Policy 26 or Part 8 of the NPPF.
280. Some correspondents have suggested there is further opportunity for enhancing foot/cyclepath links in line with Government Strategies along the path of the dismantled railway to the west of the site, along which the cable feed from the solar farm to GSK will be constructed, to the benefit of both the general public and GSK employees. The informal path along the dismantled railway is already in the process of adoption to footpath status. The cable link from the solar farm to GSK would be subject to a separate application.

## Cultural Heritage

281. In assessing the proposed development regard must be had to the statutory duties 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, and when considering whether to grant planning permission for a development which affects a listed building or its setting, the decision maker shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. If harm is found this must be given considerable importance and weight by the decision-maker.
282. 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.
283. There are no designated heritage assets within the solar farm application boundary. As set out in the response from the Design and Conservation Officer, the greatest cluster of designated heritage assets would be found within the settlement of Barnard Castle to the south, including higher status designated heritage assets such as the Castle (a Scheduled monument and Grade I listed asset), and a number of other Grade I and II\* listed heritage assets. The town centre is also covered by a Conservation Area designation and includes numerous additional listed buildings and non-designated heritage assets.

284. The Design and Conservation Officer has written 'The ZTV plan submitted notes no visibility from within Barnard Castle town centre and the core of the conservation area for example, limiting visual impacts to long-range views from beyond the town to the south and west. Therefore, whilst there would be some potential visibility within the setting of a range of designated and non-designated heritage assets these would be at a distance in wider views across the expansive surrounding landscape and would limit their overall impact on the setting of these assets'.
285. Design and Conservation Officers raise no objection to the proposed scheme.
286. A Heritage Impact Assessment has been submitted in support of the application directed at archaeological potential. This assessment provides baseline information including a description of the site and the proposed development, methodology, and assessment of archaeological potential and consideration of designated and non-designated heritage assets in and around the study area.
287. The Assessment advises that that there are surviving remains of local and potentially regional heritage value (low and medium significance) within the proposed development site: a series of geophysical anomalies, in several discrete areas across the site appear to represent possible evidence of settlement, fields systems, trackways, and enclosures which has tentatively been dated to the Late Iron Age/Romano-British periods. Such archaeological features have the potential to contribute to regional research questions pertaining to rural settlement in the late prehistoric and Romano-British periods and may therefore be of regional heritage value and of medium cultural significance, depending on their character, preservation, and date. Post-medieval agricultural features of local heritage value identified within the site include former field boundaries, a canalised stream, and ridge and furrow cultivation.
288. For these assets archaeological evaluation, further investigation in the form of trial trench evaluation, would be required to characterise these archaeological anomalies. A programme of evaluation trial trenching is proposed to be defined in agreement with the Durham County Council Archaeological Services (DCCAS), allowing for subsequent mitigation measures to be designed as necessary. DCCAS has acknowledged and concurs with this approach, suggesting conditions for further trial trenching and an archaeological mitigation strategy.
289. Objectors to the application have identified the footpath that passes through the site as a historic link from Stainton to Barnard Castle, considering the proposal to detract significantly from this heritage asset. The setting of the path, and the experience of users would change significantly if the proposed scheme was implemented. The path and the existing field pattern is clearly apparent on the first available OS plan from c.1860. At that time the Darlington and Barnard Castle Railway and the North Eastern Railway (Bishop Auckland, Haggerleases and Barnard Castle Branch), with 'electric telegraph' are evident in the locale, perhaps illustrating the potentially transient nature of some man-made interventions on the landscape.
290. With existing hedges and trees adjacent to footpath retained, the width of the separation through the development increased, and with the BESS element of the development moved from the potential focal point of where the path meets the former railway line, in an area to be landscaped, the applicant has sought to address these concerns as far as possible. The change to the ambience of the path would be transformative, but localised.
291. Paragraph 216 of the NPPF advises that, 'the effect of an application on the significance of a non-designated heritage asset should be taken into account in

determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset'. The footpath would stay on its existing route, and with the development proposed retained for a fixed term, the effect would be ultimately transient. With the applicant's revisions reducing the impact on the harm to footpath users' appreciation of the routes' historic value, the scale of harm attached to this aspect of the proposal's impact is concluded not significant, noting the relative significance of this heritage asset.

292. In terms of the wider heritage assets described above, both designated and non-designated, the degrees of harm at the distances involved are concluded less than substantial. The weighting for this level of harm will be assessed in the planning balance.
293. Subject to the imposition of conditions requiring further trial trenching and evaluation it is considered that the proposed solar farm would not conflict with CDP Policy 44. In addition, it would cause no harm to designated and non-designated 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

294. Part 15 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 (BMV) 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.
295. CDP Policy 14 (Best and Most Versatile Agricultural Land and Soil Resources) states development of the best and most versatile land, will be permitted where it is demonstrated that the benefits of the development outweigh the harm, taking into account economic and other benefits.
296. An Agricultural Land Classification Statement has been submitted which indicates that 31% of the land, or 8.3ha of the 26.9ha. as a band across the northern part of the site is grade 3a (BMV) and the remainder grade 3b and 4. It is suggested that the arrays physically would occupy less than approximately 5% of the application site area. The infrastructure associated with the built development, including inverter/ transformer units and access tracks would cover less than 10% of the ground. The BESS would cover less than an additional 1% of the Site.
297. It is the applicant's case that 'there is no competition between energy security and food production from the proposal, as solar farms have the ability to support both. The installation of solar farms is a reversible use of land and the deployment of this type of technology would help meet the UK's energy security and climate change objectives. This proposal would have minimal impact on the food security within Britain. Indeed, DEFRA have indicated that the biggest threat to the UK's food security is climate change'.
298. It is suggested that low intensity grazing or bee keeping could occur alongside the solar farm, although it is not clear if this is the intention, and no specific proposals are included. It is suggested a benefit of the proposal is that the funding to the farmer will enable farm diversification.

299. The applicant also sets out wider environmental benefits for this topic, including that the use of less intensive cultivation practices during the operational part of the development, if combined with complimentary management practices, such as low intensity grazing, can result in long-term improvements to soil health that can increase levels of organic matter and soil fertility.
300. Further it is argued that with intensive arable farming has been held partly responsible for widespread reductions in biodiversity within our countryside, especially in farmland species, there is within the proposed development the potential to directly target species that are in decline benefitting both the immediate local area and national populations of these species. Further, with the land would be removed from arable production there would be both an immediate reduction in soil disturbance thereby averting the carbon loss that would otherwise occur if arable farming continued on the site and the potential for grasslands in general to be a key tool to tackling the climate crisis in developing areas that can sequester carbon.
301. Tangibly, a benefit of the proposal is a secure rental income for the landowner which will facilitate farm diversification and job security.
302. Objectors seek to direct the proposal to the existing GSK site, and the use of buildings and car parks.
303. Considering this topic, certainly long term, with the development to be decommissioned, removed and the site reinstated after the proposed 40 year term this is true there would ultimately be no loss of BMV. In the short term, it is probably fair to say that there would be at least a reduced agricultural potential for the land. For grazing, the presence of the panels has the potential to affect the nature of the grass and the ability to control livestock through a series of complex structures. The reduced agricultural potential does have benefits, as set out at length in the applicant's supporting documents.
304. In determining the application, it will need to be considered if the benefits of the development outweigh the harm to the BMV land, as the Solar Power SPD 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'. This application is different from most of the solar farm proposals in that the energy produced is not proposed fed into the Grid, but directly supplies a significant employer in Barnard Castle. There is therefore a direct benefit to the local economy.
305. More strategic benefits are also accepted in helping secure the future of the applicant's operations nationally. There are options for agricultural use of the site, which preclude arable which would benefit soil regeneration, and there are options for some grazing, although anecdotal evidence suggests that this may be compromised by degree from the presence of the panels – in addition to the slight land use from the presence of the required structures and service elements of the proposal. It is relevant for this topic that there is a relatively small 8.3ha of BMV involved in the proposal – as a third of the site. There are potentially biodiversity benefits that will be discussed elsewhere in this report. Likewise, the financial stability this diversification of the farm business would bring is accepted as a material benefit. Finally, but significantly, there are the accepted benefits in principle from the production of energy from sustainable sources, a significant initiative of Government as reflected in Policy papers, formal advice and Inspectorate decisions.
306. Natural England's response acknowledges the proposal is unlikely to lead to the significant permanent loss of agricultural land, and that the construction of the solar

panels would result in minimal soil disturbance and could be removed in future. Whilst conditions can be applied to any consent to safeguard, reinstate and restore the higher grade agricultural land, this aspect of the development does represent a harm, that must be considered in the Planning Balance.

307. The size of the development required is accepted as too large to be accommodated on the applicant's existing site.
308. It is officer's judgement that in this instance, acknowledging the requirements of CDP Policy 14 and concerns that this Committee has previously expressed for the balance between food security and energy security, the direct benefits of the proposal to the local economy, in addition to the more general positive aspects demonstrates that the benefits of the development outweigh the harm in terms of the requirements of Policy 14 of the CDP and Part 15 of the NPPF in this respect.

### Overplanting

309. Local planning authorities are responsible for renewable and low carbon energy development of 50 megawatts or less installed capacity (under the Town and Country Planning Act 1990). Renewable and low carbon development over 50 megawatts capacity are currently considered by the Secretary of State for Energy under the Planning Act 2008, and the local planning authority is a statutory consultee. The Government consulted on proposals to increase the threshold at which solar projects are determined as NSIPs and has intends to change the existing solar threshold from 50MW to 100MW.
310. Footnote 92 of National Policy Statement for renewable energy infrastructure (EN-3) states that "overplanting" refers to the situation in which the installed generating capacity or nameplate capacity of the facility is larger than the generator's grid connection. This allows developers to take account of degradation in panel array efficiency over time, thereby enabling the grid connection to be maximised across the lifetime of the site. Such reasonable overplanting should be considered acceptable in a planning context so long as it can be justified and the electricity export does not exceed the relevant NSIP installed capacity threshold throughout the operational lifetime of the site and the proposed development and its impacts are assessed through the planning process on the basis of its full extent, including any overplanting.
311. The High Court Judgement of Fordham J in relation to a claim by an objector against a grant of planning permission by Durham County Council for a solar farm at Burnhope resulted in the quashing of the Council's decision. The Judgement states that when making their decision the Planning Committee did not consider if the proposed development could be delivered on a smaller site, with less panels. The indicative layout presented has been designed to reflect the extent of the site required to generate the 16MW capacity on the basis of current technologies and efficiencies. The applicant has suggested imposition of a suitably worded condition to agree the detailed layout and the extent of the arrays at the time of construction/commissioning that would set the extent of the built development, with the remainder of the site controlled through the proposed Landscape Management Plan for BNG value. This is accepted as a considered approach to this concern.
312. For the current application, the applicant points out that these capacity assessments relate to ground mounted solar with a connection to the National Grid rather than private wire projects such as the current application which comprises a 'behind the meter' arrangement to supply GSK directly with the energy generated by the solar farm. Whilst there would be a grid connection this does not form the basis upon which the scale of development is being proposed. The energy generated by the solar farm

would meet the energy demands of GSK. GSK's Barnard Castle plant is a major energy user. In total the factory consumes approximately 18 GWh of electricity per annum. The proposal is estimated to generate approximately 15.9 GWh of electricity per annum. The proposal would generate up to 52% of the plant's total energy requirements (averaged over a year, taking into account various generation variables including length of days, irradiation levels, as well as GSK's energy demand profile). Any surplus electricity generated that cannot be used on the GSK Barnard Castle site would be exported onto the local electricity network. The excess power generated would then be sleeved to other GSK facilities across the UK.

313. The proposed solar farm at Barnard Castle is 16MW in size. Significantly below the 50MW threshold, 34MW under this threshold to be precise or 64% below the 50MW limit. Even when factoring in the proposed BESS which would be a 12 MWh system or a 4MW, 3 hour system. This would still only bring up the capacity to 20MW, which is 30MW under the threshold. The extent of the site is as directly proportionate to the scale of electricity generation proposed, but also including sufficient area to accommodate the proposed BNG offer and footpath corridor.
314. In terms of the area available for the solar panels, the site is constrained by buffers for overhead lines, tree protection zones, a corridor and planting alongside the PRoW. The design as submitted is in line with the solar technology currently available in order to provide a 16MW generating capacity. The final generating capacity of the solar panels would be determined by the construction timescale, however this would also be restricted to 16MW. Technology is moving quickly with panels becoming increasingly efficient. The indicative layout shown as part of this planning application relates to the current panel efficiencies, however the applicant offers that the final layout can be agreed as a suitably worded condition prior to construction. They anticipate that following the grant of any permission, the layout could be revised to provide a smaller development footprint in line with the panel efficiencies available at the time of construction/commissioning.
315. This recently contentious general issue has been assessed in detail, concluding that whilst the detailed layout of the site remains for approval, that as the scheme is aimed at a specific client rather than the National Grid, that its physical size and generating capacity are significantly below the critical 50MW threshold, the proposed development is acceptable in respect of any potential for overplanting.

#### Cumulative Impact

316. Paragraph 198 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. Specific to renewable energy schemes, Paragraph 160 notes that whilst maximising the potential for suitable development, adverse impacts should be appropriately addressed, including cumulative landscape and visual impacts. 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.
317. The application site is currently comprised entirely of agricultural fields and public rights of way. In the DL12 post code around Barnard Castle, applications for solar panels have been of domestic or small scale only, with no implications for a cumulative effect. An approval for construction of a solar farm at Cockfield, 1.6km north of the site is separated by landform and natural features and, when taken in conjunction with

proposed landscape mitigation proposed lead to a conclusion that it is not considered likely to have a limited cumulative effect at most.

318. The two wind turbines on the intended source of the electricity proposed generated, the GSK factory, are nearing the end of their operational life and will be removed. This does not form part of the current proposals. These are visually separated from the site by the presence of the heavily treed former railway line.
319. There is a current large infrastructure project passing through the site, with Planning Permission No. DM/21/04293/FPA approving 'installation of below ground pipeline from Lartington Water Treatment Works to Shildon Service Reservoir and associated works, including temporary construction compounds, pipe bridge, lagoons, pipe laydown areas, vehicular accesses and above ground ancillary structures'. This project is currently under construction in the vicinity of the site as this report is written. Any cumulative effects are likely to be transient, and it is possible that the works in the vicinity of the site could be complete before this project, if approved, is implemented.
320. The proposed solar panels would be of a modest height themselves and the associated screening would bring benefits to the site. Cumulative impacts of the proposal itself such as noise and dust have been considered above and subject to conditions considered to be acceptable. It is therefore considered that whilst there is a potential for a cumulative impact, this would not be unacceptable or overbearing. It is therefore considered that the solar farm proposal would not conflict with CDP Policy 31 and Part 15 of the NPPF.

#### Safeguarded Areas

321. CDP Policy 56, set against the context of Part 17 of the NPPF, 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.
322. A small area of approximately 1000m<sup>2</sup> of the site is located on an area that has been designated as Mineral Safeguarding Areas for glacial sand and gravel as part of a deposit that sits to the west of the disused railway line and passes beneath it, that totals 42,700m<sup>2</sup> in area. That the solar farm is time limited for a period of 40 years the mineral reserve would not be permanently sterilised and could be extracted at a future date, but that this small area is physically separated from the larger deposit by the railway line and informal footpath is considered to make extraction likely to be unviable. In general terms, solar arrays are temporary in nature and this site is not identified as being required to meet a need in the emerging Minerals and Waste Policies and Allocations Plan. Therefore, there are no objections in this regard. It is therefore considered that the proposed solar farm would not conflict with CDP Policy 56 and the relevant elements of Part 17 of the NPPF.

#### Community Benefits

323. The applicant has submitted a Community Benefit Protocol (July 2023) which, whilst described as, 'very much part of the project proposals', is correctly clear that it is not a material consideration and do not reflect on the merits of the proposals.

324. The protocol sets out the intention to set up a Community Fund that would support an annual community benefit of £15,000 indexed linked annual payment towards the local community for the operational life of the project.
325. The fund would benefit the areas of Stainton Parish Council, Marwood Parish Council and the communities of Stainton, Stainton Grove and areas north-east of Barnard Castle (extent to be agreed). The fund would be open to applications from local bodies and initiatives (but not individuals) and would focus on areas including: Community facilities, groups and activities; Sports and recreation facilities and activities; Environmental and biodiversity improvements; Local heritage; and, Promoting social and economic inclusion. The fund would be managed by a small committee made up of representatives from the Parish Councils, local communities, and The Farm Energy Company.
326. Officers consider that the harm identified in the determination of this application could not be mitigated by a financial contribution and therefore such a contribution should not be weighed in the planning balance.
327. The Community Benefit Protocol also sets out 'further Community Benefits', including the maintenance of Footpath No. 4 passing through the site, which in a clear route of between 9m and 30 m when passing through the site (with a usual requirement for 2m) would be planted to provide a 'pleasant green corridor', screening the security fencing, which at the County Landscape Officer's request if now proposed as a 'deer-proof' style, more suited to the countryside location. Also, a permissive path has been included within the Landscape Plan which runs along the southern boundary of the Site. This would connect the two existing PROW as well as providing a direct link for residents of Stainton Grove to the wider settlement of Barnard Castle and GSK.
328. An open area of amenity planted meadow would be created to the south-west corner of the Site, close to the intersection of Footpath No. 4 and the currently informal path on the course of the disused railway. This area would be landscaped to make an attractive environment for users. Planting would not be provided along the boundary with the solar farm in this location so users would be able to see the solar farm and an Information Board would be erected to communicate to visitors the purpose of the solar farm and its association with GSK.
329. The proposed Bio-diversity Net Gains are also set out as community benefits, with difference for area habitats: 68% net gain and for hedgerows: 168.7% net gain.
330. The BNG gains are attributed positive weight elsewhere. The permissive path is a feature of positive weight, increasing agreed recreational use of the countryside and reflecting a demand from its use by casual trespass evident on the Case Officer's site visits and as described in informal discussion with the local farmer, and is again attributed positive weight under other topic headings.

### Battery Energy Storage Systems

331. The application has a Battery Energy Storage System as a functional and visual component of its wider function. Battery storage, or battery energy storage systems (BESS), are devices that enable energy from renewables, like solar and wind, to be stored and then released when the power is needed most. Intelligent battery software uses algorithms to coordinate energy production and computerised control systems are used to decide when to store energy or to release it when needed. Energy is released from the battery storage system either during times of peak demand, or when the solar farm is not generating.



332. When considered in isolation these types of facility are considered against CDP Policy 27 (Utilities, Telecommunications and Other Broadcast Infrastructure) which allows for such where it can be demonstrated that the scheme will not cause significant adverse impacts or that its benefits outweigh any adverse negative effects. The Government considers BESS to be a component of sustainable energy generation, so CDP Policy 33 is also relevant: there is a clear drive from central Government for the development of a network of commercial battery storage facilities to support the development of renewable and low carbon electricity generation necessary for the achievement of net zero carbon targets. CDP Policy 33 states that renewable and low carbon energy development in appropriate locations will be supported, and that in determining planning applications for such projects significant weight will be given to the achievement of wider social, environmental and economic benefits. It does state that 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. Also relevant, CDP Policy 29 requires both development to contribute positively to landscape features, and also spaces to include appropriate and proportionate measures to reduce vulnerability, increase resilience and ensure public safety and security.
333. The need for the BESS, and the associated sub-station, is accepted as an integral component of the sustainable energy generation. It benefits to the presumptions in favour for such expanded upon elsewhere in this report for the overall development, but likewise must be attributed in principle harm from its appearance as built development in open countryside. This must be considered in the Planning Balance.
334. As first submitted, the BESS was located in the best functional position close to the intersection of Footpath No. 4 and the proposed footpath on the disused railway line. This was however a prominent focal point in the recreational use of the area, and a redesign has spread the proposed units along the proposed maintenance track. Their relocation has been acknowledged and welcomed by Landscape Officers, with the original site now proposed for meadow planting. The adverse impacts on the landscape and recreational use of the countryside have been addressed to an acceptable degree, and whilst an in-principal harm remains from the introduction of semi-industrial structures into a countryside location, the harms to be assessed against the relevant elements of CDP Policies 27, 33 and 29, noting these units and the associated sub-station sit visually as a minor component of the wider proposal.
335. For safety issues, in lieu of a response from Durham Fire and Rescue Brigade, Officers have reviewed the National Fire Chiefs Council guidance. The NFCC's expectation is that a comprehensive risk management process must be undertaken by operators to identify hazards and risks specific to the facility and develop, implement, maintain and review risk controls. From this process a robust Emergency Response Plan should be developed. This is capable of being secured by condition. This concern is directed principally at the battery storage element of the proposal. The NFCC's guidelines are currently being updated, and set out minimum distances, access by fire appliance, arrangements for tackling fires including access to water. The proposed BESS units have been relocated and rearranged as part of a redesign of the site instigated at the behest of County Landscape Officers. They are a significant distance, over 250m, from the nearest sensitive receptors – the dwellings at West Farm, Stainton. The distance is such that the smoke plume from any fire should disperse significantly before it reaches those dwellings.
336. A condition to require submission of a Battery Safety Management Plan (BSMP), including an Emergency Response Plan to include details of the type and specification of the batteries to be used and prescribe the measures to be implemented to facilitate

safety during the construction, operation and decommissioning of the Battery Energy Storage System, and to be deployed in response to any incident with potential to cause pollution is considered a robust response to the relevant requirements of CDP Policies 27, 29, 33 and Part 15 of the NPPF for this topic.

## Farm Diversification

337. CDP Policy 10, Development in the Countryside, in addition to the general design principles examined above also takes into account the economic dimension of development, including in its exceptions preventing new development: development necessary to support, at 10a. 'an existing agricultural or other existing rural land-based enterprise or associated farm diversification scheme...'
338. The development is presented as, 'an opportunity for farm diversification that would assist with the ongoing viability and stability of a rural business, as supported by both local and national policy'. This would be achieved, 'through a long term rental agreement with the farm owner for the use of the site for a solar farm, which would still allow the land to be utilised for agricultural purposes through the grazing of sheep'.
339. Setting out that, 'Following the UK's departure from the EU, farmers in England now no longer have regular income from the EU Basic Payment Scheme (BPS). From 2024, The Rural Payment Agency (RPA) plans to replace the Basic Payment Scheme (BPS) in England with delinked payments in 2024. RPA plans to make delinked payments each year from 2024 to 2027 but the payments will be phased out by the end of 2027. This only strengthens the need for farmers to diversify their incomes'.
340. The proposal is considered to benefit from the exemption preventing new development in the countryside in Policy 10a. The benefit is accepted in principle, but unquantified or supported by financial data, cannot be attributed precise weight. This benefit aligns with Part 2, Paragraph 7 of the NPPF, which sets out that, 'the purpose of the planning system is to contribute to the achievement of sustainable development', and at Paragraph 8, the first element of the tree overarching objectives: an economic objective – to help build a strong, responsive and competitive economy...'. These principals are expanded, more focussed for the current proposals in Part 6 of the NPPF, Building a strong, competitive economy, within which at Paragraphs 88 and 89, subtitled, Supporting a prosperous rural economy, it is set out that planning decisions should enable, at 88b., 'the development and diversification of agricultural and other land-based rural businesses'.

## Other Matters

341. Objectors have suggested that other sites, or within the GSK factory boundary be preferable, such as installing panels in car parks and on factory roofs. Noting that the existing wind turbines at the factory are nearing the end of their functional life, the applicant's agent contends that the scale of the project is such that it cannot be achieved on-site, nor as suggested by some, on the farmland closer to the factory, to the west of the former railway line.
342. The application sets out that GSK have committed to achieving a carbon neutral value chain by 2045 with 'ambitious' goals to reduce carbon, water and waste in the meantime.' Noting that 'similar renewable energy projects are under development for other GSK sites, including Irvine and Montrose', the applicant's supporting Statement makes clear that the project is not just to help achieve GSK's global net zero aspirations at a time of rising energy costs, but is also to enable the sustainable future of pharmaceutical manufacturing in the UK. This is interpreted by Officers as directly connecting the proposal to job security for a significant and prestige employer in

Barnard Castle. This has further indirect benefits both to the local and County economies where employees live, as they will be spending wages in local shops and services.

343. The applicants suggest that with a direct visual connection – albeit with a slight separation from the track and greenery imposed by the former railway line – the connection between the factory and its power supply would be clear as a tangible connection, rather than using a ‘greenwashing’ approach where companies buy renewable energy from a supplier without knowledge or connection to its source. It is noted that should this application be approved, there would need to be a separate application.
344. This aspect of the application is considered by Officers to be of significant weight. Applications for solar farms are usually to produce energy for the National Grid. Planning judgements on the local harms of such developments are in those cases balance against the positive outcomes for the ‘greater good’, which can seem disproportionate to residents and interested parties who perceive the local harms. In this case with the output of the farm directed into the operations of one of the largest and most high profile employers in the area, the benefits of the development are also local, with direct consequences for local employment, and therefore the local economy.
345. Objectors have raised the concerns about the inefficiency of solar panels and have stated that better alternatives are available. Solar is an established part of renewable energy production and whilst there are recognised limitations (day length / light intensity / latitude) this is no different from any other type of energy generation and is the reason for the inclusion of the BESS units on site, that would store energy and smooth delivery to the customer.
346. Objectors have stated that the proposal would have a negative impact on property values. Property values are affected by many factors and cannot be taken into account as a material consideration in the determination of a planning application.

#### Public Sector Equality Duty

347. 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.
348. In this instance, officers have assessed all relevant factors and do not consider that there are any equality impacts identified.

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## **CONCLUSION**

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349. The elements to be included in the planning balance for assessment are set out above. As headlines, the applicant contends that the national renewable energy policies of government and targets for such, along with the specific Policies in the Development Plan are of significant material weight. The recent changes to the NPPF in December 2024 have only added to this weight.

350. In simplistic terms, the assessment of the Planning Balance for this application relates to whether harms to the multifaceted values of the countryside are outweighed by the benefits of the development.
351. The application has been revised during its consideration, with the applicant seeking to better address the harms identified through the first consultation. The rearrangement of the site has moved the features of most industrial appearance – the BESS units and sub-station away from the focal point of the confluence of Footpath No. 4 and the (currently) informal path following the former railway line. Additional planting on the established field boundaries is proposed to further mitigate views from surrounding dwellings and settlements, from the surrounding footpath network, and from longer views from protected landscapes. The route of Footpath No. 4 through the solar farm has been significantly improved – widened, with additional planting and a form of fencing more appropriate to the rural location. The experience of footpath users will be significantly changed at the level of the site and its immediate surroundings; however, these harms have been addressed as far as the nature of the scheme allows.
352. Where the report identifies less than substantial harm in the distant relationships to designated and non-designated heritage assets, the benefits of the proposals discussed in these conclusions are considered to out-weight the level of harm identified.
353. The solar farm would be a new feature in the landscape, and alien to those who are familiar with the existing landscape. The proposed landscape schemes would mitigate, developing over time to help integrate the scheme into the landscape in medium to long views, including from vantage points in the National Landscape designation. The assessment above on the effects on these layers of effect on landscape concludes that the effects would diminish in time and would not be significant at distance.
354. Part of the site would occupy land that is considered to be best and most versatile agricultural land and whilst the development is temporary and reversible, the land would be temporarily unavailable for arable production for the duration of the development. This aspect of the planning balance is effectively between food security and energy security. The scale of the temporary loss in this instance is not such that it is considered to outweigh the benefits of the site set out below.
355. The visual impacts of the BESS and substation have been mitigated by re-siting within the proposals and can be further improved through the use of appropriate colouring, that can be controlled through condition.
356. The NPPF at Paragraph 161 sets out that the planning system should support the transition to net zero by 2050 and support renewable and low carbon energy and associated infrastructure and Paragraph 168 should give significant weight to the benefits associated with renewable and low carbon energy generation and the proposal's contribution to a net zero future. National and Local Policy do not require the benefits of renewable energy to be substantiated, but the reductions in reduced carbon dioxide emissions, reduced sulphur dioxide emissions and reduced use of non-renewable energy.
357. In this instance the energy proposed generated by the scheme is directly related to a significant and prominent local employer. This is considered to address a usual concern to solar farms that the local harms generated are for the benefit of a greater good and that the benefits are not tangible to local people. The benefits of the scheme, as described in the applicant's statement, include that the power generated by the

solar farm would directly supply GSK's Barnard Castle factory, and demonstrates a significant investment in the local area, injecting direct investment into the local economy and creating potentially both temporary construction jobs and operational jobs. The provision of renewable energy solutions to GSK, as they work towards a net-zero operation, demonstrates a long term commitment to the site and the region. Further, this promotes energy and employment security in a climate where fuel prices continue to undermine business confidence. The scheme would reduce the emissions of the current operation and would eventually replace the aging wind turbines on site that are reaching the end of their operational life on the adjacent GSK site.

358. Additionally, the scheme has indirect benefits to the local community where employees live, with a direct effect from their economic activity and confidence. It is therefore contended that there is a clear and tangible connection between the identified local harms and a clear local benefit and that the benefits are such that development in this location clearly outweighs the harm.
359. As the direct connection between the development and GSK is critical to this conclusion, a condition is proposed to ensure that the output of the solar farm is tied to GSK – either at Barnard Castle or as a fall-back sleeved to their other facilities.
360. Significant positive weight is derived Paragraph 167 of the NPPF, to the benefits associated with renewable and low carbon energy generation and a proposal's contribution to a net zero future.
361. Policy 33 of the Development Plan is clear 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.
362. That the development in principle represents an opportunity for farm diversification is accepted in line with the exceptions outlined in Policy 10a.
363. Additional positive weight is accrued from the provision of the permissive path proposed, and from the significant overprovision of 60% BNG within the site, well above the 10% required. These will be secured through the conditions and a legal agreement relating to the implementation, maintenance, and monitoring of the promised natural environment.
364. Although there would be a degree of landscape harm and reduction in the quality of the experience for recreational users, this harm must be weighed in the planning balance. As highlighted in the most recent appeal decisions in the County, both national and development plan policy recognise that large scale solar farms may result in some landscape and visual impact harm. However, both adopt a positive approach indicating that development can be approved where the harm is outweighed by the benefits.
365. Whilst it is accepted that in this case the proposed solar farm would have an impact on the landscape, including designated landscapes and best and most versatile agricultural land it is considered that the direct and localised benefits of the development in terms of energy supply and security, support for renewable energy, biodiversity enhancement and the local economy would outweigh the identified harms and planning permission should be granted. All other material considerations have been taken into account in the determination of the solar farm application and found to be acceptable.

366. The proposed development has generated public interest, with letters of objection having been received. Concerns expressed regarding the proposal have been taken into account, and carefully balanced against the scheme's wider social, environmental and economic benefits.
367. The solar farm proposal is considered acceptable in terms of an assessment of the planning balance taking into account the relevant policies of the County Durham Plan, relevant sections of the NPPF and other identified advice.

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## **RECOMMENDATION**

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

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

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

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

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

3. This consent is granted for a period of 40 years from the date of first export of electricity to the GlaxoSmithKline (GSK). The energy produced by the approved development must be supplied to the GSK Barnard Castle operation or sleeved to other GSK operations. The applicants must have in place a methodology to demonstrate compliance with this requirement in writing at the reasonable request of the Local Planning Authority. Within 1 month of the date of first export, written confirmation of the same shall be given to the Local Planning Authority. Before the expiry of the 40 year period hereby approved the buildings, structures and infrastructure works hereby approved shall be removed and the land restored to a condition to be agreed by submitted to, and agreed in writing with the Local Planning Authority. The approved details shall then be implemented in full within a timescale to be agreed within the approval of those details.

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

4. The development hereby approved shall be carried out in accordance with the following approved plans unless amended by details approved under the terms of Condition 5:

DrawingNumber	Drawing
GBR.9400.DEV.M2.001.0.G	Barnard Castle Module Array Layout
Figure 2.1 (501-DRW-GSK-BC-Proposed development area –v6.0)	Site Location Plan
Appendix 7.2 (145738/8100 Rev G)	Landscape Proposals Plan
Appendix 7.3 (145738/8200)	Landscape Softworks Plans 1 of 6
Appendix 7.3 (145738/8201 Rev A)	Landscape Softworks Plans 2 of 6
Appendix 7.3 (145738/8202)	Landscape Softworks Plans 3 of 6
Appendix 7.3 (145738/8203)	Landscape Softworks Plans 4 of 6
Appendix 7.3 (145738/8204)	Landscape Softworks Plans 5 of 6
Appendix 7.3 (145738/8205 Rev A)	Landscape Softworks Plans 6 of 6

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

5. 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, including, but not restricted to Solar panels and support structures, Sub-stations, BESS units, security fencing, CCTV cameras and supports, Security lighting and supports, all fencing and gates, have been submitted to the Local Planning Authority and approved in writing. The approved details shall be implemented in full thereafter.

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

6. No development shall take place until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Construction Management Plan shall 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" 2023 V2.1;
  - With regards to noise, the construction phase of the proposed development should be addressed and will include the duration of the phases and details of mitigation measures to be employed to minimise the noise during construction on noise sensitive receptors as identified in the Noise Impact Assessment (Noise Consultants, November 2023). There shall be provision that, on written request by the planning authority the operator shall, within 28 days, produce a report to demonstrate adherence with the above rating level. The Assessment and Mitigation 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
  - 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 including on-site wheel washing and street cleaning;
- 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 on site construction lighting, including hours of operation
- 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;
- Waste audit and scheme for waste minimisation and recycling/disposing of waste resulting from demolition and construction works; and
- Detail of measures for liaison with the local community and procedures to deal with any complaints received.

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

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

7. Prior to commencing any site preparation or construction works, a Construction Traffic Management Plan shall be prepared, submitted to and agreed in writing by the Local Planning Authority. Thereafter, the development shall only be undertaken in accordance with the approved Plan.

*Reason: In the interest of maintaining Strategic Road Network operation and safety in accordance with Part 9 of the NPPF.*

8. Prior to the commencement of development, a road condition survey shall be carried out for 200m either side of the site entrance on the A688 at Stainton Grove and submitted to the Local Planning Authority for approval in writing. A further road condition survey shall be carried out within 3 months of the site being brought into use. A third survey shall be carried out within 3 months of the completion of site works. The second and third surveys shall include a schedule identifying any degradation of the road and a scheme of works, if necessary, to remedy the damage and shall be submitted to the Local Planning Authority for approval in writing. The scheme of works, if required, shall be carried out in full within 6 months of being approved.

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



9. Construction operations and vehicle movements on-site shall only take place within the following hours:

07.30 to 19.00 Monday to Friday

07.30 to 12.00 Saturday

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

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

10. The development shall be carried out in accordance with the submitted flood risk and drainage impact assessment Ref: GON.0196.0116 v.2, dated 29.03.2024. The mitigation measures detailed within the flood risk assessment shall be fully implemented prior to the date of first export. These measures shall be retained and maintained thereafter throughout the lifetime of the development.

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

11. No development shall take place until a detailed landscaping scheme, based upon the Landscape Softworks Plans, Sheets 1-6, Refs: 145738/8200, 8201a, 8202, 8203, 8204, 8205a dated 11/04/2024 has been submitted to the Local Planning Authority and approved in writing. This scheme shall include a Tree and Hedgerow Survey, Arboricultural Impact Assessment (AIA), Tree Protection Plan (TPP) and Woodland Management Plan (WMP). 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 and to ensure that the adjacent trees and hedges are not unnecessarily damaged throughout all stages of development in accordance with Policies 39 and 40 of the County Durham Plan and Part 15 of the National Planning Policy Framework. Required to be pre-commencement in order to assess the appearance of the development.*

12. Details of the nature and maintenance of the proposed permissive path indicated on the approved Landscape Softworks Plans must be submitted to and agreed in writing by the Local Planning Authority before the approved development is brought into operation. The path must remain available for use through the full lifetime of the development.

*Reason: to ensure the public benefits set out in the application are secured in accordance with Policy 26 of the County Durham Plan and parts 8 and 15 of the National Planning Policy Framework.*

13. The created and enhanced habitats specified in the 145738/8100 Landscape Proposals Plan, the Landscape Softworks Plans, Sheets 1-6, Refs: 145738/8200, 8201a, 8202, 8203, 8204, 8205a dated 11/04/2024, the Ecological Impact Assessment

(EclA), BSG Ecology, June 2023 shall be managed and maintained in accordance with the details, Management Responsibilities and Requirements, Maintenance Schedules, and Longer Term Management set out in the Solar Farm, Barnard Castle Landscape and Ecological Management Plan, Ref: D/I/D/145738/804 Issue 1, dated: April 2024.

*Reason: To ensure the proposed habitat creation and/or enhancements are appropriately managed and maintained for the required 30 year period 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.*

14. Prior to the commencement of development, a scheme to safeguard the soil resources to ensure the current ALC grade is maintained in line with the Agricultural Land Quality Report, Land Research Associates, dated 17th April 2023 throughout the operation phase of development. Thereafter, the site shall be restored in accordance with a scheme of work to be submitted to and approved in writing by the local planning authority no more than 6 months prior to the decommissioning of the development.

*Reason: In order to safeguard soil resources and agricultural land in accordance with Policy 14 of the County Durham Plan and Part 15 of the National Planning Policy Framework.*

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

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

16. The development shall not be brought into use until the post investigation assessment has been completed in accordance with the approved Written Scheme of Investigation, and an archaeological mitigation strategy, in light of the further trenching, to include mitigation of construction, operation and decommissioning impacts. The Mitigation Strategy should also make provision for the analysis, publication and dissemination of results, and archive deposition, which is to be completed in full and confirmed in writing to, and approved in writing, by the Local Planning Authority.

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

17. In the event that the solar farm is inoperative for a continuous period of 12 months after the date of first export, a scheme for the restoration of the site, including the buildings, structures and infrastructure works, dismantling and removal of all elements, shall be submitted to and be approved in writing by the Local Planning Authority not later than 12 months following the last export of electricity from the site. The approved scheme shall be carried out and completed within 6 months of approval of the scheme.

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

18. Prior to the first operation of the Battery Energy Storage System hereby approved, a Battery Safety Management Plan (BSMP) shall be submitted to and agreed in writing by the Local Planning Authority. The BSMP shall detail the type and specification of the batteries to be used and prescribe the measures to be implemented to facilitate safety during the construction, operation and decommissioning of the Battery Energy Storage System, and to be deployed in response to any incident with potential to cause pollution. An Emergency Response Plan must also be included. The BSMP should also set out a methodology detailing how there will be continued engagement with the County Durham and Darlington Fire and Rescue Service with the BSMP to be updated and sent to the fire service throughout the lifetime of the development. The BSMP shall be implemented as approved, and all measures shall be retained for the duration of the development.

*Reason: In the interests of safety and pollution prevention in accordance with County Durham Plan Policies 29, 31 and 35 and Part 15 of the National Planning Policy Framework.*

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## **STATEMENT OF PROACTIVE ENGAGEMENT**

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

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## **PUBLIC SECTOR EQUALITY DUTY**

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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.

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

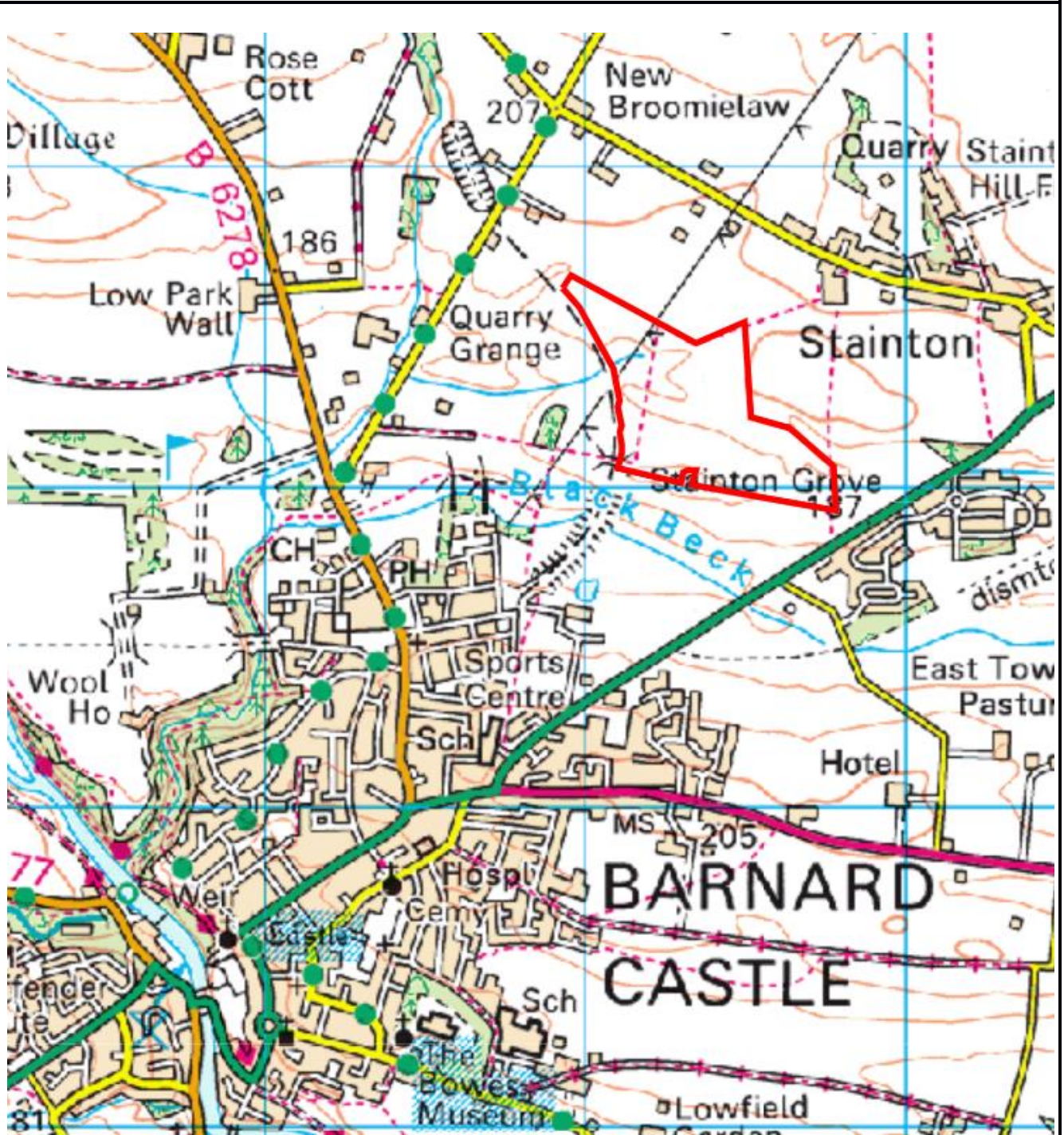
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## **BACKGROUND PAPERS**

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- Submitted application form, plans supporting documents and subsequent information provided by the applicant.
- The National Planning Policy Framework (December 2024)
- National Planning Practice Guidance notes
- County Durham Plan (October 2020)
- Trees, Woodlands and Hedges SPD (2024)
- Development Viability, Affordable Housing and Financial Contributions SPD (2024)
- Solar Energy SPD (2024)
- County Durham Landscape Strategy (2008)
- County Durham Landscape Character (2008)
- EN-1 Overarching National Policy Statement for Energy (January 2024)
- EN-3 National Policy Statement for Renewable Energy Infrastructure (published Jan. 2024)

- Powering Up Britain: Energy Security Plan (April 2023)
- National Fire Chiefs Council 'Grid Scale Battery Energy Storage System planning – Guidance for FRS' (November 2022, updated)
- Climate Change Act (2008)
- Climate Change Committee 2022 Progress Report to Parliament
- Net Zero Strategy: Build Back Greener
- Energy White Paper: Powering our Net Zero Future
- British energy security strategy
- Statutory, internal and public consultation response



 <p><b>Planning Services</b></p>	<p>DM/23/02510/FPA</p> <p>Construction of a solar farm of circa 16MW, Battery Energy Storage System, and associated infrastructure</p> <p>Land South-West of West Farm, Stainton, DL12 8RD</p>	
<p>This map is based upon Ordnance Survey material with the permission of Ordnance Survey on behalf of Her Majesty's Stationary Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceeding. Durham County Council Licence No. 100022202 2005</p>	<p><b>Comments</b></p>	
<p><b>Date</b> December 2024</p>		<p><b>Scale</b> NTS</p>

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