



County Planning Committee

Date Wednesday 5 February 2025
Time 10.00 am
Venue Council Chamber, County Hall, Durham

Business

Part A

1. Apologies
2. Substitute Members
3. Declarations of Interest
4. Minutes of the meeting held on 10 January 2025 (Pages 3 - 20)
5. Applications to be determined
 - a) DM/24/00957/MIN - Site of Former Weardale Works and Quarry, Eastgate, DL13 2LG (Pages 21 - 120)
Development of a pilot Lithium processing plant using groundwater abstracted from existing ground water wells and associated infrastructure
 - b) DM/23/02008/FPA - Land North Of Emerald Biogas, Preston Road, Aycliffe Business Park, Newton Aycliffe, DL5 6AB (Pages 121 - 152)
Engineering and associated works to form enclosed area in association with storage use
6. Such other business as, in the opinion of the Chairman of the meeting, is of sufficient urgency to warrant consideration

Helen Bradley
Director of Legal and Democratic Services

County Hall
Durham
28 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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DURHAM COUNTY COUNCIL

At a Meeting of **County Planning Committee** held in Council Chamber,
County Hall, Durham on **Friday 10 January 2025 at 10.00 am**

Present:

Councillor G Richardson (Chair)

Members of the Committee:

Councillors A Bell (Vice-Chair), D Boyes, M Currah, J Elmer, J Higgins, B Kellett (substitute for S Wilson), C Martin, D Oliver (substitute for P Jopling), K Shaw, A Simpson, G Smith and S Zair

Also Present:

Councillor James Rowlandson and Councillor Angela Sterling

1 Apologies

Apologies for absence were received from Councillors J Atkinson, P Jopling, A Savory and S Wilson.

2 Substitute Members

Councillors D Oliver and B Kellett were present as substitute Members for Councillors P Jopling and S Wilson respectively.

3 Declarations of Interest

Councillor Oliver confirmed that he had been involved in some discussions in 2020 with regards to item no. 5e) however he had made no representations and would determine the application with an open mind.

Similarly Councillor Shaw had been present for discussions in relation to item no. 5d) however he had made no representations and would determine the application with an open mind.

4 Minutes

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

5a) DM/21/02861/FPA - Land to the east of Fern Dene, Knitsley Lane, Templetown

The Committee considered a report of the Senior Planning Officer with regards to the proposed development of 170 residential dwellings with associated infrastructure and open space (revised description 16/12/2024) on Land to The East Of Fern Dene, Knitsley Lane, Templetown (for copy see file of minutes).

The Senior Planning Officer gave a detailed presentation which included a site location plan, site photographs, a proposed site layout plan and Illustrative Elevations.

Following further discussion with the Coal Authority, the two conditions referenced within the report were recommended to be replaced by four amended conditions.

Councillor A Sterling, addressed the Committee as Local Member and also on behalf of Councillor Walton. She wanted to make it clear to residents who had objected that as allocated land, the development itself was not something they could object to, and their role had been to work with the Applicant and Officers to ensure the best development for the people within their ward. Most residents were aware of this and therefore there had been limited objections. Whilst they broadly supported the development, there were some remaining concerns.

They had been keen to include a bus route to access public transport but also to limit the possibility of creating a rat run through the Dales View development, however it was considered financially unviable. A bus route would have ensured that the road was gritted in the winter and following recent snowfall people were struggling with the incline so this would have been beneficial. In the absence of a bus route, they would continue liaising with Officers to ensure that the development was closed off as it was a huge concern for residents and speeding on Dales View was already an issue. Councillor Sterling requested that the road be gritted during the construction phase.

Councillor Sterling advised that they had worked hard to get the most out of the development and were pleased that it would provide footpath and cycle links to not only benefit residents of the new estate but also from the wider area, which was a great benefit. The Applicant had agreed to put heritage boards up along the pathway to explain the history of the area and Section 106 money was being put aside to provide a gateway feature which she requested was ringfenced. The Applicant had agreed to create these footpath links so that the whole community could benefit from improvements

and access to shops, amenities and schools. Overall, they were supportive of the scheme and appreciated the fact the Applicant had worked with them, however they remained disappointed that a bus route could not be incorporated.

Local resident, Mr O'Sullivan addressed the Committee and confirmed that additional housing should only be approved with sufficient infrastructure. His concerns related to the additional traffic generated on Knitsley Lane, a rural country lane wide enough for only one vehicle. There were several blind bends and to the north of the Old Mill, there had been a number of accidents. The road was also used by pedestrians and by farmers to move livestock. In his opinion the road was not capable of taking any additional traffic and he was concerned at the amount of traffic that would be generated by this development. The issues on Knitsley Lane and not been addressed by the Highways Officer or within the Transport Assessment. Whilst he fully recognised the allocation in the County Durham Plan, he had concerns that if the development proceeded, accidents would increase. He asked whether additional signage could be considered in addition to suitable passing places.

Mr McVickers addressed the Committee on behalf of the Applicant and confirmed that the proposal would deliver 170 high-quality, sustainable, new homes for local people in Templetown, Consett. He referred to the struggle to afford affordable homes due to the combination of rising interest rates and a shortage of new housing. The housing crisis was high up on the political agenda and the Government had committed to build 1.5 million homes over four years. To achieve this target a new standard method for calculating housing need was being introduced through National Policy and this would adjust the annual number of homes that Local Authorities had to provide. Whilst not yet applicable in County Durham, the requirement would soon rise by 78% which equated to more than 2,000 new homes per year.

The Applicant was proud to support local first-time buyers, families and young people to buy their own homes. Typically buyers moved within a 3-mile radius and he confirmed that on other recent nearby developments in Durham, over 80% of buyers had moved from within the postcode area. In the last two years 50% of the private sales had also been to first-time buyers.

The site had been allocated for housing within the County Durham Plan and it would support the Councils ambition of meeting local housing need whilst delivering new investment and employment opportunities in the local area. To achieve the increased housing need, it was crucial for allocated sites to come forward. The site was one of five adopted housing allocation sites totalling 670 homes in north west Durham area and this reflected this areas status as one of the most sustainable settlements in the county. This was the first site which had progressed to planning stage.

The development would provide a range of 2, 3, 4 and 5 bedroom housing which were all policy compliant. In addition to the 10% affordable housing offer, it included 10% elderly persons provision. The Applicant had worked closely with both planning and design officers and proposals had been amended since the original submission. There had been a reduction of 31 dwellings and the scheme had accomplished 11 green and 1 amber from the internal design panel which was testament to the high design quality of the development. The site was landscape-led and incorporated 13.5 hectares of open space and 1.8km of off-highway footpaths and cycleways. The design was contemporary, whilst being sensitive to the areas industrial heritage. All homes would be built to a minimum of 2021 building regulations and deliver a 31% reduction in CO2 emissions, with electric charging vehicle points being incorporated into all homes. The scheme would deliver on-site biodiversity net gain in addition to ecological enhancements in nearby Bridgehill. There were significant Section 106 contributions towards education, healthcare, open space and infrastructure within the local area. In conclusion this new development would support Durham's ambition of meeting local housing needs and make a difference to local people trying to get on the property ladder.

In response to a question from Councillor Elmer, the Senior Planning Officer advised that consideration had been given to four key bus routes, none of which had been suitable. The design had originally included a bus turning circle however this had later been removed from the scheme following direct discussions with Go North East. The bus operator confirmed 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 were available. They estimated it would cost in the region of £1.2m to deliver over the build out period and once funding ran out acknowledged the service would likely be withdrawn. The Applicant had therefore provided a range of more sustainable links via several walking routes. Existing bus stop lay within 800m of the site and are well serviced by existing routes. Given site constraints, the provision of a bus route could not be justified.

Councillor Elmer was concerned that a service provider had determined the bus route as it was not commercially viable. He responded that despite high levels of accessibility properties could be purchased by older people who were unable to drive and not providing sufficient bus links was a serious failure. The Senior Planning Officer confirmed that bungalows had been positioned for ease of access and the Applicant had worked hard to ensure gradients met adoptable standards, however, it was unfortunate that it was not a viable option to bring a dedicated public transport service to the site.

The Senior Planning Officer concluded that despite site constraints, the Applicant had done everything they could to create high quality walking and

cycling routes. Should bus provision be brought to the site, it would not result in a high quality service unlike the existing ones serving Delves Lane where residents would be more likely to walk to.

Councillor Oliver advised most of Knitsley Lane was within his ward and whilst he agreed with the concerns raised regarding the lack of bus route the site was constrained in terms of accessibility. He agreed that it would be difficult to provide a commercially viable bus route.

Cllr Bell queried the affordable housing provision and the Senior Planning Officer confirmed that this was a low viability area with a 10% requirement of affordable units. There would be 17 units, four 2 bed first homes and thirteen 2 and 3 bed discounted market units. In addition, there was 10% older persons provision. This all complied with regards to meeting housing needs.

Councillor Bell required more information regarding the discount market rate as a scheme within his own ward had not priced their affordable homes much lower than normal price. The Senior Planning Officer confirmed that the level of discount was calculated by set rates and Mr McVickers confirmed that a 20% discount was offered on 2 bed properties and 29% discount on 3 bed properties.

Councillor Elmer asked for concerns to be addressed regarding additional traffic on Knitsley Lane and whether it could be accommodated. The Highway Development Manager confirmed that the submission had included a transport assessment accompanied by two technical notes which confirmed that the level of traffic that would travel along Knitsley Lane was proportionately small and the Highway Authority was content with those assessments.

Councillor Boyes was familiar with road and fully supported the application. It was an attractive scheme and whilst he also had concerns regarding the lack of a bus route, they had been addressed. He was still concerned about the volume of traffic at peak times as it could take 25 minutes to get to Delves Lane, which was a route that that would normally take 2-3 minutes. He moved approval of the application in accordance with the conditions outlined in the report, including the amendments reported by the Senior Planning Officer, which was seconded by Councillor Bell.

Councillor Elmer confirmed that it was good to see a major scheme going forward on an allocated site, it was a fantastic development with connectivity to the Lanchester cycle route and significant open space provision and good size gardens. The Applicant had attended to nature conservation, provided for solar energy and electric vehicles and they had fully engaged. He remained disappointed regarding the lack of bus provision but appreciated the constraints.

Resolved

That the application be APPROVED subject to the conditions outlined in the report, the amendments reported by the Senior Planning Officer and completion of a legal agreement under Section 106 of the Town and County 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.

The Chair confirmed that the following items 5b) and 5c) would be heard together.

5b) DM/24/02829/VOC - Plot D Land At Aykley Heads, Framwelgate Peth, Durham, DH1 5UQ

See item 5c) below.

5c) DM/24/02888/RM - Plot D Land At Aykley Heads, Framwelgate Peth, Durham, DH1 5UQ

The Committee considered the following applications for the 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, and 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, on Land at Aykley Heads, Framwelgate Peth, Durham, DH1 5UQ (for copies see file of minutes).

The Senior Planning Officer gave a detailed joint presentation which included a copy of the Aykley Heads Masterplan which had been previously approved in January 2021, a site location plan, aerial photographs, site photographs from various locations of the site, a previously approved Parameter Plan at Plot D, a proposed Parameter Plan at Plot D, a proposed site plan Plot D (Reserved Matters), and various illustrative elevations with details of the proposed height and materials.

The Senior Planning Officer confirmed that following publication of the report, Durham University had responded to comments received from the City of Durham Trust and two Members of the public, to confirm that they had considered a number of alternative sites in the Durham City area and Plot D was considered the most suitable.

In relation to Condition 7 set out at the bottom of the Reserved Matters report, the Senior Planning Officer confirmed that this condition required further documents to be submitted which related to tree protection measures during the construction period. The required documents had been submitted by the Applicant, and the Landscape officer had advised that they were acceptable. The updated tree report and construction management plan would therefore be added to the approved plans list under Condition 1, and Condition 7 was to be removed, as it was no longer necessary.

The second update was regarding Condition 8, which was set out at the bottom of the Reserved Matters report. Condition 8 required further documents to be submitted which related to technical drainage matters. The Applicant had since submitted further documents as required by Condition 8, in an effort to remove the condition. The Drainage officer had not yet had the opportunity to consider the details and therefore had been unable to advise whether they were acceptable. It was therefore considered that Condition 8 was still required, to secure the submission and consideration of those plans.

The Senior Committee Services Officer read out a statement from Councillor L Brown which was also on behalf of Councillor E Scott. Local Members were both in support of the applications.

The original application was granted permission in January 2021 so the presumption of development was in place. The original permission as laid out in Policy 3 of the County Plan referred to class B1 development. This classification no longer existed and was class E(g) which encompassed this

application, however a variation of condition had been submitted which could not be refused in the circumstances.

The Aykley Heads Strategic Employment Site was originally going to provide 4000-6000 jobs, but this aspirational figure was no longer achievable in this post covid world and latest figures showed that showed that 9.9% of office space in regional centres was lying empty (6.6% in London). This equated to 105 million square feet of empty office space across the country, which is a lot of space to fill before building starts on this site.

Local Members saw this development as a catalyst which would bring other high technology companies into the area. Durham University was regularly ranked among the top 10 universities in the UK and given the advancement of AI, it required IT provision to go with this. The one caveat shared by both the Parish Council and the City of Durham Trust was that they would prefer to have seen the heat generated by the centre utilised in some way rather than wasted. Although this was not a material planning consideration it was something that needed to be considered. The Queen Mary University in London had recently announced it was using its data centre heat to warm campus buildings. The technology was there and Local Members hoped it could be applied to this scheme.

City of Durham Parish Councillor G Holland addressed the Committee on behalf of the Parish Council. He referred to the balance of the applications when measured against the integrity and interpretation of the Aykley Heads Masterplan, as well as the specific parameters for the development of Plot D which had been carefully drafted and approved in January 2021. At the time, the Parish Council believed they provided a substantive guideline which defined the layout and use on each of the identified development areas.

From the outset the Parish Council had made it very clear that they fully supported the University and the ambitious programme to bring a supercomputer driven Data Centre to Durham City. Its presence would benefit and lift the profile of both the University and the city, and it would enhance the North East. The reason that both applications had been called to Committee was not to block its progress but to give residents the opportunity to understand this proposed initiative, as it related to the special role of the Aykley Heads Strategic Employment Site and the community.

He referred to the Applicant's document L009 and advised that the Parish Council still felt there were three unresolved matters. Although reference had been made to justifying the very low number of jobs on site, this justification was missing from L009. This was important to sustain one key purpose of the Aykley Heads Strategic Employment Site, namely for achieving 4,000 jobs across the whole site. The response in the report was inadequate.

Councillor Holland continued that the building parameters for Plot D had recommended three buildings each with a 1,000sqm footprint. This had been converted this into a single footprint of over 3,000 square metres and the document stated that this would merely increase the maximum floorspace parameter by 1,032sqm and that this was minor when viewed within the context of the wider scheme. The parameters for Plot D however had identified three separate units which had been at least 15 metres apart, with trees retained between each unit to maintain the parkland quality for which Aykley Heads had been promoted. This constraint had been set aside.

L009 also lacked adequate details about how waste heat would be captured and re-distributed. All which had been offered was a schematic diagram of cooling systems, with no location for the necessary pumps, and no information on whether external modifications were required. Any heat transfer scheme relied on building allocations on adjacent sites. To justify this significant deviation from the original design, it had been argued that the approved 2020 Masterplan was indicative only, that consent for the wider Masterplan was outline only and that the arrangement on Plot D was one of many design arrangements that could have been put forward at reserved matters stage. This justification had confused the indicative nature of the Masterplan with the highly specific parameters for Plot D set out in the planning application approved in January 2021 and it was reasonable for the Parish Council to ask under what circumstances such carefully designed requirements were able to be set aside.

Councillor Holland suggested that to an extent the officer's report echoed this document when it justified these exceptional circumstances under the guise of functional need and he wondered how many times the persuasive cover of functional need would be used again in the future.

The Parish Council considered the application had been recommended in haste to approve a worthwhile scheme however it was vital that the Committee re-affirmed that Aykley Heads was for the creation of 4,000 high quality jobs on a site with high design standards. If not, it could be too easy for any future applications to step outside of the essential qualities which had been designed to safeguard Aykley Heads as the premier employment site in the County.

Councillor Holland advised that Durham's location and fitness to host the Data Centre was beyond question. It would service not only the five regional universities but also would provide opportunities in areas such as Healthcare, Life Sciences, Finance, Engineering and Manufacturing and therein lay its employment potential. Furthermore, in a national setting Durham was perfectly located between Bristol, Cambridge and Edinburgh with a university

fully qualified to manage and make best use of the 4th of these major research centres. Every effort should be directed towards Durham University joining the elite group of Bristol, Cambridge and Edinburgh.

In response to the government's cautious statement on 2 August 2024, and to achieve that goal in a financially competitive world, it was important that the strongest possible research and political reasons were presented to central government via the wider university community. Furthermore, Mary Foy MP was giving the project her full personal support, a support which might usefully include her fellow MPs whose university-based constituencies would also benefit from this Data Centre. In conclusion the Parish Council fully supported the application and wished Durham University and the Council every success with this initiative.

Mr Gemmill addressed the Committee on behalf of the City of Durham Trust and in objection to the proposals. He had prepared a slideshow presentation to accompany his speech.

The Aykley Heads Masterplan had aimed to attract new businesses to Durham and create 4,000 jobs by providing high quality accommodation within in a parkland setting. Detailed parameters for Plot D had been set out with a cohesive design language for the whole site. The proposal had claimed to only slightly exceed the original approved parameters, however it would have a much larger floor area. A tree belt would be removed and the area would be filled with large box 14m high, with a similar appearance to a warehouse and a 2.4m security fence to worsen this appearance. These significant amendments were a major departure from the original Masterplan.

Other aspects of the proposal were equally concerning. Instead of attracting hundreds of jobs, the facility would only create 15 jobs on site. This application would contribute nothing to the job target for this designated strategic employment site. The supposed further benefits of the scheme to attract businesses were entirely speculative and no indications of likely use other than by the university, had been offered. Durham University had argued that it had evaluated several locations and found none other suitable, however no details of these assessments had been provided. They had also accepted that operations would mainly be carried out remotely so there was no need for users of the facility to be located nearby.

The final issue was the lack of sustainability. Despite generating significant heat, it would be wasted and only due to the Parish Councils interference had any thought been given to how this could be fed into a future district heating scheme. Mr Gemmill suggested that the Council had facilitated the applications in haste to support Durham University's bid to host a supercomputer, despite it not being the right building or location and without sufficient grounds to deviate from a carefully considered Masterplan.

Mr Hurlow addressed the Committee on behalf of the City of Durham Trust in objection to the proposal. He had prepared a slideshow presentation to accompany his speech. The application failed to deliver on the promise of a high quality business park. It offered a building that fell short of the expected standards and with added intrusive security fencing, the design would not disguise that it was a featureless large block. The use was not what had been intended for the site and landscaping was not in accordance with the original submission. The proposal resulted in the loss of mature trees which had been protected by the parameters of the original design and the jobs created was insignificant compared to the original target. This was not an appropriate site and he suggested that the Masterplan should have been revised rather than changes being made plot by plot.

Ms Folley addressed the Committee on behalf of the Applicant of item no. 5b). The application to facilitate the construction of a Data Centre was integral to Durham Universities' advanced research potential and would replace underutilised brownfield land. The scheme was acceptable in principle and the amendments were minor when viewed in context of the wider scheme. The Data Centre would enhance the universities offer, support technology and generate new jobs with advanced skills. It would also act as a catalyst for market exposure. The scheme had a low environmental impact and facilitated a connection to any future heating system. The benefits of the scheme aligned with both national and local policy and overall it was a sustainable project with wide benefits.

Mr Bain addressed the Committee on behalf of the Applicant in relation to item no. 5c). Durham University generated over 11,000 jobs in the region, making it one of the largest employers and many of its students remained in the North East. The success of the university had raised the global profile of both the city and the region. The scheme would provide a high-performance computer in the heart of Durham with physical hardware to attract businesses and it would contribute to the science transformation programme. The location would deliver the greatest benefits for the university and the county. The Data Centre had been designed for one or more super computers, not just for use by distant users. It was a research facility for academics and other organisations seeking to use technology to enhance business and it would attract businesses to the area.

Mr Bain confirmed that alternative locations had been considered however none had been suitable. The University had consulted with key stakeholders and were grateful for the support of Councillor Holland. Considerable engagement and consultation had been undertaken and it was important to note that the project depended on external funding which would more likely be granted with the benefit of planning consent.

In response to a question from Councillor Elmer regarding the use of excessive heat, the Senior Planning Officer confirmed that further information had been received to confirm that the design was capable of redirecting heat through the local heat network and this could be secured through a condition.

Councillor Shaw referred to the original Masterplan which contained significant economic benefits. He questioned whether approval of this application would impact on the projected number of jobs and if so, whether alternative provision was being considered. The Senior Planning Officer confirmed that Officers would try to maximise employment on other plots as they came forward, however planning permission was not required for a change of use. The merit of any future applications would be considered as and when they were submitted. He was unable to confirm whether the target of 4500 jobs was still a possibility as no other applications had been received. The Planning and Development Manager added that this figure had been the suggestive target of an earlier application and reminded the Committee that projected figures for employment and similarly outline housing were always subject to a degree of flexibility. Officers in both Economic Development and Corporate Property and Land had been consulted and deemed the applications appropriate to move the site forward. Whilst this application would not provide jobs in isolation it was considered innovative and Officers were confident it was in accordance with the employment led aspirations that were set out in Policy 3 of the local plan.

Councillor Martin agreed with some of the concerns raised by the City of Durham Trust however he had always considered the aspiration to provide over 4000 jobs too difficult to deliver. The point of developing the site was to provide jobs in the city. The use of the building was not up for discussion and whilst the long-term strategic objectives were a concern, there were no grounds to argue that the application would harm the overall development aims. The original plan was to develop the site in stages and if rejected, there would be a wait for future developments. Although he had concerns, he could see no reason to reject the development.

Councillor Boyes questioned the debate on employment as the application was to determine whether the plans submitted for the amendments to the building were acceptable. The Senior Planning Officer confirmed that Members were being asked to determine the suitability of the building, including scale, layout, appearance and landscaping.

The Planning Development Manager confirmed that the original approved development could have been submitted without the requirement for a change of use. He added that there was acceptance from all parties, including the Economic Development team, that this development would create additional jobs, was in accordance with the allocation to bring forward

high quality employment use, and it would increase the sites attractiveness overall.

Councillor Shaw agreed with comments from the City of Durham Trust; that the site should have been developed in accordance with the agreed Masterplan. He was concerned that similar applications could be received with equally disappointing employment benefits and it would be a wasted opportunity. This site was the most strategically important site in the county and he wanted assurance that applications would be in accordance with the original approval. The Senior Planning Officer confirmed that as the case officer for the wider site, he could ensure that all applications were referred to the Committee if they were likely to lead to a comparable loss. It was difficult to refuse the application based on what may happen on other plots. Councillor Shaw remained concerned and suggested that a new masterplan was developed.

Councillor Bell agreed with the validity of the points raised regarding employment, however he reminded Members that there had been significant changes to working arrangements since 2021. The number of jobs in the Masterplan had been aspirational and the Committee could only consider application before them. He moved a motion to approve both applications in accordance with the recommendations outlined in the reports and the amendments reported by the Senior Planning Officer.

Councillor Oliver confirmed that whilst important to ensure there were jobs in the city, this was not the scope of the decision to be made. The question was not whether the Data Centre was an acceptable scheme as it did not require permission. He remained optimistic about the potential of the site in terms of the comments made by Durham University. The jobs created would be of high value. He seconded the motion to approve the applications.

Resolved:

- i. That application DM/24/02829/VOC be APPROVED subject to the conditions outlined in the report.
- ii. That application DM/24/02888/RM be APPROVED subject to the conditions outlined in the report and the amendments outlined by the Senior Planning Officer.

5d) DM/24/00783/FPA - Land West Of Units 1-3, Admiralty Way, Seaham, SR7 7DN

The Committee considered a report of the Senior Planning Officer with regards to the Installation of ground mounted photovoltaic farm with associated infrastructure, engineering works, access, and landscaping on

Land West of Units 1-3, Admiralty Way, Seaham (for copy see file of minutes).

The Senior Planning Officer gave a detailed presentation which included a site location plan, site photographs, a proposed site layout plan and Illustrative Elevations.

Mr Adams addressed the Committee on behalf of the Applicant and confirmed that they were not just a developer, but they also constructed and operated their projects for the full term which ensured all planning and social obligations were met. They also monitored local resource and jobs where appropriate. They had worked closely with all local stakeholders and he advised that the site had been chosen due to its size and location for connection to the grid. The Applicant had worked closely with neighbouring developments for the eco drive thru' coffee outlet and EV charging hub to ensure they complemented each other. Whilst Seaham Town Council had not responded with any comments on the application, the Applicant had attended a number of meetings with them to allocate community benefits.

There was urgent need for renewable energy projects in the UK which had been identified in the Governments National Energy Security Policy. Whilst the site was modest in scale it would power clean renewable energy to approximately 3169 homes. The Applicant had worked hard to minimise the impact and agreed with the conclusions outlined in the report which confirmed that the benefits of the scheme outweighed the limited change to the landscape. The scheme included significant additional landscape with over new native species and hedgerow, woodland and new meadow grassland habitat, which exceeded biodiversity net gain requirements. He confirmed that the soil was not the best and most versatile and would therefore be a great site for a solar development. The scheme would assist to meet decarbonisation goals and as sustainable development, he requested it be approved by the Committee.

Councillor Elmer queried whether management of the meadow habitat secured for skylarks had been factored into the condition. The Senior Planning Officer confirmed that the original scheme had been altered slightly to secure this habitat, following which it had been approved by the Ecology Officer.

In response to a question from the Chair, the Senior Planning Officer confirmed the land was graded at 3b, which was not best and most versatile as defined by the NPPF. In response to a question from Councillor Oliver, the Senior Planning Officer noted Mr Adam's submission within his speech that there had been discussions between the applicant and with Seaham Town Council regarding the allocation of a community benefit fund, however

the Senior Planning officer noted this was outside of the planning process as it was not deemed necessary to outweigh harm of this particular application.

Councillor Shaw confirmed that as Local Member he considered the development to be in the right place. He asked for further clarification in relation to the limited screening described in the report and was advised by the Senior Planning Officer that dark green areas on the indicative site plan represented tree planting however it was problematic due to site gradients and unlikely to hide the site entirely. However combined with the existing screening the harm was not deemed unacceptable.

Councillor Shaw advised that this type of development tended to stir up a lot of public interest by nature, however there had been none from the local community and the Town Council had not raised any specific issues. The site was located at edge of an industrial estate and its location was appropriate for this type of location and he moved the recommendation to approve the application.

Councillor Elmer noted that the landscape impact was temporary and structures removable however he wanted to make the point that the consideration of landscape impact was a subjective matter and varied from person to person. The impact was over balanced by the urgent need to reduce carbon associated with energy generation and tackle the biodiversity emergency and this development done both therefore he seconded the recommendation to approve the application.

Councillor Bell reiterated that some solar farms were met with a lot of objections yet this had not been the case however the public did not see the amount of applications coming forward and the loss of arable land. Although these were deemed temporary structures, their lifespan ranged from 30-40 years. He referred to the need to review the County Durham Plan to include a policy to deal with the number of solar farms coming forward. Whilst he had no specific objections, he was concerned about the number of applications coming forward. The Planning Development Manager confirmed that there were a number of schemes at pre-application stage and this was an area of work to be considered as part of the County Plan review. The government and NPPF were supportive of solar energy schemes as they were an important part of the plan to reduce carbon emissions.

Councillor Oliver confirmed that when compared a scheme he was familiar with in Burnhope, this was much smaller with less visual impact. This site was not a view accessed in the same way and so whilst there may be slight visual concern, when balanced with the carbon emergency and need for green energy, he was supportive.

Councillor Shaw advised that the land had formally been subject to 100 years of coal mining with huge impacts on the environment. The impact of solar farms were negligible in comparison and he moved a motion to approve the application which was seconded by Councillor Elmer.

Resolved

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

5e DM/23/02510/FPA - Land South-West of West Farm, Stainton, DL12 8RD

The Committee considered a report of the Senior Planning Officer with regards to construction of a solar farm of circa 16MW, Battery Energy Storage System, and associated infrastructure on Land South of West Farm, Stainton (for copy see file of minutes).

The Senior Planning Officer gave a detailed presentation which included a site location plan, site photographs and a proposed site layout plan.

Councillor Rowlandson addressed the Committee as Local Member and Chair of Stainton and Streatlam Parish Council. The Parish Council had held a meeting to gauge the opinion of over 100 residents in Stainton Village and Stainton Grove. A large proportion of the comments had been in favour of the scheme however those directly affected by development had objected and suggested further planting of mature trees would mitigate the detrimental view from properties. The developer had been keen to suggest this could be done. The community benefit fund was a meagre amount and the developer had suggested that this could be negotiated, yet the Parish Council had not received any further communication. As a County Councillor he was in favour of the scheme as it would assist with one of the biggest employers in the area to mitigate costs and secure the future of largest plant in Barnard Castle.

Ms Lapsey addressed the Committee on behalf of the Applicant and confirmed that the scheme would secure long term renewable energy to a site that incurred significant energy costs. The energy produced by the site would meet 52% of the annual demand. Existing footpaths were protected and a new footpath would provide access to and across the site and link to the wider network. The application offered many benefits and provided 80% real carbon reductions and the reliance on fossil fuels. The scheme also provided a community benefit fund to neighbouring villages and biodiversity improvements. It would continue to support agriculture with the provision for

sheep grazing and the current soil classification would be enhanced through a condition.

In response to a query from Councillor Bell regarding land ownership, the Senior Planning Officer confirmed that the land was owned by the farm with a long-term agreement for all energy produced to be supplied for factory use only. If there was an over provision it would be sleeved to another GSK factory and not directed into the national grid. The direct supply to the factory had been awarded significant weight in the planning balance and therefore was conditioned.

Councillor Martin advised that whilst there was a downside to the application which would impact on the countryside views, it would directly benefit a local organisation that brought economic benefits to County Durham and the immediate area and overall was a positive scheme. He moved the recommendation to approve the application which was seconded by Councillor Shaw.

Councillor Oliver reiterated that the scheme was a different context to the solar farm within his ward, with more generous community benefits and the environmental aspect of the case was crucial and an overwhelming factor in the planning balance.

Resolved

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

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COMMITTEE REPORT

APPLICATION DETAILS

Application No:	DM/24/00957/MIN
Full Application Description:	Development of a pilot Lithium processing plant using groundwater abstracted from existing ground water wells and associated infrastructure
Name of Applicant:	Weardale Lithium Limited
Address:	Site of Former Weardale Works and Quarry, Eastgate, DL13 2LG
Electoral Division:	Weardale Claire Teasdale Principal Planning Officer
Case Officer:	03000 261390 claire.teasdale@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

The Site

1. The 6.96 Hectare (ha) application site is located to the south west of Eastgate and approximately 4km west of Stanhope. Some 300m to the west are the isolated groupings of buildings known as Westernhopeburn with Brotherlee located beyond.
2. The application site comprises land situated both north and south of the River Wear. The greater part of the site is located to the north of the River Wear, and to the south of the Road A689 from which access is gained to this part of the site. This part of the site is elevated above the River Wear and comprises the western part of the former Eastgate Cement Works (also referred to as the Weardale Cement Works) (the Works) and access to it. The Works closed in 2002, was demolished in 2005 and has not yet been redeveloped.
3. To the south of the River Wear the application site includes two existing groundwater abstraction wells, one to the east of Ludwell Farm House (referred to as Borehole 1 (BH1)) and access to it, and one to the west (referred to as Borehole 2 (BH2)). Both sites are located within agricultural grazing fields that gently slope south towards the River Wear. The BH1 and BH2 sites are located to the north of the Road C74, from which access is gained. The road runs parallel to the A689 to the south of the River Wear and joins the A689 at Stanhope to the east and Daddry Shield to the west. The application site also includes a below ground pipeline between BH1 and BH2 along the Road C74. In addition, a pipeline gantry across the River Wear using the former conveyor gantry bridge that previously linked the Eastgate Quarry with the former Weardale Cement Works site is included in the application site and would connect the areas north and south of the River Wear.

4. The former Eastgate Quarry lies some 800m to the south, the former Cambokeels Mine lies to the north of the River Wear and the active Heights Quarry approximately 1km beyond.
5. To the south of the River Wear there are a number of residential properties located along the C74, including Ludwell Farm and Billing Shield, and between the turn off for Stanhope at Hag Bridge and at Westerhopeburn. On the northern part of the application site there are several properties at Eastgate and the Vicarage opposite the site entrance on the Road A689 and Rosewell further west along the A689.
6. BH1 and the access to it lies within the North Pennines National Landscape (NL) formerly the North Pennines Area of Outstanding Natural Beauty (AONB), the names being used interchangeably within this report. The NL designation also lies immediately to the north of the A689 and the site access. The remainder of the site is within an Area of Higher Landscape Value (AHLV) as defined in the County Durham Plan.
7. The entire site is within the former medieval deer park of Stanhope Park which is identified in the County Durham Local List of Historic Parks Gardens and Designed Landscapes.
8. The site lies within the Coalfield Development Low Risk Area, as defined by the Coal Authority. The former Works site lies within a mineral safeguarding area for river sand and gravel as defined in the County Durham Plan.
9. The River Wear is located between the former Works site to the north and BH1 and BH2 to the south. Ludwell Burn flows into the River Wear and is located immediately west of Ludwell Farm buildings. The majority of the site is within Flood Zone 1 (low risk of flooding) with some land on the site of the former Works being within Flood Zone 2 (medium probability of flooding) and Flood Zone 3 (high probability of flooding) including 3a (high probability) and 3b (functional floodplain) Overland flow routes cross the site as identified within the Council's Strategic Flood Risk Assessment (SFRA). The site is also within a groundwater vulnerability area as identified by the Environment Agency and a secondary aquifer.
10. There are no ecological designated sites within or immediately adjacent to the application site. The nearest site of biodiversity interest to the application site lies to the south of the Works and east of the gantry being approximately 400m to the east of the proposed gantry is an area of ancient and semi natural woodland (Hag Bank). An area of ancient replanted woodland (PAWs) is located to the north east of Ludwell Farm and to the east and west of the gantry. In the wider locality there are several Sites of Special Scientific Interest (SSSI) and Special Areas of Conservation (SAC) and one Special Protection Area (SPA). The nearest SSSI is Westernhope Burn Wood which lies approximately 420 metres to the west of the south western most extent of the application site and a further three SSSIs lie within 2km (Fairy Holes Cave SSSI, Muggleswick, Stanhope & Edmundbyers Common and Blanchland Moor SSSI and West Newlandside Meadows SSSI). The North Pennine Moors SPA and the North Pennine Moors SAC and North Pennine Dales Meadows SAC lie within 2km of the application site. Horsley Burn Wood Local Wildlife Site (LWS) is approximately 2km to the south east.
11. There is a Tree Preservation Order (TPO) on a group of three trees to the south of part of the site referred to as Borehole 1 adjacent to the Road C74 to the west of Ludwell Farm. Around the boundary of the property to the north of the Road A689

(The Vicarage) opposite the entrance to the former cement Works is a group of twenty trees subject to a TPO.

12. There are no designated heritage assets within the site. The closest is the Ludwell farmstead comprising three Grade II listed buildings: Ludwell Farmhouse; Barn Range South of Ludwell Farmhouse, and Former House and Byre, with Loose Boxes, South of Ludwell Farmhouse Barn located between BH1 and BH2. To the west of BH1 at Westernhopeburn are Grade II Westernhope Burn East Farmhouse and Westernhopeburn West Farmhouse and Adjoining Outbuilding. Further to the west, along the proposed access route, are the Grade II Listed Emmerson Cottage, The Cottages and Muschamp House to the south of the C74 at Brotherlee. There are Grade II listed buildings at Swinhopeburn (The Cottage and Adjoining Farm Buildings, Outbuilding to the South of Swinhopeburn Farmhouse and Swinhopeburn Court House). Where the C74 meets the A689 is the Grade II listed The Cottage. To the north of Brotherlee and the A689 are listed buildings at New Park House Farm (Grade II listed Outbuilding to south of Park House Farm House, Barn and Stable Range to East of Park House Farmhouse and Milepost about 120 Metre East of Park House Farmhouse. To the east of these is the Grade II listed Field Barn and Wall at Junction of Heights Quarry Road. At Eastgate is the Eastgate Conservation Area within in which are a number of listed buildings including the Grade II Bridge over Rookhope Burn and the Cross Keys Public House. Approximately 2.7km to the west of the application site is Westgate Conservation Area which extends to the south of the River Wear to include properties at East Haswicks to the north of the C74 and amongst other listed buildings include the Grade II Haswick's Bridge over River Wear. The Grade II Fell View Cottage and the Grade II* Westgate Primitive Methodist Chapel (the latter two being to the north of the A689. The Cambokeels medieval site Scheduled Monument lies approximately 420m to the north west of the application site at the closest point. with the Scheduled Monument of Enclosure NW of Old Park House 570m to the north west of it.
13. Footpath No. 18 (Stanhope Parish) runs north south past Ludwell Farm starting at the C74 then continuing eastward along a dismantled railway running parallel with the River Wear under the gantry and onto Eastgate. There are no public rights of way elsewhere within the site.

The Proposal

14. Planning permission is requested for the development of a pilot Lithium processing plant using groundwater abstracted from existing ground water wells and associated infrastructure. It is intended that this demonstration facility would be progressively developed from a research and development continuous flow field trial, to pilot scale demonstration production. This follows previous testing of the groundwater from the existing two boreholes which the application states have confirmed that high levels of Lithium are present in the water.
15. The proposal would require an initial temporary field trials facility to test and refine Lithium extraction methods followed by a pilot plant for a period of up to 15 years on land at the former Works site. Also included in the proposal is the erection of small scale supporting infrastructure (including pumps and buildings) at the two existing ground water boreholes (referred to as Borehole 1 (BH1) and Borehole 2 (BH2)) located to the south of the River Wear. The permanent installation of below ground piping linking the two existing groundwater boreholes (BH1 to be used for abstraction) and BH2 (to be used potentially for reinjection) to an existing 'gantry' (to be upgraded) crossing the River Wear are also proposed. Future proposals are referred to in the application but do not form part of the current planning application.

16. The application has been amended since original submission in response to consultation responses and operational changes to the site layout. Changes made in September 2024 primarily related to the layout and design of the proposed pilot plant and field trials buildings, replacement of a direct outfall with a soakaway. Changes were also made to the structures proposed above the existing BH1 and BH2 sites. No changes were made to the proposed pipeline routeing between these locations and the main former cement works site. In addition, the time period for the duration of the development was altered being reduced from a permanent permission to permission being sought for 15 years for the pilot plant and retained field trials building and removal of buildings and structures on the former Works site only. In December 2024 it was confirmed that all above ground structures would be removed at the end of the development. This would include the removal of all above ground level features at the former cement works site, BH1 and BH2 sites. In addition, the proposed vehicular access to BH1 passing through the trees subject to a TPO was confirmed.
17. The current application is now for temporary development but with permanent planning permission sought for the pipeline routes. Below ground structures would remaining in place and would require further consent for any future use.
18. The application identifies four constituent parts to the proposals.
 1. The existing groundwater abstraction wells (BH1 and BH2).
 2. A new below and above ground pipeline corridor to take water abstracted from the existing wells to the existing gantry over the River Wear.
 3. A pipeline gantry across the River Wear using the former conveyor gantry bridge that previously linked the Eastgate Quarry with the former Weardale Cement Works site.
 4. The construction of a pilot Lithium processing plant on the former Weardale Cement Works site in two phases.

1. Existing groundwater abstraction wells

19. The two existing groundwater abstraction wells, south of the River Wear (BH1 and BH2) were drilled approximately between 14 and 20 years ago at a depth of 995m for BH1 and 420m for BH2, and do not have planning permission for the proposed use. It is proposed that the abstraction wells would be utilised to facilitate the abstraction of Lithium and then their use would cease in line with the timescales for the removal of the above ground structures (i.e. within 15 years of the commencement of use of the pilot plant).

Borehole 1 site

20. BH1 would be used for ground water abstraction. A pump would be installed below ground level within the well. Supporting infrastructure would be installed at the well head comprising electrical and pumping equipment as well as storage of materials necessary to undertake maintenance. A temporary building (measuring 4.5m x 3m x 3.5m) to contain the supporting infrastructure to allow water abstraction and distribution via a new pipeline is proposed over BH1. The building would be sunk thus requiring earthmoving, material would be used on site for landscaping. No car parking is proposed on site, with the access being used for any ad hoc parking.
21. A 4.5m by 3m enclosure would be constructed around the existing headworks at the well. Land around BH1 is enclosed by existing stock proof fencing and a drystone wall which would be retained, with a replacement 1.2m stockproof fence erected long the

western boundary and a new fence gate. In addition, a 2.4m high green welded mesh security fence around the BH1 site is proposed inside of existing stockproof fencing.

22. Planting is proposed within the BH1 area comprising a small area of wet grassland and woodland to the north, broad leaf woodland to the south and native scrub to the west, with scattered trees.

Borehole 2 site

23. The BH2 site would include pumping and water storage facilities to allow the onward movement of groundwater abstracted from BH1 to the former Works. The existing well head would be surrounded by a 3m x 3m enclosure. Condition surveys would be undertaken to evaluate its condition and may include tests to reinject the water back into the ground following the removal of Lithium.
24. Two temporary buildings are proposed. Within one building (measuring 2m x 2m x 3.5m) would be BH2 and its associated housing and the second (measuring 3m x 2.5m x 3.5m) would house a pumping station. Due to the gradient of the BH2 compound and to reduce the visual effect, the proposed pumping station and water storage tank would be partially cut into the existing landform. The excavated material would be used to form an access ramp from the C74 into the BH2 compound, no material would be exported from the site. A retaining wall would be constructed between the proposed BH2 building and internal parking area.
25. The proposed water tank would be double bunded to ensure secondary containment with a 2.4m high green welded mesh fence surrounding it. It would be supported by a concrete slab and provide a laydown space during the construction phase of this part of the site. The areas around the pumping station, existing well head, internal access track and vehicle turning area would be suitably surfaced.
26. The BH2 area is enclosed by a an existing stockproof fence on the north, east and west. An existing drystone wall to the west would be structurally strengthened and new stock proof fencing would be provided to the rest of the perimeter of the BH2 compound. The wider area within the BH2 compound would be landscaped, including species rich grassland, with an area of woodland to the south, and individual tree planting, enclosed within stock proof fencing allowing grazing if required.

2. New below and above ground pipeline corridor

Below ground pipeline between BH1 and BH2

27. It is proposed to install a pipeline trench below ground level to take the abstracted water from BH1, via BH2 where it would be pumped onwards, to the processing plant at the former Works site, removing the need for road vehicles.
28. Two pipes, up to 150mm in diameter would be installed below ground between the BH1 and BH2 compounds within one corridor, one being a backup in the event of failure or blockage. Two route options for the section of the pipeline route between the BH1 compound and the C74 are proposed. One proposed route runs diagonally from the BH1 Compound to the C74 before it would cross the Ludwell Burn. The second route runs directly southwards to join the C74 at an existing farm access gate, before moving eastwards within the highway and its verge before connecting into the BH2 compound. The route to be used would be chosen prior to the commencement of excavation works for the chosen pipeline route. The water pipes would be laid within

the same trench that would carry power and data cabling. Excavated areas within the agricultural fields would have the soil replaced and be revegetated.

3. Pipeline gantry across the River Wear

29. It is proposed that water from the BH2 compound the pipeline route would rejoin the C74 highway for approximately 100m before turning northwards following the alignment of the former conveyor. Between BH2 and the former Works site the pipeline corridor would contain four separate pipes, each up to 150mm in diameter. Two of these pipes would be dedicated to the transportation of water from BH1. The two additional pipes would transport processed water back from the former Works site for reinjection at BH2. In both cases two pipes would be installed for both outbound flow and inbound flow. Due to the changes in topography, as the landform gradually slopes towards the River Wear, the pipeline would be attached to the gantry at existing ground level. The pipework would be attached to the existing concrete piers.
30. The application advises that the gantry is approximately 150m in length with the majority of it being elevated above the existing woodland on the southern bank of the River Wear. The method for attaching the pipework would ensure that limited work would be needed within the woodland below and no tree removal is envisaged. The pipework would be attached via a separate steel truss structure suspended to the side of the piers. Each pipe would be suspended from this above a drip tray, installed as a safety measure to prevent any inadvertent water leaking on the ground or the river below. On the northern side of the river at the former Works site, the pipework would remain above ground for an approximate 200m stretch from the end of the gantry to the field trial and pilot plant facility.

4. Construction of a pilot Lithium processing plant on the former Works site

31. The first phase of the works would be an initial field trials phase to refine the technology used for processing. After this initial period the majority of the field trial equipment would be transferred to the pilot plant facility and used for ongoing supporting research and development into direct Lithium extraction and water treatment.
32. The second phase, following completion of the field trial to confirm its design, would involve the construction of a larger scale pilot plant to process between 10m³ and 350m³ per hour of abstracted ground water.

Phase 1 Field Trials

33. Ground water from the south of the site would be transported by pipe to the northern site and be directed to the proposed research and development on-site continuous flow field trials stage, and then onto the larger scale pilot/development plant when constructed.
34. During the field trials phase there is the potential for the incidental treatment of water and recovery of geothermal heat in that pipes carrying the naturally warm water would heat the buildings within which they are located. The field trial processing facilities would be housed inside a building (18m x 30m x 9.36m in height). Earth works would be undertaken to form the access track, development platform and the water attenuation pond needed in this phase. Localised repair works through the wider site (within the planning application boundary) would take place in order to get to the development area. This phase would also include the formation of field trial building facility incorporating a laboratory facility and site staff welfare facilities; 2 bunded bladder tanks for larger scale water storage; 8 bunded intermediate bulk containers

(IBC) for reagent, chemical and water storage; an infiltration basin, and a 7m wide access road and associated turning head and parking facilities.

35. Following the initial field trial phase a pilot plant would be brought into operation (having been constructed during the field trial phase). The 8 bunded IBC tanks and the 2 bunded bladder tanks would be removed. The field trial building and would be retained alongside the pilot plant for 15 years.

Pilot Processing Plant

36. The application states that the pilot plant would be used for at least 10 years after which point it is anticipated that a much larger full Lithium processing facility would be needed using further land within the former cement works site. However, at this stage planning permission is sought for a temporary 15 year period after which any proposals for a permanent facility would be subject to subsequent planning applications. Should planning permission not be granted then at the end of the 15 year period the site would be cleared of all buildings, other equipment, structures, hardstanding would remain.
37. The pilot plant would house the Lithium extraction technologies that would be used to recover Lithium and other elements from the ground water comprising sodium chloride (salt) which naturally occur in the lithium brine and for which the applicant advises no special handling procedures are required, and two additional buildings would be erected to accommodate this (30m x 30m x 15.36m and 24m x 30m x 15.36m). 2no 20m diameter water storage tanks to be used for reagents, brine, depleted brine, process water, and or wastewater as appropriate for the process would be installed and require minor earthworks for their installation. In addition, 4no 80m³ water storage tanks for holding reagents, brine, depleted brine, process water, and or wastewater as appropriate for the process (in the location of where the of the 2no. bunded bladder tanks were in the field trial phase). Also, during this phase, the vehicle turning head off the internal access would be extended and 10no car parking spaces for staff and visitors would be provided. In addition, concrete laydown and temporary storage areas would be created. The field trials building would be retained during this period.
38. Woodland planting is proposed around the southern side of the pilot plant along with scrub planting which extends to along the eastern boundary. To the north of the access road, understorey planting to existing woodland is proposed along with the creation of areas of open mosaic habitat.

Disposal of water

39. Waste water from the extraction of Lithium would require removal from the site. During the field trials it is estimated that water abstraction from BH1 would typically be at a rate of 1m³ and 2m³ per hour. The pilot plant would have the capability to extract and process water at a rate of between 10m³ and 350m³ per hour. In the unlikely event that the 350m³ abstraction rate was used 24 hours a day for 365 days a year, it would total just over 3 million cubic metres. All of which and any processed brine would be removed from site via road tanker via the A689 with the water taken to a licenced Northumbrian Water facility. During the pilot plant phase reinjection to the ground water well at BH2 may take place.

Lithium production

40. The target estimated target estimated production figures for the field trials phase is 6 tonnes of Lithium Carbonate per annum and 1,000 tonnes during the pilot plant phase.

Working hours

41. Deliveries to and from the site during the construction and operational phases, including the transportation of groundwater and wastewater/excess groundwater from the site, would be undertaken between 08:00 and 18:00 hours Monday to Friday and 08:00 to 13:00 hours on Saturdays with no movements Sundays or Bank and Public Holidays.
42. Once operational Lithium extraction would take place 24 hours per day 7 days a week with the continuous pumping and processing of water and would include abstraction and any reinjection into BH2.
43. Staff would be present on site 24 hours per day 7 days a week, it is likely that the evening hours would be monitored by a skeleton team with the majority of staff being on site during conventional working hours.

Traffic and access

44. Access to the former Works site would be via the existing access onto the Road A689. On the former Works site all vehicles associated with the field trials and pilot plant phase, and construction works, would enter and leave the existing access onto the A689 and turn east (right) or west (left) out of the site. Construction activities for both phases would take approximately 6 months each and it is expected an average of 24 vehicles movements per week (12 in and 12 out) would be generated Monday to Saturday with no working on Sundays, Bank and Public Holidays.
45. The field trials phase would require regular highways movements for staff, deliveries of materials, the dispatch of concentrated Lithium brine and waste process water. These would require larger road going vehicles including water tankers and delivery vehicles (e.g. HGVs and smaller vans). During the field trials phase regular movements are anticipated to be an average of 24 per week (12 in 12 out), excluding staff journeys. During the pilot plant phase daily vehicle movements would increase to an average of 148 per week (74 in 74 out). Vehicle movements would take place Monday to Friday and Saturday mornings.
46. BH1 and BH2 would both be accessed, during the construction and operational phases, from the C74 to the south and turn east (left) out of the site. The C74 runs parallel to the site and leads either east to Stanhope over Hag Bridge or west to Daddry Shield where it meets the A689.
47. BH1 would be accessed via an existing gate from the C74 to the south and turn east (left) out of the site. The track is located between TPO trees. Although an existing access point further west is also identified within the application, that access is currently used by Northern Lithium who has planning permission for the continued exploration to develop the abstraction and re-injection of groundwater for the extraction and processing of Lithium at a pilot scale on land adjacent to the application site.
48. BH2 would be accessed directly from an existing field access onto the Road C74 which would be widened to create a 9.5m wide access road with 5m radius on both sides requiring the realignment of an existing drystone wall to improve visibility. The existing grass verge would be retained and reinstated, removal of an existing tree (not subject to a TPO) may be required in order to create a fully unobstructed visibility splay. A new gate would be installed.

49. Construction activities at BH1 and BH2 are be expected to take approximately 16 weeks at each site. Vehicle movements to and from these locations would be limited to the minimum required and opportunities taken to combine movements where practicable, using the Eastgate site to amalgamate loads. It is expected an average of 26 vehicle movements per week (13 in and 13 out) would be generated. Once operational only maintenance and monitoring visits would be required using cars and small-scale light good vehicles.

Reinstatement

50. Planning permission is sought for 15 years for the proposed pilot Lithium processing plant facility. After which time the buildings and all plant would be removed and the sites reinstated, unless a subsequent planning permission was granted for continued development. Permanent planning permission is sought for the underground pipeline route and gantry.

Employment

51. During the construction phase it is estimated that between 30 to 60 people would be employed at the site. During the fields trials phase is estimated that 10 – 15 people in management, administration, transportation, testing and maintenance roles would be employed increasing to 50 when the pilot plant is at full capacity. It is planned to ultimately be a 24 hour operation with the number of jobs being created increasing as the shifts are added to reach that production level.
52. The application is being reported to Planning Committee as it is major development and to County Committee because it involves major minerals development.

PLANNING HISTORY

Former Weardale Cement Works

53. The former Weardale Cement Works processed the Carboniferous Limestone won at the former Eastgate Quarry located approximately 700m to the south of the Works and the River Wear. Mineral was transported from the quarry via a covered conveyor that crossed the River Wear via a gantry to the Works. A number of planning permissions were granted to control quarrying and the provision and use of buildings and plant at the Works. Planning permission was originally granted for mineral extraction (in an area of the site known as Sector I) and a cement works at Eastgate in 1963. In 1973 planning permission was granted for an extension to the mineral extraction area in an area known as Sector II. In 1977 planning permission was granted for deepening of the quarry within the southern part of Sector I. Planning permission was granted in 1984 for an eastward extension of the quarry in an area known as Dalton Lands. The Periodic Review submission for Eastgate Quarry was made in June 2001 along with an application to extend the Quarry. Following the announcement that the cement works was to close, the application to extend the quarry was withdrawn. The review submission was subsequently approved in 2010, and the site restored with the Works being subsequently demolished.
54. Following the closure announcement the Weardale Task Force was set up to provide a strategic response to the loss of a major employer in the Dale and wider issues of economic decline. Membership of the Task Force consists of the County Council, Wear Valley District Council, OneNorth East, Lafarge and local residents. The

creation of a renewable energy model village on the cement works site was the centre piece of proposals and various leisure and recreation initiatives are also intended together with limited working of the quarry.

55. In July 2010 Planning Permission No. 3/2008/0227 was approved for the development of a renewable energy village and outdoor recreation, learning and attractions consisting of building and engineering works for a mixed use scheme of residential employment, retail (A1) leisure, business units (B1), hotel, and geothermal spa, community uses, open space and associated uses, together with supporting infrastructure and energy generation (roads, paths, cycle ways, cable car, hydroelectric scheme, vertical axis wind turbines, biomass plant, geothermal water extraction and reinjection, public transport, railway station and carparking). Wind turbines and hydroelectric scheme in detail and all other matters reserved except access. The site extended to approximately 350 hectares covering the Works, quarry and land in between and beyond, thus encompassing the entire current planning application site. The renewable energy village proposed on the 15.5 hectares previously occupied by the Works buildings and ancillary operational land. The development was not pursued.
56. Planning Permission No. DM/18/02040/FPA was granted for the change of use of land to caravan park site and associated works on part of the former Works site in May 2022.
57. Tree Preservation Order TPO/0030/2016 - Portland Lodge Eastgate Tree Preservation Order 2016 is in place on a group of twenty trees to the south of the application area adjacent to the Road C74.

Borehole 1

58. Planning Permission No. 3/2004/0568 was granted in August 2004 for the temporary change of use for siting of a drilling rig at Lafarge Cement UK, Weardale Works, Eastgate, Bishop Auckland, County Durham. Referred to as Borehole 1 (BH1). The permission was subject to four planning conditions with Condition 2 specifying the duration of the permission and the requirement for submission of a scheme for the removal of the development and reinstatement of the land. Newcastle University undertook drilling in 2004 with testing in 2006 and fitting out for production in 2010 and further testing also in 2010.
59. Northern Lithium, another company, is undertaking testing in the immediate vicinity of BH1 and has installed two boreholes under permitted development rights (application reference numbers DM/21/03151/PNME, DM/22/00090/PNME, DM/22/01784/PNME and DM/22/02170/PNME) to drill exploration boreholes at Ludwell Farm for the purpose of evaluating the commercial feasibility of extracting Lithium from saline fluids within the granite which includes associated access tracks. Following this Planning Permission No. DM/22/02878/MIN for the Continued exploration to develop the abstraction and re-injection of groundwater for the extraction and processing of Lithium at a pilot scale at Ludwell Farm, Eastgate was approved in May 2023. Application No. DM/24/00898/NMA for a Non-material amendment pursuant to Conditions 5 (Site Management Plan - Partial Discharge) pursuant to Planning Permission No. DM/22/02878/MIN (approved under DM/23/01918/DRC) to increase fence height from 1.2m to 2m was approved in June 2024. This was followed by Planning Permission No. DM/24/00899/VOCMW, approved in October 2024, for the Variation of Condition 10 (External lighting) pursuant to Planning Permission No. DM/22/02878/MIN to allow for temporary lighting.

60. An Enforcement Notice was issued on 23 March 2023 in respect of the alleged engineering operation to create an access and erection of gate over 1m in height at Ludwell. The Notice was subsequently complied with.
61. In January 2023 Tree Preservation Order TPO/292/2022 - Land west of Ludwell Eastgate Tree Preservation Order 2022 was confirmed on a group of three trees to the south of the application area adjacent to the Road C74.

Ludwell Farm

62. At Ludwell Farm there have been a number of permissions for works to the Listed Buildings. Planning Permission No. 3/2008/0555 for the shoring up on the north wall, insertion of steel anchors and underpinning of foundations approved April 2009. Planning Permission No. DM/20/01728/FPA for the conversion of redundant barn to create 1 No residential dwelling approved July 2021. DM/20/01729/LB for the conversion of barn to dwelling approved July 2021. DM/20/01806/LB for the proposed refurbishment and alterations to farmhouse approved July 2021. Planning Application No. DM/22/01644/FPA for the change of use of land, erection of detached two storey garage/workshop including removal of wall, outbuilding and creation of vehicular access and hardstanding and accompanying DM/22/01872/LB were submitted in 2022 and withdrawn in October 2024.

Borehole 2

63. Borehole 2 (BH2) was drilled in 2010 without the benefit of planning permission.

PLANNING POLICY

National Policy

64. The following elements of the National Planning Policy Framework (NPPF) are considered relevant to this proposal.
65. *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.
66. *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.
67. *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.

68. *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.
69. *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.
70. *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.
71. *NPPF Part 15 – Conserving and Enhancing the Natural Environment.* Conserving and enhancing the natural environment. The Planning System should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, geological conservation interests, recognising the wider benefits of ecosystems, minimising the impacts on biodiversity, preventing both new and existing development from contributing to or being put at unacceptable risk from pollution and land stability and remediating contaminated or other degraded land where appropriate.
72. *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.
73. *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>

National Planning Practice Guidance:

74. 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; appropriate assessment; climate change; determining a planning application; flood risk and coastal change; healthy and safe communities; historic environment; land stability; light pollution; minerals; natural environment; noise; open space, sport

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

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

Local Plan Policy:

The County Durham Plan (October 2020)

75. *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.
76. *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.
77. *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.
78. *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.
79. *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.
80. *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).

81. *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.
82. *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.
83. *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.
84. *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.
85. *Policy 38 – North Pennines Area of Outstanding Natural Beauty* – states that the North Pennines Area of Outstanding Natural Beauty (AONB) will be conserved and enhanced. In making decisions on development great weight will be given to conserving landscape and scenic beauty. Major developments will only be permitted in the AONB in exceptional circumstances and where it can be demonstrated to be in the public interest, in accordance with national policy. Any other development in or affecting the AONB will only be permitted where it is not, individually or cumulatively, harmful to its special qualities or statutory purposes. Any development should be designed and managed to the highest environmental standards and have regard to the conservation priorities and desired outcomes of the North Pennines AONB Management Plan and to the guidance given in the North Pennines AONB Planning Guidelines, the North Pennines AONB Building Design Guide and the North Pennines AONB Moorland Tracks and Access Roads Planning Guidance Note as material considerations.
86. *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.

87. *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.
88. *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.
89. *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.
90. *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.
91. *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. 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.
92. *Policy 47 – Sustainable Minerals and Waste Resource Management* – States that the development of a sustainable resource economy in County Durham will be promoted, encouraged and facilitated by encouraging all proposals for mineral extraction to minimise the amount of mineral waste produced in extraction, handling, processing and stockpiling; and to maximise the potential for mineral waste to be used in recycling or on-site restoration and encouraging and permitting the concurrent working of two or more minerals from the same site provided that the operation or restoration of the site is not prejudiced or significantly delayed, the overall proposal remains acceptable and does not have an unacceptable adverse impact on either the environment, human health or the amenity of local communities.
93. *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.

County Durham Minerals and Waste Policies and Allocation Document (July 2024)

94. *Policy MW1 – General Criteria for Considering Minerals and Waste Development* – This policy is permissive towards proposals where it can be demonstrated that they will not result in individual or cumulative unacceptable adverse impacts on human health and the amenity of local communities, the environment of County Durham (including its landscape, biodiversity and geodiversity, historic environment, surface and groundwater, flood risk, the best and most versatile agricultural land and soil resources), the local and strategic road network and public rights of way network, upon climate change, land stability and also aviation safety.
95. *Policy M2 – Mineral Exploration* – This policy states that where required, temporary planning permissions will be granted for exploration to identify mineral resources, without prejudice to the consideration of subsequent planning applications for mineral extraction, provided that the exploration conforms with other relevant policies of the Policies and Allocations document and subject to satisfactory safeguards to ensure that there will be no unacceptable adverse impacts on the environment, human health or the amenity of local communities.
96. *Policy M3 – Benefits of Minerals Extraction* – This policy states that in determining planning applications for minerals extraction, including extensions of time to existing sites to allow full recovery of permitted reserves, great weight will be given to the benefits of mineral extraction.
97. *Policy MW4 – Noise* – This policy seeks to protect the environment and the amenity of local communities, minimise future complaints by requiring the proposed operator, to demonstrate how they propose to minimise, mitigate and whenever possible remove noise emissions at source. The policy is permissive where the operator can demonstrate that noise levels, subject to specific circumstances which may justify some small variation do not give rise to an unacceptable impact at specifically identified noise-sensitive properties and locations. Guidance on noise limits during normal working hours (07:00 to 19:00), during the evening (19:00 to 22:00), during the night time period (22:00 to 07:00), upon tonal and peak noise and noisy short term activities is provided.
98. *Policy MW5 – Air Quality and Dust* – This policy sets out that proposals for mineral and waste development will only be permitted where it can be demonstrated that the proposed development will not have an unacceptable adverse impact either individually or cumulatively on the environment, amenity or human health through 1). The emission of one or more air quality pollutants including those associated with vehicle emissions, and point sources of pollution which would expose people to harmful concentrations of air pollutants and/or have an unacceptable adverse impact

on biodiversity and/or have and unacceptable adverse impact on any Air Quality Management Area within the County and 2). as a result of dust emissions from dust from dust generating activities from within a site upon residential properties and other dust sensitive land uses.

99. *Policy MW7 – Traffic and Transport* – This policy sets out that the transport implications of proposals of must be assessed through the use of a transport assessment or a transport statement. That the Council will seek to maximise the use of sustainable forms of transport, where opportunities exist and are practicable and economic including the scope for the movement of minerals by rail from existing and new transport infrastructure and changing transport technologies. That proposals will be permitted where it can be demonstrated that: they provide safe and suitable access for all employees and visitors which optimises where practicable the use of public transport, walking and cycling; and that vehicular traffic generated by the proposed development does not have an unacceptable adverse impact on highway safety on the strategic or local road network. It also addresses the use of planning conditions, obligations or legal agreements including in relation to the number of lorry movements, their operating hours and routeing, highways improvements and maintenance, the prevention of dust and dirt onto the public highway.

100. *Policy M14 – Vein Minerals, Metalliferous minerals, Lithium and Silica Sand* – The policy supports proposals for the extraction of Lithium appropriate locations which do not result in unacceptable adverse impacts on the environment, human health or upon the amenity of local communities will be permitted in accordance with Policy MW1 and other relevant M&WDPD policies. It requires that regard will be given to the consideration and acceptability of impacts upon protected landscapes, internationally, nationally, and locally protected sites and protected species, conservation areas and other heritage assets and adverse impacts on tourism and upon amenity. The Policy requires consideration of matters including whether the proposal provides for the extraction of a steady and adequate supply of industrial or other minerals which are essential to help maintain national supply and/or meet net zero carbon ambitions. Requires that great weight is to be given to the benefits of extraction and significant weight will be given to proposals which provide the feedstock for downstream industries which support economic growth and provide local employment. It recognises that Lithium is a novel form of mineral extraction, and a phased risk-based approach will be required. It requires that proposals are permitted in accordance with an overall agreed scheme and where specific criteria apply relating to an agreeable scheme being agreed, the development would be located and operated to minimise both unacceptable environmental and amenity impacts and provide any necessary mitigation and enhancements, and that the planning application is accompanied by a scheme of restoration, after use and aftercare, decommissioning and removal of well sites, site infrastructure and ancillary development with relevant matters being secured through planning conditions and where necessary planning obligations or other legal agreements.

101. *Policy MW20 – Mineral Site Restoration, Landfill and Landraise* – This policy set out that proposals must include a high quality scheme for the restoration, after-use and aftercare for the site. Proposals will be permitted where it can be demonstrated that they: deliver high quality restoration appropriate to the site and its surroundings; minimise harm to acceptable levels and are carried out at the earliest opportunity and are progressive in nature where this can reduce impacts; are designed to mitigate the effects of the development in that location and provide appropriate environmental enhancements (including where appropriate (deliver climate change adaptation and mitigation measures; provide benefits to geodiversity; enhance the character and distinctiveness of the local landscape; enhance or reveal the significance of heritage

assets, historic character and the archaeology of the site; provide improved public access and recreation and assist in the delivery of all relevant plans and strategies); deliver a minimum 10% net gain to biodiversity; provide for the aftercare of the site; make best use of onsite materials for restoration purposes; and are feasible in technical and financial terms and the operator is capable of, and committed to, their delivery.

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

Supplementary Planning Documents

102. 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.
103. 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.

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

Neighbourhood Plan:

104. There is no Neighbourhood Plan for this area.

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

CONSULTATION AND PUBLICITY RESPONSES

Statutory Consultee Responses:

105. *Highways Authority* – raise no objection considering that from a Highways perspective, this proposal is acceptable. The proposed uses would generate very little traffic and so the impact on the local road network would be negligible. During the field trials, a maximum of 12 HGV movements per week would occur. For the pilot plant, this would be up to 74 HGV movements per week. This would mean a maximum average of around 15 HGVs per day. This low level of vehicle movements means that it is not considered that the application would not be prejudicial to road safety or have a severe impact as per the test of NPPF Paragraph 116. Having considered additional information in respect of the proposed access to and from BH1, the Local Highway Authority advise it has no further comments to make over and above those already submitted.
106. *Natural England* – has no objection and considers that the proposed development would not have significant adverse impacts on nationally and internationally designated sites. Natural England states that a lack of objection does not mean that there are no significant environmental impacts. Natural England advises that all environmental impacts and opportunities are fully considered, and relevant local

bodies are consulted. It is noted that the proposed development is for a site within or close to a nationally designated landscape (the North Pennines National Landscape defined in legislation as an Area of Outstanding Natural Beauty). Natural England considers that the impacts on the nationally designated landscape and the delivery of its statutory purpose to conserve and enhance the area's natural beauty can be determined locally by the local planning authority with advice from relevant advisors. Advice is also provided on other natural environment issues. This includes advice 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.

107. With regard to European Sites (the North Pennine Moors SAC, North Pennine Dale Meadows SAC, and Moor House – Upper Tees) Natural England considers that the proposed development would not have likely significant effects. 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. In addition, Natural England considers that the proposed development would not damage or destroy the interest features for which the following sites have been notified and has no objection. These being Fairy Holes Cave Site of Special Scientific Interest (SSSI), Westerhope Burn Wood SSSI, Bollihope, Pikestone, Eggleston & Woodland Fells SSSI, Muggleswick, Stanhope & Edmundbyers Commons & Blanchard Moors SSSI and West Newlandside Meadows SSSI.
108. *The North Pennines National Landscape Team (formerly the AONB Partnership)* – raise no objection following the change to the main building design which addresses its earlier concerns, and the bore hole sites should accommodate better into setting, notwithstanding them being 'new' structures in the landscape. The accompanying lighting plan is noted, unnatural lighting being a significant matter for the National Landscape and its hinterland as it has the darkest night skies of any similarly designated mainland area. Assuming light spill from within buildings is also considered and addressed (especially with regard to the glazing and roof lights of the main building) and the design follows guidance provided, there should be no significant negative impact on the National Landscape. The guidance includes that lighting should be used where needed and when needed; angle lights downward – so there is no unnecessary light above or near the horizontal; lamps of 500 lumens and less are appropriate for most domestic purposes; all lights should have a colour temperature less than 3000K as a default specification; point where the light is needed; switch lights off when not needed. Use proximity sensors. Avoid dusk-till-dawn sensors; light to the appropriate illuminance – do not over light needlessly; Install at the lowest possible height to achieve lighting levels and avoid bright white and cooler temperature LEDs.
109. *Environment Agency* – raises no objection and considers the proposed development would be acceptable subject to conditions. The conditions require the submission of a construction environment management plan; submission of a borehole construction and decommissioning scheme; controls relating to above ground for the storage of oils, fuels, chemicals; pollution prevention; submission of the design of underground pipework, and submission of a scheme to dispose of foul drainage. In addition, advice is given to the applicant and the local planning authority in respect of groundwater, pre-abstraction licence groundwater investigation consents, ecology, silt, concreting, outfalls, angling interests, environmental permit, surface water quality considerations and permits, environmental permit (non-mains drainage) and waste permits. The Environment Agency previously objected in relation to unacceptable flood risk assessment and impacts on a flood defence. These matters were addressed through

the submission of additional information and the imposition of the aforementioned conditions and the objections in relation to flood risk and impacts on a flood defence were withdrawn.

110. *Lead Local Flood Authority (Drainage and Coastal Protection)* – raise no objection and confirm approval of the surface water management for the development.
111. *Northumbrian Water* – raises no objection. It is noted that the latest Drainage Strategy confirms that there would be no immediate connection to the mains sewer network for either foul or surface water. It is noted that a future Phase 3 stage of development may require foul mains connection and at that stage Northumbrian Water advise the applicant to make contact with its sewer adoptions team to progress options. Northumbrian Water originally recommended a condition be used to seek an approved drainage strategy before development commences. However, advise they are now satisfied that this condition no longer needs to be applied to the scheme and defer to the LLFA on the management of surface water discharge. Additional advice in respect of foul drainage and water resources is provided. Northumbrian Water manage two groundwater sources approximately 11km and 16km northwest of the proposed development site. These are at a higher elevation and is satisfied that there would be no impact to them. Northumbrian Water also has surface water abstraction sites approximately 10km upstream and 65km downstream of the proposed development site. As the statutorily responsible body for abstraction Northumbrian Water advise that they defer to the Environment Agency to ensure that strict control measures are imposed to protect existing abstraction sites.

Internal Consultee Responses:

112. *Spatial Policy* – has raised no objections outlining relevant extant policies of the statutory development plan (County Durham Plan and County Durham Minerals and Waste Policies and Allocation Document), relevant material considerations, including key NPPF paragraphs and key messages from both the UK Critical Minerals Strategy (2022) and UK Battery Strategy (2023).
113. *Landscape* – following revisions to the proposed buildings, Officers raise no objection advising that the revised details address concerns previously raised. Officers also consider that details relating to the proposed access to and from BH1 reflect discussions and address concerns raised over vehicle dimensions. Officers recommend the submission of an Arboricultural Method Statement (AMS) prior to commencement of development to cover the routing and installation of pipework from the borehole to the highway and along the highway and protection of trees from damage during demolition and construction. The AMS would also need to cover tree pruning, protection and tree-friendly design and construction at the western access.
114. *Ecology* – raise no objection on Ecology grounds following the submission of information to address previous comments made and subject to conditions requiring the submission of a detailed lighting strategy and requirement to carryout ecological mitigation. In addition, it is recommended that the type and amount of habitat creation, retention and enhancement and in order to achieve a minimum 10% Net Gain, be appropriately secured by planning obligation which should include a detailed Habitat Management and Monitoring Plan.
115. *Design & Conservation* – raise no objection. Concerns had been raised initially regarding the proposed design of the buildings. The shift in design approach from overtly contemporary buildings to a contemporary agricultural vernacular is extremely welcome. This has resulted in an increase in scale and massing, but this appears to

allow for the scaling up of operations as well as addressing previously expressed design concerns. The revised designs have been considered in relation to their impact on the setting of designated and non-designated heritage assets identified in the submitted heritage assessment and whilst there will be changes to setting these are not considered to be harmful. The buildings will read as modern additions to the agricultural and industrial landscape which has been subject to constant change for centuries. Subject to control of materials and finishes either by submission of samples prior to determination or by condition there is no further design objection to this proposal.

116. *Archaeology* – raise no objection. It is noted that monitoring undertaken in association with the Northern Lithium application encountered little of archaeological significance. The excavation required for the proposed pipeline would involve only minor ground disturbance with much of the route aligning with the bed of the former conveyor belt serving the cement works. Consequently, no archaeological investigations are required for this element of the proposal. The site north of the River Wear lies completely within the heavily developed area of the former cement works and any archaeological features that may once have existed there will have been removed. Thus, no archaeological investigations are required for this element of the proposal. To the west at the former Works site and outside of the current application boundary which has not previously been developed is identified as of possible interest and would require investigation should future proposals be submitted for its development.
117. *Environment, Health & Consumer Protection (Air Quality)* – raise no objection. Officers note that no assessment of construction phase dust impacts on local air quality and amenity, or a Dust Management Plan, appear to have been submitted. However, the quoted level of generation in the Transport Statement would appear to be well below the trigger criteria for a detailed assessment set out in the guidance. The site would be a temporary source of dust during its construction phase, when dust and particulate emissions are generated during abrasive construction activities, with the potential to deposit dust beyond the site boundary, soiling nearby property, and increasing public exposure to short-term concentrations of PM10. Evidence that fugitive construction dust and particulate emissions from the construction of the proposed development would not have a significant effect on amenity and human health; and a proposed Dust Management Plan, detailing the control measures to be employed on site to prevent or minimise dust and particulate matter emissions during construction should be submitted. The agreed Dust Management Plan would then be conditioned, should permission for the proposals be granted. Officers have since confirmed that these matters could be covered by condition.
118. *Environment, Health and Consumer Protection (Nuisance Action)* – raise no objections to the proposals, subject to conditions. It is noted that a noise impact assessment has been submitted and consider that the information submitted demonstrates that the application complies with the thresholds stated within the Council's Technical Advice Notes (TANS). This would indicate that the development would not lead to an adverse impact. Granting of planning permission for the development may potentially result in a statutory nuisance being created from noise from acoustic features such as tonality, impulsivity, and intermittency. However, a planning condition sufficient to mitigate the potential of a statutory nuisance is recommended and if affixed would remove an objection to the development. Officers agree with the findings of the Lighting Statement in terms of strategies and approach to lighting in and around the proposed Lithium Project. Officers recommend the submission of a more detailed lighting scheme at a future stage of the application and consider that this can be conditioned. A construction management plan is also recommended based on criteria relating to working hours and use of the best practicable means to minimise noise, vibration, light

and dust nuisance or disturbance to local residents resulting from construction/demolition site operations.

119. *Environment, Health & Consumer Protection (Contaminated Land)* – raise no objection subject to conditions requiring further site investigation and an informative should unforeseen contamination be encountered.
120. *Access & Rights of Way* – have no objection to the proposal as long as works do not affect Public Footpath No. 18 (Stanhope Parish). Officers advise that Public Footpath No. 18 (Stanhope Parish) may be affected by the proposed pipeline from and to the boreholes. Installation of the pipeline along the adopted highway may affect access to the footpath at Ludwell. If access could be maintained during the installation, with use of a banksman Officers would consider that acceptable, otherwise a temporary closure will need to be applied for. As the pipeline would be using the existing overhead gantry to cross the River Wear and the line of the footpath Officers would anticipate that this would not be an issue and not require any closure.
121. *Business Durham* – offers its full support to the proposed development. It is noted that Weardale Lithium are proposing to establish a pilot Lithium processing plant, utilising ground water from existing ground water wells on the former Weardale Works & Quarry in Eastgate, County Durham. The pilot plant is part of the company's wider development aspirations which will bring forward a demonstration plant and lead to wider scale production in the area. Lithium is a critical raw material utilised in the production of electric vehicle batteries. To accelerate the adoption of electric vehicles and meet net-zero targets, the UK needs to secure a supply of Lithium as there is currently no commercial Lithium production or refining in the UK or Europe. The team at Weardale Lithium secured grant funding to trial the effectiveness of Lithium extraction, which have proven to be successful. The project would mark a significant milestone to advance an integrated battery-supply chain industrial hub in County Durham. Business Durham is the business support service for Durham County Council, helping to deliver more and better jobs and a strong competitive economy in the county. Business Durham has been in discussions with Weardale Lithium regarding the opportunities to support local economic growth through supply chain activity and contributing to Durham's decarbonisation targets and that of the wider North East. The proposal would seek to bring employment land back into purposeful use and lead to the creation of 50 new jobs, positively impacting upon the local rural community.

Public Responses:

122. Prior to formal submission the applicant undertook a range of public involvement initiatives including a flyer sent to approximately 500 neighbours, website, an in-person community exhibition and meeting with Stanhope Parish Council, to ensure that the proposals were promoted, and all local residents, businesses and other stakeholders including Councillors had an opportunity to comment on the evolving scheme. A statement of community engagement has been submitted with the application detailing the consultation undertaken.
123. The application has been publicised by the Council by way of press notice, site notice and individual notification letters sent to neighbouring properties. A reconsultation took place following the change in design of the proposed buildings and other matters in September 2024 and in January 2025 (details received in December 2024).
124. 12 representations in total have been received, 1 objection, 7 support and 4 representations.

Objection

125. *Northern Lithium* objects to the application and has submitted 3 letters of objection to the proposal, 1 was sent when the application was submitted and the second and third as a result of the reconsultation. The matters raised are summarised below.
126. The matters raised mainly relate to the close proximity of the proposed development and the permitted Northern Lithium development and potential impacts, queries regarding the proposed development and the application are also raised. It is stated that Weardale Lithium has not consulted Northern Lithium about its development proposals. Northern Lithium states that it has legal rights in respect of mineral rights, mineral working rights and surface access rights over land relating to BH1 and BH2 as well as the proposed pipeline between BH1 and BH2, but no notice has been served on the company. The lack of consultation is said to create fundamental issues for Northern Lithium in terms of being unable, with certainty, to implement fully its current planning permission. Concerns are raised regarding the potential impact of the proposed pipeline from BH1 to BH2 upon the integrity of Northern Lithium's boreholes and reassurances are requested that the proposed development would not impact upon them. It is considered that there has been a failure to acknowledge Northern Lithium's activities and extant planning permission within the planning application.
127. A number of observations are made on the current planning application. These include a request to see the Screening Opinion under the Town and County Planning (Environmental Impact Assessment) Regulations 2017 (as amended) issued by the Council at the pre-application stage and that the advice contrasts with Northern Lithium's experiences. Queries are raised regarding the application area, fee, application forms and certificates, that responses to the application form are contradictory, that the consultation response from the Council's Archaeologist does not require any work to be done contrary to the view taken to its application. Comments are made regarding the duration of the proposed development that permanent planning permission cannot be given for minerals development. Comments are made regarding the planning position of BH1 and BH2 and proposed use along with queries regarding the access to BH1 and again the potential impact upon Northern Lithium's development should the C74 need to be closed to install the proposed pipework, impact of additional vehicle movements and the construction of building over BH1 is questioned when it is stated that this would impede periodic walkovers. It is stated that Northern Lithium is the only company that has planning permission to drill a series of abstraction wells at Ludwell, that it has secured significant mineral rights centred at Ludwell, exclusive surface rights at Ludwell, extracted significant quantities of battery-grade Lithium carbonate, at industrial scale production facilities, from Northern Pennine Orefield saline brines and contributed to the minerals local plan process.
128. In response to the September 2024 reconsultation, Northern Lithium considers that their initial comments have not been addressed in relation to the ownership and rights of access, requests not complied with and missing assessment. Northern Lithium considers that because their permitted activities and legal interest in land and minerals are not mentioned in the current planning application, it believes that there is a high potential for the Planning Authority, statutory consultees and interested parties to be misled and the application not to have been given proper scrutiny. A number of comments previously made are reiterated. It is noted that a temporary planning permission is now requested for the pilot plant, but that permanent planning permission is still requested for the pipeline route and BH1 and BH2 which Northern Lithium considers to be fundamentally wrong in planning terms and an end date should

be imposed. Comments are also made regarding vehicle movements and the capacity of the C74 given the restrictions that were imposed on its planning permission.

129. Further comments were submitted in December 2024 in response to the applicant's response to Northern Lithium's concerns. Northern Lithium advise of their continued objections and observations regarding the application and is of the view that a number of matters they have raised have not been addressed. Furthermore, it is considered that there is a high potential for the Planning Authority, statutory consultees and interested parties to be misled and the application not to have been given proper scrutiny. Northern Lithium has concerns that their operations could be prejudiced but wishes to work with the Planning Authority and the applicant to resolve matters to the mutual benefit of all. Issues raised relate to matters of ownership and rights of access, request for a copy of the Screening Opinion has not been provided, lack of information in the application or assessment in respect citing the permission end date, construction traffic management plan and duration of the closure of the C74, queries regarding BNG. A request for a meeting with the Planning Authority is requested before determination of the application. This was offered but has not been taken up.

Support

130. The grounds of support raised in relation to the application are summarised below. 2 are from local residents. 4 are from local businesses (Westernhope Limited, Eastgate and Billingshield Farm Limited who neighbour the land upon which the application is made, and EcoPark Limited landowner of the former Eastgate Cement works site). A letter of support has also been received from Newcastle University.

- General support for the proposal.
- Frustration with Government policy on net zero and the view that it means that project can never go from pilot to production in the UK and encourages the Council to approve the proposals.
- To reduce local CO₂ emissions, it is suggested that the employees are accommodated and or fed locally.
- View expressed that the proposal would play a key part in the redevelopment of the former Eastgate Works with the supporters' vision for the site being to deliver local employment opportunities, including higher-value skilled jobs, without compromising the amenity value of the area.
- The project would utilise an existing brownfield site, with a design scheme sympathetic to the local landscape.
- The proposals for piping brines rather than relying on road haulage delivers a scheme which would not add significant road traffic movements and reduces carbon emissions as a result.
- Production of Lithium from the site offers the opportunity for integration into the most environmentally friendly and efficient method of battery production in the UK, with the proposed Lithium processing plants in Teesside and the battery production plant in Sunderland.
- The redevelopment of the site is in line with the national and local planning policy framework and considerable thought has been given to a scheme which delivers employment without undue impact on the locality.
- The widespread electrification of systems, processes and products is an inescapable requirement, if we are to meet the UK's legal target of becoming a net zero greenhouse gas producer by 2050. There are more immediate activities required to hit the transport Zero Emission mandates for 2030 and 2035.
- Amongst the most pressing electrification needs is to improve battery technology, develop greener manufacturing processes, create more energy from net zero technologies, and making sure our workforce can deliver these changes. Nissan have

announced full 3 model EV production by 2030, the home of the iconic LEAF which made the Sunderland plant the largest manufacturer and exporter of electric vehicles in the UK. The location for the UK's only working battery gigafactories and emerging materials supply chain, including mining and processing the North East of England is at the centre of this electrical revolution.

- Newcastle University actually sunk the original bore hole in Eastgate and are currently working with Weardale Lithium to support their plans. The combined assets and knowledge of the regions universities combined with the Centre for Process Innovation (CPI) unites large laboratory assets with a range of activity from fundamental research to scale-up, that we believe is unique in the UK. This when taken together with regional assets straddling planned Lithium extraction, processing, cell manufacture, pack manufacture, recycling, thermal, skills, battery safety and training will make the North East as a region quite unique not only in the UK but Europe and possibly the world. Actual Lithium production would produce a genuine full ecosystem which the author is sure would attract investment.

Representations

131. 2 representations have been received from the two landowners of land which has been included in the planning boundary, this being the access to BH1. It is stated that they have no objections to the proposed use of the applicant's property or land upon which they have an agreement but is stated that the application also includes an access to Borehole 1, and installation of pipelines to carry Lithium brines for processing across their farmland. It is stated that currently there are no rights or agreements in place to facilitate such works and as such would be trespassing and causing wilful damage by attempting to fulfil the construction in the application. Comments are also made regarding the proposed underground pipes and potential impact upon of their installation upon the landowners' property and potential need to excavate within the highway with road closures.
132. A further representation from one of the above landowners in response to confirmation from the applicant of the access to BH1 that would be used has been received. This states that the proposed access would involve pruning trees which are subject to a TPO and are within his land for which there is no authority to undertake any tree works or to install pipelines across his land. The makeup of the proposed 50 jobs to be created is queried.
133. 1 representation has been received from a local resident living 1.5 miles east of the former Cement Works site with no access to mains water and dependent on water drawn from a 60 metres deep borehole. It is queried if significant quantities of water from the geological strata under Weardale lead to a fall in the water table would have a detrimental effect on his domestic water supply. It is also queried if there would be any change to the quality of water from the domestic borehole and in the event of a detrimental effect if he would be offered a viable alternative supply.

Elected Members

134. No representations have been received.

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

Background

135. 2025 marks 20 years since the demolition of the cement works at Eastgate were undertaken. Since that time the site has become a vacant unused derelict brownfield site with its significant Regeneration and Redevelopment potential unrealised for the benefit of the Weardale/North East community.

Regeneration Proposal

136. The Weardale Lithium application represents a significant opportunity for the Regeneration of the Eastgate site with the development of a local high technology treatment facility to process lithium brine mineral resources found in deep groundwaters within Weardale. This will bring the former cement works site back into sustainable use for the benefit of the emerging Renewable Energy Industry in the North East.
137. The scheme will deliver significant economic investment and jobs directly into Weardale as well as supporting long term growth and development aspirations for the battery industry more widely within the North East region and the UK.
138. The proposed scheme has sought to minimise the footprint of the development by using as much existing infrastructure already present within Weardale to bring forward the UK's first commercial scale-up extraction and processing of lithium from ground waters. This includes using the former cement works site, alongside the existing commercial grade ground water abstraction wells that have been in place for several years.

Benefits to Weardale & North East

139. The application has demonstrated that it has been designed to the highest standards reflecting the need to set the tone for this new type of development on the cement works site as well as within the wider sensitive Weardale landscape. The scheme has sought to employ high quality landscaping that exceeds a 10% net gain for biodiversity creating a good quality sustainable landscape setting for the new technology park which integrates well with the existing living upland setting of Weardale is a high priority.
140. It's important to note that from the beginning of the Eastgate project, even in the Field Trials phase, Weardale Lithium are going to produce battery grade Lithium Carbonate. This is a saleable end-product that can be directly used by the manufacturers of cathode active material, a core component of battery manufacture.
141. Most project developers in the lithium sector are only targeting production of lithium chloride in their first phase of test production. A lithium chloride product requires further processing and refinement into something that is saleable to the battery manufacturers.
142. The thorough technical assessments that accompanied the submission have examined in detail the relevant potential effects of the proposal upon the site and its surroundings. These assessments have been scrutinised by the council and statutory consultees, all of which have raised no objection.

Community Engagement

143. The community engagement undertaken in the preparation of the application demonstrated that there is overwhelming local public support for this project. That support has recognised the unique opportunity the abstraction and processing of lithium can have in acting as a catalyst for redevelopment of the former cement works site.
144. This application is a result of significant financial investment and technological progress as well as over two years of preparation and dialogue with the relevant specialist officers at the Council; it has sought to comprehensively address the comments that have been raised throughout that process.

Way Forward

145. The regeneration of the Eastgate cement works site that will be achieved through this application has the potential to have a significant positive impact upon Weardale and the wider region. The proposals have strong public support and have demonstrated that it will not result in any unacceptable environmental impacts.

PLANNING CONSIDERATIONS AND ASSESSMENT

146. Section 38(6) of the Planning and Compulsory Purchase Act 2004 sets out that if regard is to be had to the development plan, decisions should be made in accordance with the development plan unless material considerations indicate otherwise. In accordance with advice within the National Planning Policy Framework (NPPF), the policies contained therein are material considerations that should be taken into account in decision making. Other material considerations include representations received. In this context, it is considered that the main planning issues in this instance relate to: the principle of the development, layout and design, residential amenity (noise, air quality and dust, lighting, odour, vehicle movements and visual impact), landscape and visual impact and development within the North Pennines NL, biodiversity interests, access and traffic, flooding, drainage and water resources, recreational amenity, cultural heritage, agricultural land quality and use, contamination and land stability, coal mining risk and mineral safeguarding, cumulative impact, climate change and other matters.

Principle of development

147. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF is a material planning consideration. The County Durham Plan (CDP) and the policies of the County Durham Minerals and Waste Policies and Allocations Document (M&WDPD) comprise the statutory development plan and are the starting point for determining applications as set out in the Planning Act and reinforced at Paragraph 12 of the NPPF. The CDP was adopted in October 2020 and provides the policy framework for the County up until 2035. The M&WDPD was adopted in July 2024 and is also intended to cover the period to 2035.
148. 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.

149. In light of the adoption of the CDP and the M&WDPD, the Council has an up-to-date development plan and 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.
150. The application site extends to 6.96 ha that includes three linked parcels of land with the greater part located upon the former Eastgate Cement Works site which closed in 2002, demolished in 2005 and is yet to be developed and therefore comprises previously developed land. The proposal is for the development of a pilot Lithium processing plant using groundwater abstracted from existing ground water wells and associated infrastructure. It is intended that this demonstration facility would be progressively developed from a research and development field trial to pilot scale demonstration production. The application documentation also refers to two subsequent phases which are not included in this planning application: a Demonstration Plant (phase 2) and Production and Business Park (phase 3) should the development prove to be successful.
151. The key policies for determining the principle of this application are CDP Policies 10, 38 and 39 given the location of the proposed development and M&WDPD Policies MW1, M3 and M14. M&WDPD Policy MW1 sets out general criteria for considering minerals and waste development and the matters raised within the Policy are addressed in this report.
152. CDP Policy 10 states that 'development in the countryside will not be permitted unless allowed for by specific policies in the Plan', footnote 54 states these include all applicable policies relating to minerals development.
153. CDP Policy 10 also requires applications to be considered in relation to 'General Design Principles for all Development in the Countryside'. The Policy states that new development in the countryside must not (l) 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, (m) result in the merging or coalescence of neighbouring settlements, (n) contribute to ribbon development, (o) impact adversely upon the setting, townscape qualities, including important vistas, or form of a settlement which cannot be adequately mitigated or compensated for, (p) 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, (q) be prejudicial to highway, water or railway safety; and (r) impact adversely upon residential or general amenity. Development must also (t) minimise vulnerability and

provide resilience to impacts arising from climate change, including but not limited to, flooding; and (t) where applicable, maximise the effective use of previously developed (brownfield) land providing it is not of high environmental value.

154. Given the nature and location of the proposed development, relevant criterion in this instance are considered to be l), o), q), r), s) and t). These matters are considered within relevant sections of this report.
155. 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. As a result, criterion m and n of CDP Policy 10 are not considered to be relevant.
156. Having regard to CDP Policy 10 criterion t), the northern part of the application site has been subject to several planning permissions since the closure of the former cement works. The most significant of which being for a renewable energy village in 2010 which has now lapsed, but whilst having been cleared, the site has not been redeveloped or restored. The proposal in combination with subsequent phases would provide an opportunity to restore this derelict linear site, making effective use of previously developed (brownfield), whilst potentially appearing to also help to mitigate adverse landscape and visual impacts through the proposed site layout, design, and siting of buildings in combination with the proposed green infrastructure/ landscaping separating the development plots. However, this application is being considered for the first phase only.
157. CDP Policy 47 (Sustainable Minerals and Waste Resource Management) states that the development of a sustainable resource economy in County Durham will be promoted, encouraged and facilitated by encouraging all proposals for mineral extraction to minimise the amount of mineral waste produced in extraction, handling, processing and stockpiling; and to maximise the potential for mineral waste to be used in recycling or on-site restoration and encouraging and permitting the concurrent working of two or more minerals from the same site provided that the operation or restoration of the site is not prejudiced or significantly delayed, the overall proposal remains acceptable and does not have an unacceptable adverse impact on either the environment, human health or the amenity of local communities.
158. Whilst CDP Policy 47 seeks to promote the development of a sustainable resource economy in County Durham and the extraction and processing of Lithium to be used for Electric Vehicle battery manufacture is in line with the aim of the Policy, although none of the Policy's provisions provide a basis for decision making for this planning application. It is noted that the supporting CDP text in respect of the Policy recognises that: 'minerals are a finite natural resource and can only be worked where they are found'; and 'in order to support their sustainable management and long term conservation it is essential to make best use of them through: providing for a steady and adequate supply of minerals including aggregates and industrial minerals to provide the infrastructure, buildings, energy and goods that the country needs.' Similarly, none of the strategic minerals policies within the CDP are directly relevant to the minerals element of the proposal.
159. M&WDPD Policy M2 relates to mineral exploration and states that temporary planning permissions will be granted for exploration to identify mineral resources. The applicant advises that work undertaken to date has proven that direct Lithium extraction can be undertaken. Data used to confirm this and the technology to be used is considered to be highly commercially confidential and does not form part of the application. The proposals are in two stages, field trial and then pilot plant. The aim of the field trial is

to demonstrate that this technology can be used for production from a small scale continuous flow field trial facility. It would then be scaled up to a demonstration pilot plant. The applicant advises that the mineral resource has been explored and appraised as a result of the testing work that have been undertaken at various stages since the installation of the boreholes. This appraisal phase would continue as the proposals seeks to demonstrate that battery grade lithium carbonate can be produced at both the field trial and pilot plant scale of treatment plant. Any production of lithium carbonate would be used to establish a plan for a larger scale commercial plant. It would also be used to establish a market for Weardale lithium carbonate.

160. The proposals are in two stages, field trial and then pilot plant. The aim of the field trial would be to demonstrate that this technology could be used for production from a small scale continuous flow field trial facility at Eastgate. It would then be scaled up to a demonstration pilot plant at Eastgate. The mineral resource has been explored and appraised as a result of the testing work that have been undertaken at various stages since the installation of the boreholes. This appraisal phase would continue as the proposals seeks to demonstrate that battery grade lithium carbonate can be produced at both the field trial and pilot plant scale of treatment plant. Any production of lithium carbonate would be used to establish a plan for a larger scale commercial plant. According to the applicant it would also be used to establish a market for Weardale lithium carbonate.
161. Given that resources have been proven and further appraisal is required in order to gear up to commercial scale production it is considered that M&WDPD Policy M2 is not the appropriate policy for assessing the proposed development and M&WDPD Policy M14 is appropriate.
162. M&WDPD Policy M3 states that in determining planning applications for minerals extraction, including extensions of time to existing sites to allow full recovery of permitted reserves, great weight will be given to the benefits of mineral extraction.
163. M&WDPD Policy M14 provides the basis for the determination of planning applications for Lithium extraction, amongst other minerals. It is intended that Policy M14 would be applicable following exploration and appraisal activities. The Policy permits such developments in appropriate locations which do not result in unacceptable adverse impacts on the environment, human health or upon the amenity of local communities will be permitted in accordance with Policy MW1 and other relevant M&WDPD and CDP Policies. The Policy recognises that given the location of these mineral resources, particular regard will be given to the consideration and acceptability of impacts upon protected landscapes, internationally, nationally, and locally protected sites and protected species, conservation areas and other heritage assets and adverse impacts on tourism and upon amenity. These are matters which are considered within this report.
164. Furthermore, M&WDPD Policy M14 (1) requires that Council carefully consider whether the proposal provides for the extraction of a steady and adequate supply of industrial or other minerals which are essential to help maintain national supply and/or meet net zero carbon ambitions. Great weight in the planning balance will be given to the benefits of their extraction in accordance with Policy M3 and significant weight will be given to proposals which provide the feedstock for downstream industries which support economic growth and provide local employment. Given the lack of Lithium extraction in the County (with the exception of explorations works being undertaken by Northern Lithium), as well as in the UK, the production of Lithium would help create and maintain a national supply if successful. A domestic Lithium supply industry needs to be established to help ensure the UK decarbonises its economy and national grid,

support the automotive sector, the Government plans to build an internationally competitive electric vehicle supply chain in the UK. The need for Lithium is considered further within this report and regard had to the benefits of extraction.

165. Specific to Lithium, M&WDPD Policy M14 (2) recognises the complex geological and hydrogeological locations associated with Lithium extraction which is a novel form of mineral extraction a phased risk-based approach will be required. Proposals to produce Lithium including well sites, site infrastructure and ancillary development will be permitted in accordance with an overall agreed scheme and where certain criteria apply. These being: a. A full exploration and appraisal programme has been completed and an acceptable scheme is agreed. b. Well sites, site infrastructure and ancillary development are located and operated to minimise both unacceptable environmental and amenity impacts and provide any necessary mitigation and enhancements. c. That the planning application is accompanied by a scheme of restoration. after use and aftercare in accordance with Policy MW20 which provides for the decommissioning of well sites and infrastructure and the removal of all site infrastructure and ancillary development. The Policy requires that all relevant matters are secured through planning conditions and where necessary planning obligations or other legal agreements.
166. With regard to M&WDPD Policy M14 (2) criterion a) the current proposals would include field trials which is required to test and refine Lithium extraction methods followed by a pilot plant. Although a full exploration and appraisal programme has not been submitted, some details of the programme have been provided. It is recognised that there may be changes to that as trials progress. Based on previous exploration by the applicant they consider that it is worthwhile to progress with the proposed development. Policy M14 recognises that Lithium extraction is a novel form of mineral extraction and given the stage of the development such a programme is not available.
167. In terms of M&WDPD Policy M14 (2) criterion b) the well sites were installed over 10 years ago and no new boreholes are proposed instead structures and necessary equipment are proposed around them and designed to reduce visual impact or to be in keeping with their surroundings. The proposed development on the former Works sites would be on previously developed and now derelict land and again would be designed to reduce visual impact or to be in keeping with their surroundings. All above ground structures would be removed, unless a subsequent planning permission permitted their retention. Environmental and amenity impacts of the proposals are considered within this report.
168. With regard to M&WDPD Policy M14 (2) criterion c) restoration of the site is addressed within the application and all above ground structures would be removed, but with the retention of the development platform on the former Works site, following the cessation of use of the pilot plant. This can be secured through condition. Planting and landscaping works covered by the long-term management commitments would remain. It is not proposed that any additional aftercare works are undertaken beyond those management works related to the BNG landscaping and planting. The Environment Agency has requested a condition relating to decommissioning of the boreholes.
169. In accordance with CDP Policy 25 and M&WDPD Policies MW1 and M14 all relevant matters would be secured through planning conditions and where necessary planning obligations or other legal agreements.

170. The UK Government in 2022 identified Lithium as a critical mineral and a secure and sustainable domestic source of Lithium is considered vital to the industrial strategy of the UK as it moves towards a net zero carbon future by 2035. The UK Critical Minerals strategy explains that Critical minerals are minerals such as Lithium, cobalt and graphite to make batteries for electric cars; silicon and tin for our electronics; rare earth elements for electric cars and wind turbines. They underpin energy transition and key manufacturing industries for a net zero future, critical minerals also underpin our national security. They are minerals with high economic vulnerability and a high global supply risk. UK supplies of Lithium are all imported although exploration work is also occurring apace in Cornwall, since 2017 two exploration companies, Cornish Lithium Ltd and British Lithium Limited, have started exploring for Lithium in south-west England. In addition. Northern Lithium is undertaking exploration works at Ludwell Farm, Eastgate adjacent to the current planning application's BH1 site.
171. The UK Battery Strategy (November 2023) sets out the UK Government's vision for the UK to have a globally competitive battery supply chain that supports economic prosperity and the net zero transition. It outlines that to make batteries, the UK needs critical minerals such as Lithium and that the Government seeks to encourage sustainable UK critical mineral production and processing and that the UK's demand for critical minerals is set to increase significantly by 2030 and battery manufacturers in the UK could require approximately 15,000 tonnes of Lithium by 2030.
172. Paragraph 222 of the NPPF is clear that, it is essential that there is a sufficient supply of minerals to provide the infrastructure, buildings, energy, and goods that the country needs and that minerals can only be worked where they are found. There is a requirement under Paragraph 224 of the NPPF, when considering proposals to as far as practical, provide for the maintenance of landbanks of non-energy minerals from outside', 'National Landscapes'. Paragraph 227 of the NPPF states that minerals planning authorities should plan for a steady and adequate supply of industrial minerals. Whilst Lithium is not included within the list of minerals of local and national importance (as defined by the NPPF glossary), it is important to note that the examples in the glossary definition are not intended to be exhaustive and it is important to reiterate that Lithium has now been recognised by the UK Government as a strategic and a critical mineral.
173. The supporting text in the M&WDPD highlights amongst other matters that Lithium is key rare earth metal which has a number of uses including in the manufacture of Lithium-ion batteries. UK Lithium demand is forecast to grow to 75,000 tonnes per annum by 2035 (given the development and increasing use of electric vehicles and batteries for power storage). The importance of Lithium is identified by both the European Union as a critical mineral in 2020 and by the UK Government in 2022. The scarcity of Lithium and its occurrence including in hot saline brines is noted and it is understood that Weardale Granite which lies deep below the North Pennines contains Lithium within the groundwater (in hot saline brines) in economically viable quantities. Furthermore, the supporting text explains the exploration process including that once boreholes are drilled it is expected that the surface development could then be accommodated in a building the size of an agricultural barn.
174. There is no requirement to maintain a stock of permitted reserves of Lithium. There is a material difference currently to how stocks of permitted reserves are required to be maintained for traditional industrial minerals compared to Lithium where the overriding importance is to establish and develop a Lithium supply industry in the UK given that the UK is currently dependent on the global market for its battery mineral needs. A

domestic Lithium supply industry needs to be established to help ensure the UK decarbonises its economy and national grid, support the automotive sector, the Government plans to build an internationally competitive electric vehicle supply chain in the UK.

175. As previously stated, target estimated production figures for the field trials phase is 6 tonnes of Lithium Carbonate per annum and 1,000 tonnes during the pilot plant phase. From the field trials phase, it is intended that battery grade Lithium Carbonate would be produced, a saleable end-product that could be directly used by the manufacturers of cathode active material, a core component of battery manufacture. The applicant advises that most project developers in the Lithium sector are only targeting production of Lithium Chloride in their first phase of test production. A Lithium Chloride product requires further processing and refinement into something that is saleable to the battery manufacturers.
176. The planning application has the potential to provide a number of key economic, environmental, and local benefits at both a national, regional and County Durham scale. It could provide the basis for the initial phases of the commencement of commercial Lithium extraction and processing in the UK and could support the development of the North East Regions battery economy. At a local scale it would enable the initial phase of the redevelopment and the delivery of green infrastructure and landscaping at the former Works site which while cleared is derelict and need of redevelopment or restoration. Furthermore, it could provide the foundation for future growth and provide jobs for the local economy, with the applicant citing 50 jobs from this phase of development. Through subsequent phases of development, it could enable the use of geothermal heat and provide biodiversity net gain. These are all benefits which both national and emerging policy require great weight to be given in the determination of mineral planning applications.
177. The former Works site, whilst brownfield land has been damaged by its previous use and needs comprehensive redevelopment. The proposal in combination with subsequent phases would provide an opportunity to restore the cement works site, repurposing the gantry structure and making effective use of previously developed (brownfield), whilst potentially appearing to also help to mitigate adverse landscape and visual impacts through the proposed site layout, design, and siting of buildings in combination with the proposed green infrastructure/ landscaping separating the development plot. The two boreholes are in place and cannot be moved but the application has responded to their location by the design of the proposed enclosures. Nevertheless, given the nature of the proposed development and its location, careful consideration of individual and cumulative landscape, visual, amenity, flood risk and pollution impacts and the siting and design parameters of the proposed development together with necessary mitigation and environmental enhancements would be key to the determination of this planning application.
178. The principle of the development would accord with the aim of CDP Policy 47 and with M&WDPD Policy M14 and Part 17 of the NPPF. These require Mineral Planning Authorities to plan for a steady and adequate supply of industrial minerals as well as giving great weight to the benefits of mineral extraction including to the economy, although quantities of Lithium extracted would be limited for the duration of the temporary permission. The environmental impacts of the proposals are considered below.
179. There are also a number of applicable environmental protection policies within the CDP, M&WDPD and the NPPF which are considered below.

180. Parts 12 and 15 of the NPPF also seek to promote good design, while protecting and enhancing local environments. Paragraph 135 of the NPPF states that planning decisions should aim to ensure developments function well and add to the overall quality of the area, are visually attractive as a result of good architecture, layout and appropriate and effective landscaping, are sympathetic to local character and the surrounding built environment and landscape setting, and establish or maintain a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit.
181. CDP Policy 29 outlines that development proposals should contribute positively to an area's character, identity, heritage significance, townscape and landscape features, helping to create and reinforce locally distinctive and sustainable communities.
182. Criteria a) of CDP Policy 29 requires that proposals positively contribute to an area's character, identity, heritage, townscape, and landscape features, helping to reinforce locally distinctive and sustainable communities. This should be considered in the context of the site, its function, and surrounding area, with attention to siting, design, materials, and views to mitigate impacts, including appropriate landscaping to screen or integrate the development. Criterion b) focuses on ensuring public safety and security against trespass, while criterion c) emphasises minimising greenhouse gas emissions. Criterion d) requires proposals to minimize the use of non-renewable and unsustainable resources during construction and use. Criterion e) addresses the provision of a high standard of amenity and privacy. Criterion f) contribute towards healthy neighbourhoods and consider the health impacts of development and the needs of existing and future users, including those with dementia and other sensory or mobility impairments. Landscaping plays a key role in mitigating visual and landscape impacts. Criterion g) emphasises responding creatively to topography, landscape, and heritage features, as well as wildlife habitats. Criterion h) requires proposals to create attractive views of and from the site. Criterion i) calls for reflecting local features in the design, such as boundaries, paving materials, and plant species. Criterion j) encourages the creation of wildlife opportunities through locally native species, and criterion k) requires provision for the maintenance and long-term management of the development.
183. Having regard to Criteria a) of CDP Policy 29, this should be seen in the context of the current poor condition of the former Works site itself and its wider context. The current proposals have been well considered and are more in keeping with their surroundings than initially submitted. Details of materials and colours of the proposed buildings and structures can be required through condition. Planting proposals would seek to screen the development. Having regard to Criteria b) of CDP Policy 29 the sites would be suitability secured and manned in the case of the former works site. Regarding Criterion c) there is a potential for the use and distribution of geothermal heat through the development of the site which would contribute to the minimisation of greenhouse gas emissions, although as stated above during the proposed development it would be that pipes carrying the naturally warm water would heat the buildings within which they are located. In addition, photovoltaic cells are proposed to generate the energy utilised within the pilot plant and that the building has been designed to maximise natural daylight into the building to minimise energy consumption and mechanical ventilation with heat recovery would be utilised. Though Criterion d) it is required that proposals minimise the use of non-renewable and unsustainable resources. Recycled steel would be used for the main structure of the Pilot Plant which can be subsequently dismantled and either re-used or recycled, that other materials utilised in construction would be either manufactured from recycled materials or can be recycled and that

rainwater collected from the building roof would be re-used where possible internally within the building as a greywater system.

184. Tree cover on the site is generally contained around the periphery of the site or within occasional groups around parking areas. The proposed development would require the removal of 24 trees (not subject to TPO) in order to facilitate the development. The loss of trees would be compensated for through the proposed landscaping scheme which would include woodland planting around the southern and western side of the pilot plant to improve biodiversity net gain and to provide screening benefits as the planting matures. The former Works site is fairly well screened by trees that exist along the northern boundary outside of the site application site. In addition, the orientation of the building is such that it would not be prominent from outside of the site. Tree planting is also proposed on parts of the BH1 and BH2 areas. Landscaping proposals would also include habitat creation referred to elsewhere in this report. Such details can be secured through condition and Biodiversity Net Gain (BNG) monitoring fees through a planning obligation under Section 106 of the Town and County Planning Act 1990 (as amended) and this is considered below.
185. A Design and Access Statement accompanies the application. An updated document was submitted during the course of consideration of the application reflecting changes made to the design of all of the proposed buildings following concerns by the Council's Landscape and Design and Conservation officers as well as from The North Pennines National Landscape Team. As a result, the proposed buildings increased in size and scale. The general arrangement was varied to accommodate these changes but with the overall footprint of the building remaining unchanged. The processing buildings on the former Works site have been altered to reflect an agricultural vernacular and previously proposed tented enclosures have been replaced with buildings. In order to accommodate an increase in height, the development platform level has been lowered and a change to the drainage proposals to move to an infiltration system. Minor changes to the architectural design of the buildings at BH1 and BH2 with an amended roof profile were also made.
186. At the former Works site three similar but differently sized buildings are proposed to house the processing facilities required to undertake the development and reflects the clear height and areas needed to support the processing activities and mineral extraction. Mezzanine structures would be accommodated within the roof envelope to accommodate offices, welfare and laboratory spaces. The field trial processing facilities would be housed inside a building measuring 18m in depth x 30m in length and 9.36m in height with a total floor space of 540m². Two additional buildings would be required for the pilot plant phase. One being 30m x 30m x 15.36m and the second being 24m x 30m x 15.36m.
187. The design approach seeks to develop a contemporary architectural response to a well-known agricultural vernacular. The elevation of each building would be broken onto a series of repeating elevational bays with a series of regular modular infill panels. The roof would over sail the accommodation at the gable ends with the gable end elevation recessed behind the structure. The supporting structure expressed externally on the north and south gable elevation to make the overall envelope feel lightweight and elegant. The modular façade allows for the pre-fabrication of building elements, such as windows, doors and cladding which could be moved if required to allow for future adaptation.
188. CDP Policy 29 includes a requirement for all major new non-residential development being required to achieve Building Research Establishment Environmental Assessment Method (BREEAM) minimum rating of 'very good' (or any future national

equivalent). CDP Policy 33 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.

189. The pilot buildings are intended to be exemplary, passively controlled in an environmentally conscious manner utilising natural and sustainably sourced materials and arranged to minimise energy consumption. Sustainable elements which include low and zero carbon measures have been incorporated into the design. These include adding roof lights to allow natural daylight and reduce reliance on electrical lighting. Photovoltaic panels to generate renewable energy to be utilised within the building on the west and east facing roof panels are proposed. The main works space would be naturally ventilated through passive control whilst the office, laboratory and welfare spaces would be heated and ventilated using mechanical ventilation with heat recovery. In terms of materials, recycled steel is proposed to be used for the main portal structure. It is proposed that the buildings would be dismantled, re-used or recycled. The proposed materials would be sustainably sourced and either manufactured from recycled materials or could be recycled after use. With regards to waste, prefabrication and modular construction would reduce on site waste and the modular design would enable greater consideration of material efficiency. Off-site prefabrication would reduce assembly time on site and minimise construction traffic with multiple material deliveries. Rainwater collected from the building roof would be re-used where possible internally within the building as a greywater system. Surplus rainwater would be discharged integrated into the landscape attenuation. The Design and Access Statement advises that the design of the processing building incorporates principles of the circular economy, recognizing the pivotal role of the built environment in addressing the challenges posed by the climate emergency. The approach proposed involves careful consideration of proposed materials to ensure they remain in use at their highest value for an extended period. Subsequently, these materials are either reused or recycled, resulting in minimal residual waste.
190. The temporary building at BH1 (measuring 4.5m x 3m x 3.5m) would be constructed over the top of the existing wellhead. It would be a simple single-room enclosure at the head of the well. As wellhead is located below ground level. It is proposed that external steps would lead down from the ground level to an entrance door. The structure would be partially buried significantly reducing its mass and overall height, reducing its impact on the surrounding landscape.
191. At BH2 would be the wellhead enclosure, a pump house and a bunded secure and contained water tank. The proposed wellhead housing (measuring 2m x 2m x 3.5m) would match that at BH1 and also be constructed over the top of the existing wellhead. The pump house (measuring 3m x 2.5m x 3.5m) would be slightly larger than that proposed over the wellhead and would accommodate pump equipment, a backup generator and storage. The level area would be about 2m below the road would provide access to the wellhead and pump house. The working area would 2m below the road level the new structures would sit below the level of the road. From the roadside, they would be concealed by earthworks and a reconstructed drystone wall. To the south, they would be visible but are set back from the leading edge of the working level area.
192. The buildings at BH1 and BH2 would be constructed of locally sourced stone walls and slate roof that fits the local vernacular seeking to be in keeping with the character and appearance of the area. The design would be simple in form and chooses to express the structures individually to reduce the overall mass. The landscape

surrounding BH1 and BH2 would be enhanced but would remain natural shrubland and suitably wild in appearance.

193. The North Pennines National Landscape Team, Design and Conservation Officers, Landscape Officers originally raised concerns about the design of the proposed buildings but following the changes raise no objection. Design and Conservation Officers welcome the updated design approach to be contemporary agricultural vernacular, although noting that this has resulted in an increase in scale and massing, but this appears to allow for the scaling up of operations as well as addressing previously expressed design concerns. Subject to details of materials and finishes being agreed Officers have no objection. Landscape Officers consider that the revised details address previous concerns. The North Pennines National Landscape Team also consider that the revised details address previous concerns with regard to the main building and the borehole sites should accommodate better into setting, notwithstanding them being 'new' structures in the landscape.
194. The applicant has not demonstrated that the building would achieve a Building Research Establishment Environmental Assessment Method (BREEAM) 'very good' rating conflicting with the requirement of CDP Policy 29. The applicant has advised due to the research and development nature of the proposal, it would not be possible to commit to achieving the BREEAM very good status. The design of the proposal has been heavily influenced by the principles outlined in the BREEAM guidance however cannot guarantee that the scheme can meet the BREEAM very good level. Notwithstanding this, the scheme includes sustainable elements. Photovoltaic panels would be located on the roof of the proposed pilot plant buildings, although no estimated output has been provided. In addition, there is the potential to use geothermal heat from the abstracted water to heat the plant, although as previously stated in practice through the proposed development this would be the pipes carrying the naturally warm water heating the buildings within which they are located. CDP Policy 33 provides support for renewable and low carbon energy in appropriate locations. It is considered that the proposal would therefore accord with CDP Policy 33. Although there would be some conflict with CDP Policy 29 the design proposals would contribute to achieving reductions in emissions.
195. Subject to the imposition of a condition requiring details of materials and finishes it is considered that the development would accord with CDP Policies 10 and 29 and Part 12 of the NPPF in respect of good design. It is considered that the proposal would accord with CDP Policies 10 and 33 and Part 14 of the NPPF. There would be some conflict with CDP Policy 29 in terms of achieving BREEAM, but the proposals include sustainable elements which include low and zero carbon measures and on balance are considered acceptable.

Residential Amenity

196. 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 220 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).

197. 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.
198. M&WDPD Policy MW1 also addresses amenity and pollution and individual and cumulative impacts. It states that proposals for minerals and waste development will be permitted where it can be demonstrated that the proposal will not result in individual or cumulative unacceptable adverse impacts on human health and the amenity of local communities as a result of visual impact, light pollution, air pollution and dust, noise, vibration, odour, vermin and birds and litter. Where appropriate, separation distances will be required between proposals for minerals extraction and waste developments and occupied residential properties when shown to be necessary by a technical assessment. In terms of specific impacts M&WDPD Policy MW4 addresses noise, Policy MW5 addresses Air Quality and Dust. Policy MW4 states that in order protect the environment and community amenity, the Council requires operators to submit a noise impact assessment and action plan to minimise or remove noise emissions. Minerals developments will be permitted if operators demonstrate that noise at sensitive properties or sites does not cause unacceptable impact. M&WDPD Policy MW5 states that proposals for minerals and waste development will be approved if they can demonstrate no unacceptable adverse impacts on the environment, amenity, or human health. This includes preventing harmful air pollutant emissions, such as vehicle emissions, that could affect people, biodiversity, or designated Air Quality Management Areas. It also requires controlling dust emissions from site activities to protect nearby residential and sensitive areas. To the south of the River Wear there are a number of residential properties located along the C74 including Ludwell Farm and Billing Shield and between the turn off for Stanhope at Hag Bridge and at Westerhopeburn. On the northern part of the application site there are several properties at Eastgate and the Vicarage opposite the site entrance on the Road A689 and Rosewell further west along the road.
199. There are several isolated residential properties in the vicinity of the site the closest being Ludwell Farm located between BH1 and BH2 with the Road C74 access road directly passing the property. BH1 is approximately 390m to the north west whilst the proposed cable routes are closer. BH2 is approximately 150m to the east of Ludwell Farm. The gantry element of the proposal is approximately 400m to the west of Billing Shield. It is understood that Ludwell Farm is being renovated and is not currently occupied. There are individual properties at Westernhopeburn some 330m to the west from BH1 with agricultural buildings closer at approximately 280m. There are a number of residential properties located along the C74 between the turn off for Stanhope at Hag Bridge. Hag Gate Farm and Hag Gate Farm Cottage are accessed off the C74 but are more distant from the application site being some 800m from the

gantry the closest part of the development to it. Either side of Hag Bridge is holiday accommodation including White Bridge House and Hagg Bridge Caravan Park and Weardale Holiday Lodges. There are a number of residential properties located along the C74 where the C74 joins the A689 at Daddry Shield and Brotherlee Holiday Home Park. On the northern part of the application site there are several properties at Eastgate and the Vicarage opposite the site entrance on the Road A689 and Rosewell further west along the road.

200. Construction works would be time limited but have the potential for disturbance during that time. During the operational phase vehicle movements at the former Works site is likely to be most noticeable given the inactivity at the site in recent years.
201. The key issues in terms of residential amenity are noise, dust, lighting, vehicle movements and visual impact are considered below.

Noise

202. Government guidance as contained in the National Planning Practice Guidance (NPPG) advises that during normal working hours (0700 – 1900) and subject to a maximum of 55dB(A) LAeq1h (free field), mineral planning authorities should aim to establish a noise limit, through a planning condition, at noise sensitive properties that does not exceed the background level by more than 10dB(A). It is recognised, however, that where this would be difficult to achieve without imposing unreasonable burdens on the mineral operator, the limit set should be as near to that level as practicable. During the evening (1900 – 2200) limits should not exceed background level by 10dB(A). During the night limits should be set to reduce to a minimum any adverse impacts, without imposing any unreasonable burdens on the mineral operator, but should not exceed 42dB(A) LAeq1h (free field) at noise sensitive properties.
203. The NPPG also recognises that mineral operations will have some particularly noisy short-term activities that cannot meet the limits set for normal operations. These include soil stripping, the construction and removal of baffle mounds, soil storage mounds and spoil heaps, construction of new permanent landforms and aspects of site road construction and maintenance. The PPG advice is that increased temporary daytime noise limits of up to 70dB(A) LAeq1h (free field) for periods of up to 8 weeks in a year at specified noise sensitive properties should be considered in order to facilitate essential site preparation and restoration work and construction of baffle mounds where it is clear that this will bring longer-term environmental benefits to the site or its environs. Where work is expected to take longer than 8 weeks a lower limit over a longer period should be considered and in wholly exceptional cases, where there is no viable alternative, a higher limit for a very limited period may be appropriate in order to attain the environmental benefits. M&WDPD Policy MW4 reflects advice contained in the NPPG.
204. A Noise Impact Assessment has been submitted with the application. The Assessment considers noise from the plant under BS4142:2019 methodology with regard to the guidance in the NPPG. The Assessment considers the noise emitting activities that are likely to take place at the Works site as well as the BH1 and BH2 compounds and specifically these are the use of three electrical power generators one each at BH1, BH2 and the former Works site as well pumps required for Lithium extraction contained within buildings. Four noise sensitive receptors (NSRS) are identified (The Vicarage and Rosewell to the north of the Road A689 and Ludwell Farm and Billing Shield to the south of the River Wear and the Road C74).

205. Background noise levels have been measured in order to consider noise impact at these receptors. The Assessment identifies that the main source of noise in the locality is the Road A689 which is elevated relative to the site. In quieter periods, the River Wear and the Eastgate substation, which is contained within the site, are audible. The Assessment establishes relatively low background noise levels during both daytime and nighttime hours. The Noise Assessment notes that super silenced generator would need to be housed within an enclosure to mitigate the noise emissions. The Assessment concludes that if the noise limits and suggested mitigation set out within the report are adhered to then it is unlikely that any of the NSRS would experience any adverse noise impacts, based upon British Standard 4142 assessment criteria.
206. As stated previously planning permission has been granted for a caravan park and associated works on land on the former Works site in 2022. Notification of commencement was submitted to the Council on 17 January 2025 advising that works would commence on 3 February 2025. The caravan site and the proposed development site to the north of the River Wear would share the same access from the A689. The distance between the proposed field trial and pilot plant buildings and structures and the nearest caravan would be more distant at approximately 730m. During the construction and reinstatement phases there would be the potential for some disturbance from those works and the vehicle movements associated with that phase. Through condition a Construction Management Plan would be required to reduce disturbance. During the operation phases then it is anticipated that it would be vehicle movements that that would be noticeable at the former Works site as visits to BH1 and BH2 sites would be less frequent. Holiday Parks at White Bridge House and Hagg Bridge Caravan Park and Weardale Holiday Lodges and Brotherlee Holiday Home Park are slightly more distant with intervening topography and vegetation. The proposed caravan park and the existing holiday parks will offer holiday accommodation as opposed to permanent residential accommodation.
207. Environment, Health and Consumer Protection (Nuisance Action) Officers note that assumed sound power levels for both generators and pumps have been used in order to establish a rating level. Nevertheless, as stated above the Assessment establishes relevant rating noise levels would not exceed the background level at all NSRS for both daytime and nighttime periods and therefore achieving a low impact. The Assessment accepts the stated rating levels are based on assumed levels and no adjustments have been made for acoustic features such as tonality, impulsivity, and intermittency.
208. Environment, Health and Consumer Protection (Nuisance Action) Officers advise that the information submitted demonstrates that the application complies with the thresholds stated within the TANS. This would indicate that the development would not lead to an adverse impact. Granting of planning permission for the development may potentially result in a statutory nuisance being created from noise from acoustic features such as tonality, impulsivity, and intermittency. However, a planning condition sufficient to mitigate the potential of a statutory nuisance is recommended and if affixed would remove an objection to the development. This would specify the rating level of noise emitted from fixed plant/machinery on the site shall not exceed the background (LA90) by more than 5dB LAeq (1 hour) between 07.00-23.00 and 0dB LAeq (15 mins) between 23.00-07.00.
209. No assessment has been made of the construction activities. However, these works would be time limited controlled through a Construction Management Plan and working hours controlled through condition.

210. Environment, Health and Consumer Protection (Nuisance Action) Officers raise no objections subject to a condition specifying the rating level of noise emitted from the plant/machinery.

Air Quality/Dust

211. An air quality assessment has not been submitted but the planning application does consider the impact on the air quality. The submitted Planning Statement advises that prior to commencement of development, a scheme for dust monitoring and mitigation for all demolition and construction activities shall be submitted and agreed with the Council. The scheme would be in accordance with best practice guidance and would substantially in accordance with the measures recommended in the guidance for a 'high risk' site. Dust risks from construction activity can be reduced and the residual effect would be not significant, regardless of whether the site is assessed to be low, medium or high risk in terms of dust. The demolition and construction would thereafter be carried out in accordance with the scheme for dust monitoring and mitigation for all demolition and construction activities unless otherwise approved in writing by the Council.
212. Environment, Health and Consumer Protection (Air Quality) Officers advise that the site would be a temporary source of dust during its construction phase, when dust and particulate emissions are generated during abrasive construction activities, with the potential to deposit dust beyond the site boundary, soiling nearby property, and increasing public exposure to short-term concentrations of PM10. Officers note that no assessment of construction phase dust impacts on local air quality and amenity, or a Dust Management Plan have been submitted. Nevertheless, Officers consider that these matters can be required through condition.
213. Environment, Health and Consumer Protection (Air Quality) Officers advise that given the scale of the proposal there are no concerns relating to air quality. Environment, Health and Consumer Protection (Nuisance) Officers do not raise concerns regarding dust.

Lighting

214. The application and submitted Lighting Statement provide details regarding operational requirements, design criteria, the lighting design approach and lighting control. It is stated that lighting arrangements for the site would vary depending upon each aspect of the project. The field trials and the pilot plant, located within the former Works site, would have manned operations that would run continuously and there would be a need to have external lighting in place around the exterior of the buildings and structures proposed. To reduce the lighting emissions as far as possible, whilst retaining the minimum lighting needed from a health and safety perspective, all external lighting would be fitted with shields to reduce any overspill and tightly direct the light to the locations its needed. All external lighting would be motion sensitive to ensure it is only used when its required and would be designed to minimise any additional light spill onto adjacent, buildings, woodland and watercourse habitats.
215. It is recognised that the BH1 and BH2 sites are in a different landscape context to the proposals at the former Works site with these being in a more open landscape that is close to the wider North Pennines NL, a designation which includes several sites which benefit from very low levels of existing lighting. The BH1 and BH2 sites would not be permanently manned and as such the lighting requirement would be very low. It is stated that these parts of the project would be monitored remotely with visits only required to undertake maintenance when needed. Any lighting used at these locations

would be minimal and sporadic and controlled by motion sensitive lighting fixtures. Furthermore, it is stated that it is likely that any lighting would only be required when maintenance operations are being undertaken in the late afternoon of a normal working day (between 3pm and 6pm in mid-winter). For the majority of the year, outside the mid-winter period, it is unlikely that external lighting would be required at the BH1 and BH2 locations.

216. Environment, Health and Consumer Protection (Nuisance) Officers request that a lighting scheme is required through condition as the submitted scheme sets out the principles as opposed to the detail.
217. The North Pennines National Landscape Team raise no objections but provide advice with regards to lighting given unnatural lighting being a significant matter for the National Landscape and its hinterland. It advises that assuming light spill from within buildings is also considered and addressed and the design follows guidance provided by the North Pennines National Landscape Team, there should be no significant negative impact on the National Landscape. The Environment Agency and the Council's Ecology Officers have also requested lighting details in respect of lighting in order to mitigate impacts upon ecology. As stated above a lighting scheme can be required through condition.

Odour

218. Given the nature of the proposed development odour is not anticipated to an issue.

Vehicle movements

219. On those parts of the application site south of the River Wear, the presence of increased vehicular movements during the construction phase would likely be noticeable. There are narrow parts of the C74 and there is an informal 'give way' arrangement in place on the highway to permit the safe passage of all vehicles. Some temporary disruption may be possible to users of the Road C74 due to increased number of vehicles and potential temporary closure of part of the road during the installation of the underground pipes, but this would be temporary. Thereafter only occasional vehicle movements would be required at BH1 and BH2 for maintenance purposes. Vehicle movements to and from the site north of the River Wear, may well be noticeable given the time that has lapsed since the site was last operational, however access is onto a Class A road which is part of the strategic highway network.
220. It is not considered that vehicle movements associated with the proposal would cause an adverse unacceptable amenity impact. The impacts of access and traffic and are considered below.

Visual Impact

221. Landscape and visual impact are assessed in the section below. In terms of residential amenity, the area is sparsely populated, and the visual impact of the proposed development would be limited to a number of residential properties. However, the site is visible in the wider locality and is located partially within the NL and within an AHLV. Changes to the proposed design have resulted in buildings which would be in keeping with their surroundings. Generally given the distance from the application site to residential properties (with the exception of Ludwell Farm), topography 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 not be unacceptable. The BH1 site is closest to Ludwell Farm, being approximately 390m to the north west of the Farm. Although

there is a line of trees to the west of the Farm open field stretch beyond and would offer views of the development. However, given the design of the above ground works and the temporary duration of the development it is not considered that the visual impact would be unacceptable.

Conclusion to Residential Amenity

222. The key issues of noise and air quality and dust, as well as lighting and odour, have been considered along with vehicle movements and visual impact. Environment, Health and Consumer Protection, Highways and Landscape Officers have not raised objections to the proposals.
223. Overall, it is considered that the proposed development would not create an unacceptable impact on living or working conditions or the natural environment. The proposals would not result in unacceptable noise, air quality, dust or light pollution, traffic or visual impact subject to the imposition of conditions. Conditions would specify the noise rating level of fixed plant and machinery, details of external lighting, dust and particulate assessment, dust management plan and conditions relating to working hours where appropriate as well as conditions recommended by the Council as Highways Authority and Landscape Officers. It is considered that the proposals would provide an acceptable standard of residential amenity in accordance with CDP Policies 10 and 31, M&WDPD Policies MW1, MW4, MW5, MW7 and M14 and Parts 15 and 17 of the NPPF.

Landscape and visual impact and development within the North Pennines NL

224. 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.
225. CDP Policy 38 states any development should be designed and managed to the highest environmental standards and have regard to the conservation priorities and desired outcomes of the North Pennines AONB Management Plan". The North Pennines AONB Management Plan is based around a goal of a 'landscape better protected for the future, richer in natural and cultural heritage cared for more and providing things they value'. Both mid-term and short term outcomes are identified including 1) 'the landscape delivers more for nature, farmers and the public including climate change mitigation and other natural services' 2) 'Landscape quality and character is protected and enhanced whilst ensuring essential development takes place'. Actions include: 'Planning and other policies / decision making meet community need without compromising the conservation and enhancement of natural beauty, in line with national policy'. The top ten conservation priorities for the North Pennines AONB are aimed at building a nature recovery network across the landscape with priorities in relation to peatland and other soils, species rich grassland, native and mixed woodland and scrub, rivers and riparian habitat, breeding and wading birds, arctic alpine flora, dark sky nights, specific species conservation, archaeological features and historic buildings and structures.
226. 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.

227. 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.
228. MWDPD Policy MW1 states that minerals and waste development proposals will be permitted where it can be demonstrated that they will not result in unacceptable adverse impacts, either individually or cumulatively, on the environment of County Durham, including protected landscapes, as well as the character and quality of the landscape. Policy MW20 sets out that proposals must include an appropriate scheme for the restoration, after-use and aftercare for the site in accordance with appropriate criteria.
229. The site lies in the North Pennines County Character Area which forms part of the larger North Pennines National Character Area (NCA 10). It lies in the Middle Weardale Broad Character Area which belongs to the Middle Dale Broad Landscape Type. The site boundary includes land north and south of the River Wear.
230. South of the river the site forms part of a tract of pastoral farmland bounded by dry stone walls (Dale-floor farmland: walled pasture and meadow Local Landscape Type) lying north of the C74. It includes the overhead gantries of the former Weardale Cement Works.
231. North of the river it includes disturbed land within the site of the former Eastgate cement works and an area of pasture to the west of this, together with mixed woodland along the boundary of the works site with the A689 and on a low bluff/river terrace in the west.
232. A small area in the west of the site south of the river (BH1 and access to it) lies within the NL. The NL also lies to the immediate west and north of the site and around 1.5km to the south. The remainder of the site lies within an AHLV. The site lies within Stanhope Park which is identified in the County Durham Local List of Historic Parks Gardens and Designed Landscapes.
233. Most of the trees within the site are not covered by a TPO, but three Sycamore trees close to the access to BH1 are covered by a recent TPO: Land west of Ludwell Eastgate 2022. These trees would be directly affected by the proposed development at BH1 with the proposed access being between them. However, proposals have been submitted seeking to limit the size of vehicles along with measures to seek to protect the trees and these would be secured through condition.
234. The group of mixed species trees including Horse Chestnut and Sycamore subject to a TPO opposite the entrance to the former Works site to the north of the Road A698 would not be directly affected by the proposed development.

235. The County Durham Landscape Value Assessment (2019) (CDLVA) assessed the larger unit the site forms part of (5h iii Eastgate and Newlandside) as being of elevated value across the majority of attributes assessed.
236. In terms of the visual environment and visibility, the site sits low in the landscape on the dale floor. The area south of the river is visually open, visible from adjacent sections the C74 and shorter sections of the A689 to the north, and from the footpath network on the dale sides to the north and south. The area north of the river is more visually contained. Trees along the northern and western boundary screen (summer) or filter (winter) views from the A689 to varying degrees. Trees on the valley floor screen or filter views from the C74 to the south and public Footpath No. 18 (Stanhope Parish) on the valley floor to varying degrees. The area is overlooked from higher ground. In views from the north the site is screened or heavily filtered by trees. In views from the south, it is more open to view.
237. A Landscape and Visual Appraisal (LVIA) has been submitted with the application and was updated following a change to the design of the buildings. In terms of landscape effects, the effect on the existing landscape character due to the proposed development is considered to range from 'slight adverse effect' to 'slight beneficial effect'. However, with mitigation the effects of the landscape character on site would be reduced to ranging from 'negligible' to 'moderate beneficial effect'. The character areas most sensitive to development are those within the NL, which are the three County Durham character areas of Middle Dale, Moorland Fringe and Moorland Ridges and Summits. The mitigation proposals address this sensitivity and help to assimilate the development to the surrounding context. The effects on the landscape during construction would be limited and temporary and would be no greater than the long term effects of the proposed development. The LVIA states that landscape impacts are to be expected in relation to any form of development taking place on a site. With regard to visual effects, the visual receptor sensitivity ranges from low to medium. These include highway users, public rights of way users, local residents and workers. The predicted visual effects of the development range from 'slight' to 'slight to moderate'. With mitigation, the predicted visual effects are reduced from 'negligible' to 'slight'. Due to the sensitivity of the visual receptors, and the predicted effects to the views, these effects would be adverse. The landscape mitigation proposals assimilate the development to the context and reduce the visual effects of the development and are characteristic of the surrounding area. The LVIA concludes that overall, it is considered that the proposals can be integrated without substantial harm to the character of the landscape context. The capacity of the landscape to absorb change varies depending on which of the three distinct sites within the application boundary are assessed. The two borehole sites are located within the open landscape of the field system and so are more sensitive to change, and with careful mitigation the effects are assessed to be negligible. However, the more enclosed and post-industrial landscape of the former Eastgate cement works, within which the proposed pilot plant is located, has the capacity to absorb considerable change and these proposals have been assessed to be moderately beneficial.
238. The Council's Landscape Officers have considered the proposals. In terms of potential landscape and visual effects to the areas south of the River Wear it is noted that there are a number of mature trees along the Road C74 in or close to the verge where it is proposed to run a pipeline. The proposed borehole buildings and curtilages would be small but noticeable features. The revised buildings reflect the local vernacular and given their size could be accommodated without substantial effects on character and are detailed in a manner in keeping with the building traditions of the area. The effects of development on the character of the middle dale would be negligible. The effects on the local landscape would be of a low magnitude.

239. North of the River Wear, the field trials phase comprising a building, tank, hardstanding and vehicle parking followed by the pilot plant phase with two additional buildings along with additional tanks, would be screened or assimilated by topography and vegetation in some views and particularly from the northern side of the dale. It would be more visible in some views from the southern side. The most notable features would be the new buildings, tanks, hard-standings and vehicles. At both of the phases, the proposed buildings would be visible in the more open views of the wider landscape, but their design would generally reflect the character of traditional and modern farm buildings in the North Pennines. The former cement works site itself is of low value and sensitivity. The effect (operational pilot plant phase) at the site level would be high but of minor significance.
240. Landscape Officers assess the Middle Weardale broad character area as being of medium-high value and sensitivity. The effect (operational pilot plant phase) on that wider character area would be localised and low and therefore of minor-moderate significance. The sensitivity of the local landscape (the middle dale within around 1500m of the site) is assessed by Officers as being medium-high. The effect (operational pilot plant phase) on the local landscape would be of a low magnitude as proposed and therefore of minor/moderate significance.
241. Landscape Officers consider the planting/habitat creation proposals to be broadly suitable. Screening from vantage points to the north-west would rely for visual density on understorey planting which might be slow to establish in places due to competition from existing trees. Consideration should be given to additional planting outside of the existing canopy and particularly on the northern edge in the west. Planning conditions can require landscaping and planting details through condition.
242. Having regard to CDP Policy 10, the proposals would give rise to some temporary harmful effects of a short and medium term duration on the intrinsic character and beauty of the countryside. In terms of CDP Policy 38, while the proposals are largely outside of the NL the designation wraps around the site and development would be visible in views from within, of and across the NL and has the potential to affect its special qualities. Landscape Officers assess the effects of the development on the Middle Weardale character area, much of which is designated as NL, as being low. Effects are assessed as low on the local landscape in the middle dale within around 1500m. Much of that area designated as NL lies north of the site where effects would be low. Effects within that part lying within the NL south of the river would be localised. Though design changes the level of harm has been reduced and Officers consider the effects as being of a low magnitude and therefore of minor-moderate significance. As a result, there would be some localised harm of a short and medium term duration to the scenic beauty of the NL which is referenced in the AONB Management Plan 2019-2024 as being one of its special qualities.
243. The appearance of the above ground structures are not considered to be unacceptable and the design of the buildings have been improved from when first submitted.
244. With regard to CDP Policy 39 the proposals would cause some harm to the character, quality and distinctiveness of the landscape. Whether that harm is considered unacceptable depends partly on the significance of the effects of development on those attributes, and partly on the extent to which the benefits of the development outweigh that harm in the balance of considerations. Landscape Officers have assessed the harm as being of minor significance at the level of the site and the wider landscape and as of minor-moderate significance at the level of the local landscape.

245. In respect of effects on AHLV the proposals would not fully conserve or enhance the special qualities of the landscape. The effects would be localised, and their significance is identified as being minor-moderate. Whether or not the benefits of development in that location outweigh that harm should be considered within the planning balance. CDP Policy 39 also requires that proposals incorporate appropriate measures to mitigate adverse landscape and visual effects. Mitigation measures are generally considered to be appropriate.
246. 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 below.
247. An Arboricultural Impact Assessment has been submitted along with a Tree Constraints Plan and an Arboricultural Impact Plan. The Assessment states that all trees within the site were assessed and categorised with regard to their quality and a retention value was assigned using criteria outlined in the relevant British Standard. It is recommended that following receipt of detailed engineering drawings providing service runs and ground level alterations all measures relating to tree removal, tree retention and protection should be finalised within an Arboricultural Method Statement. Constraints and retention considerations are highlighted including protection of root disturbance area, protection of trees as groups rather than individual specimens, protection of areas identified for post-development tree planting, and no new utility runs must be located within any of the retained trees' root protection areas. The Assessment considers the proposed development and how it relates to the current tree population within the site and any conflict issues between the proposed layout and existing trees are discussed and remedial options, where possible, suggested. The Assessment identifies the loss of trees due to the proposed layout and that on the former Works site that one tree and a small section of a group of trees would require removal in association with the proposed processing facility. However, this no longer the case as an outfall to the River Wear originally proposed is no longer being pursued. A single tree would be required to be removed to form a proposed access into BH2. Conflict with the root protection zones of the three TPO trees is identified and considered in terms of the impact of the proposed two pipeline routes and other trees depending upon the route chosen. It is stated that once the route has been defined the impacts and mitigation, where necessary, can be detailed within an Arboricultural Method Statement, produced as a pre-commencement condition. The route of the pipe towards and along the existing gantry across the river passes through/over areas of woodland designated as Ancient and Semi-Natural, and Ancient Replanted. Whilst there might be some excavations within the ancient woodland and associated buffer zones, the Assessment considers that they should not impact areas not previously associated with the cement works. Potential damage to trees within the site during demolition and construction are considered and suggestions are made but it is recommended that the final tree protection requirements should be specified within an Arboricultural Method Statement prior to any site works commencing. Damage to structures from trees is also considered and advice provided.
248. Landscape Officers have considered the submitted Arboricultural Impact Assessment (AIA) and tree survey and mitigation measures proposed. Officers note that there are a number of areas where impacts cannot be quantified at this stage. The AIA recommends that an Arboricultural Method Statement (AMS) is submitted prior to commencement, and this is considered appropriate and would cover the routing and installation of pipework from the borehole to the highway and along the highway and protection of trees from damage during works. An AMS would also include details of

tree pruning, protection and tree-friendly design and construction at the western access.

249. Landscape Officers consider proposals for the use of a proposed access at BH1 between the TPO trees are acceptable subject to proposals submitted setting parameters now for maximum vehicle / payload dimensions and a narrative on how that will be accommodate in the overall construction method.
250. It is noted that the landowner raises concerns regarding the potential pruning of the trees. However, information has been provided to seek to confirm that vehicles that would use the entrance could do so without damage to them. Nevertheless, through condition details of any pruning required could be agreed.
251. The presence is of Ancient Woodland and PAWS identified in the Natural England Inventory on MAGIC is identified in the AIA. The County Durham Ancient Woodland Inventory, referenced in Policy 40 of the CDP and shown on the Policies Map does not identify the area as ancient woodland. Map regressions from the 1st edition OS (circa 1860) show that it has not been continuously wooded since that time. Landscape Officers agree with the findings of the AIA that the only areas affected would be areas previously associated with the development of the cement works.
252. Considering CDP Policy 40, subject to appropriate mitigation the proposals would not lead to loss of or damage to trees of high landscape, amenity or biodiversity value. This would be secured through condition and legal agreement where appropriate.
253. Although the proposed development involves mineral extraction with extraction of Lithium from groundwater abstracted from BH1 and BH2 it does not involve physical earthworks and mineral extraction like with a quarry. Removal of the above structures would be 15 years from the commencement of use of the Pilot Plant. Buildings and tanks would be removed and the land reinstated and seeded. Underground features would be retained including the boreholes and associated pipes. The buildings and plant on the former Works site would be removed but with the development platforms remaining and the land returned to its current brownfield nature, unless a further planning permission was granted. Planting undertaken as part of the development and to achieve BNG within the application site would be retained and secured long term management. On the southern side of the River Wear it is proposed that the buildings and plant would remain. Through condition details of the removal of buildings and tanks and reinstatement of the site can be required through condition. Given the nature of the proposed works restoration and aftercare would not fully accord with M&WDPD Policy MW20 and no aftercare is proposed or considered necessary in this particular case.
254. M&WDPD Policy MW20 states that proposals will be permitted where it can be demonstrated that they are feasible in technical and financial terms and the operator is capable of, and committed to, their delivery. Given the proposed development is for extraction of Lithium through abstraction physical works are minimal and there is no requirement for financial bonds or equivalent. In addition, a number of other consents would be required including an abstraction licence would be required from the Environment Agency. Furthermore, as set out in this report the Environment Agency requires a condition covering the decommissioning and managing the abandonment of the boreholes.

255. The former Works site is derelict and in need of comprehensive restoration. The proposed development in combination with subsequent phases would provide an opportunity to restore this derelict linear site, making effective use of previously developed (brownfield), whilst potentially appearing to also help to mitigate existing adverse landscape and visual impacts through the proposed site layout, design, and siting of buildings in combination with the proposed green infrastructure/ landscaping separating the development plots. There is a requirement under Paragraph 224 of the NPPF, when considering proposals to 'as far as practical, provide for the maintenance of landbanks of non-energy minerals from outside', 'National Landscapes'. Although a 'landbank' approach is not considered appropriate, in locational terms, within County Durham it is understood that the Lithium resource is located within the groundwaters within the Weardale Granite which underlies the North Pennines including areas designated as the North Pennines NL and as an AHLV. On this basis it does not appear to be practical to provide for this mineral from outside of either the NL or the AHLV. Only the existing BH1, the proposed housing, compound and the proposed access to it are within the NL, the physical features being relatively minor in nature.
256. Paragraph 189 of the NPPF and CDP Policy 38 advise that great weight should be given to conserving landscape and scenic beauty in National Landscapes, which have the highest status of protection in relation to landscape and scenic beauty. The conservation and enhancement of wildlife and cultural heritage are also important considerations in these areas, and should be given great weight in National Parks and the Broads. The scale and extent of development within all these designated areas should be limited, while development within their setting should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas.
257. Paragraph 190 of the NPPF advises that planning permission should be refused for major developments in these designated areas other than in exceptional circumstances and where it can be demonstrated they are in the public interest. Paragraph 190 goes on to state that consideration of such applications should include an assessment of:
- a) the need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy;
 - b) the cost of, and scope for, developing outside the designated area, or meeting the need for it in some other way; and
 - c) any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.
258. Footnote 64 of the NPPF states that for the purposes of Paragraphs 189 and 190, whether a proposal is 'major development' is a matter for the decision maker, taking into account its nature, scale and setting, and whether it could have a significant adverse impact on the purposes for which the area has been designated or defined.
259. The above approach is also set out in CDP Policy 38 and the supporting text. CDP Policy 38 states, 'The North Pennines Area of Outstanding Natural Beauty (AONB) will be conserved and enhanced. In making decisions on development great weight will be given to conserving landscape and scenic beauty. Major developments will only be permitted in the AONB in exceptional circumstances and where it can be demonstrated to be in the public interest, in accordance with national policy. Any other development in or affecting the AONB will only be permitted where it is not, individually or cumulatively, harmful to its special qualities or statutory purposes. Any development should be designed and managed to the highest environmental

standards and have regard to the conservation priorities and desired outcomes of the North Pennines AONB Management Plan and to the guidance given in the North Pennines AONB Planning Guidelines, the North Pennines AONB Building Design Guide and the North Pennines AONB Moorland Tracks and Access Roads Planning Guidance Note as material consideration.'

260. Footnote 143 of the CDP refers to Major Development. This is defined in the glossary as follows, *"For the purposes of development within the North Pennines Area of Outstanding Natural Beauty and the County Durham Heritage Coast, whether a proposal is 'major development' is a matter for the decision maker, taking into account its nature, scale and setting, and whether it could have a significant adverse impact on the purposes for which the area has been designated or defined."* The reference within CDP Policy 38 to national policy requires consideration of the provisions of NPPF Paragraphs 189 and 190.
261. The Town and Country Planning (Development Management Procedure) (England) Order 2015 defines major development, amongst other matters, as involving the winning and working of minerals or the use of land for mineral-working deposits. For non-residential development it means additional floorspace of 1,000m² or more, or a site of 1 hectare or more, or as otherwise provided in the Town and Country Planning (Development Management Procedure) (England) Order 2015.
262. The proposal is for development of a pilot Lithium processing plant using groundwater abstracted from existing ground water wells and associated infrastructure to extract the mineral from the ground. Groundwater containing Lithium would be abstracted from a previously drilled borehole and transported by pipe to the processing plant. Lithium would then be extracted from the groundwater. BH1 and the access to it lies within the NL with the other parts of the application are being in close proximity to the designation. The area within the NL would be approximately 0.5ha of the total 6.96ha site, located on the edge of the designation. On site within the NL is an existing borehole (BH1) and an existing access track. The application proposes a building over BH1 with associated fencing and, depending on which option is chosen, an underground pipe from BH1 to the Road C74. Removal of the above structures would be 15 years from the commencement of use of the pilot plant. Underground features would be retained.
263. In the case of the Northern Lithium application (Permission No. DM/22/02878/MIN) it was considered that the proposal was for mineral exploration and not for mineral extraction on a commercial scale. The site area was 0.91ha of which approximately 0.27ha would be within the NL. On site within the NL is an access track and an existing borehole which had been drilled as permitted under the provisions of Class K of Part 17 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) but may be reused if this current planning application is granted. Having regard to the nature of the development, scale and location it was not considered that the proposed development was major development for the purpose of the Town and Country Planning (Development Management Procedure) (England) Order 2015. Nonetheless, the applicant sought to demonstrate that there are exceptional circumstances associated with the development and it can be demonstrated they are in the public interest. Although these are referred to in the application as very special circumstances.
264. The current application does not seek specifically to demonstrate exceptional circumstances in respect of the designation. The applicant is of the view that the only element of the application which lies within the NL are the works to BH1 which comprises a small 5.1m by 3m building. Furthermore, the aspect of the proposal that

lies within the NL is minor and not a major development and exceptional circumstances do not need to be demonstrated. The more substantial above ground works are proposed over 650m away from the NL boundary on the former Works site.

265. As previously stated, what constitutes major development for the purposes of Paragraph 190 of the NPPF and CDP Policy 38 is not defined. The total site area is 6.96 of which approximately 0.50ha would be within the NL. Taking into account the nature, scale, setting and location on the edge of the NL designation as well as the duration of the proposal and its potential impacts, it could be considered that the development is not major development therefore not requiring exceptional circumstances to be applied. The proposal does however involve the extraction of a critical mineral over a period of 15 years from the first use of the pilot plant. The proposal is assessed against policies in the M&WDPD specifically prepared to provide the basis for the determination of planning applications for Lithium extraction. Therefore, taking a precautionary approach the development is being considered as 'major development' in the NL and the application highlights benefits which would demonstrate that there are exceptional circumstances associated with the development and they are in the public interest.
266. The application highlight benefits which would demonstrate that there are exceptional circumstances associated with the development and they are in the public interest.
267. With regard to Paragraph 190 a) the need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy, the need for the development is set out above in the principle of the development.
268. It is stated that the demand for Lithium is ever growing as many countries want to reach their new green targets. This growth is largely driven by increased demand for electric vehicles and the reduction in fossil fuel use. This predicted demand is reflected in the UK Government's Resilience for the Future: The United Kingdom's Critical Mineral Strategy. In recognising this growing long term need, the Strategy underlines the government's support for proposals like those contained within this application, which will maximise what the UK can produce domestically to meet its growing critical mineral needs. It is stated that the recovery of Lithium through the extraction and processing of geothermal water, as is proposed at the site, has the lowest environmental footprint compared to other extraction methods of Lithium recovery.
269. According to the applicant, the development of a first of its kind UK based supply of Lithium is stated as being a benefit of the proposal and current proposal would be an important step towards the full commercial scale extraction of Lithium from groundwater. The volume of the processing and ground water abstraction proposed is significantly greater than any other Lithium extraction undertaken in the UK to date. The proposals would begin the redevelopment and reuse of the brownfield former Eastgate Cement Works which has been unused since 2002 with the aim of the application being to bring forward the long term sustainable reuse of this prominent site. It is claimed that the development would provide a foundation and initial investment to attract further Lithium and water treatment related green and emerging operators to the wider site. The initial investment been seen to act as a catalyst to allow the extraction process to grow and to attract other associated Lithium and green technology operations to Weardale, creating long term and sustainable jobs. It is stated that there would be the creation of up to 50 skilled jobs on site within the pilot plant phase and that a locally based skilled workforce would be required presenting a significant opportunity for those who ordinarily would need to leave Weardale to find

work. It is also claimed that there would be the creation of wider supply chain jobs as the operation of the pilot plant would require an extensive network of locally and regionally based suppliers to support its operation.

270. Supporting the North East region's growing battery economy is seen to be a benefit. It is stated that the UK Battery Strategy highlights that the North East is the only region which currently has a stake in all facets of battery production. This includes the full lifecycle of battery development, from the extraction of Lithium, which this application proposes, through to processing and manufacturing. The site is located close to the North East Regional auto manufacturing hub which includes the Envision AESC Gigafactory at Sunderland. In addition to being located close to the Teesside Freeport, there is also a Memorandum of Understanding signed between Weardale Lithium and Tees Valley Lithium, a Lithium refinery in Teesside for Weardale Lithium to provide a feedstock to their refinery.
271. Further benefits are cited as being the development of water treatment technologies which could be developed to address longstanding issues with metal contamination arising from water discharge from former mine workings in the valley. The use and distribution of geothermal heat from the abstracted ground water is considered to be suitable for space heating and other opportunities within the pilot plant with the potential for it being put to a variety of uses over the longer term. The repurposing and improved use of existing infrastructure, this being the reuse of the existing gantry over the River Wear and the existing boreholes are listed as a benefit as it reduces the overall footprint of the development, reducing the need for greenfield development, which is important considering the site's rural landscape location. The delivery of at least a 10% Biodiversity Net Gain for biodiversity across the site and the creation of a high-quality landscape for the new development to be set within whilst also screening the development and enhancing the site's current impact upon the surrounding landscape are also stated as benefits.
272. Having considered the matters raised by the applicant, there would potentially be a number of benefits to the local and regional economy as a result of the proposed temporary development. These would include the provision of direct and indirect employment during the construction and operational periods, the purchase of goods and services. During the development 50 jobs are estimated to be created as well as 30 – 60 over the construction period. In addition, there is the potential for more significant employment and economic opportunities locally, regionally and nationally should the pilot plant be successful. The applicant has referred to significant biodiversity net gain (BNG) being provided. BNG is considered below, and it should be noted that 10% BNG is a statutory requirement and is what would be secured for this site should planning permission be granted. It is the case that since the closure of Eastgate Quarry and associated Cement Works there have been proposals to seek to contribute to rural regeneration in County Durham and specifically in Weardale but planning permissions have not yet been implemented, with the exception of the planning permission granted to Northern Lithium for its Lithium exploration proposals. The current application would provide the potential for an economic boost for the area in the future should the proposed operations prove successful, but it should be noted that the current application is for a temporary development and any extension to operations, or the duration would require a new planning application. It is noted that those making representations on the application have queried the number and make of the proposed jobs. Although the number of jobs cannot be guaranteed, the applicant has calculated what is considered realistic.
273. Furthermore, it is recognised that UK sourced Lithium would benefit the Country and reduce reliance on imports as well as aid in the transition to a zero carbon economy

with the processed Lithium being used in the UK for the manufacture of Lithium-ion batteries for renewable electric energy technology.

274. The proposal is supported by Part 1 of the NPPF, in that the Government is clear in its commitment to securing economic growth in order to create jobs, prosperity and sustainable economic growth. Jobs during the construction and operational phases would be created. The NPPF supports mineral extraction. As previously stated, Paragraphs 222 and 224 of the NPPF highlight the importance and need for minerals as well as stating that great weight should be given to the benefits of mineral extraction, including to the economy. This is reflected in M&WDPD Policy MW3. It is recognised that the current application is for field trials and a pilot processing plant with some production of Lithium that can be sold for commercial purposes. These works being necessary to establish a plan for a larger scale plant.
275. It should be noted that Paragraph 85 of the NPPF states that planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. The approach taken should allow each area to build on its strengths, counter any weaknesses and address the challenges of the future. This is particularly important where Britain can be a global leader in driving innovation, and in areas with high levels of productivity, which should be able to capitalise on their performance and potential.
276. With regard to Paragraph 190 b) an assessment of the cost of, and scope for, developing outside the designated area, or meeting the need for it in some other way. As set out in Paragraph 222 of the NPPF is clear that, it is essential that there is a sufficient supply of minerals to provide the infrastructure, buildings, energy, and goods that the country needs and that minerals can only be worked where they are found, which in this case is within the NL, and an AHLV. BH1 exists and a new borehole would need to be drilled outside of the designated area generating additional disturbance and cost. An alternative is to do nothing and continue to be reliant upon imports.
277. With regard to Paragraph 190 c) an assessment of any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated. The impacts upon these matters are considered within this report.
278. Whether or not the proposal constitutes major development for the purposes of Paragraph 190 of the NPPF, it is nonetheless considered that the exceptional circumstances required are in any event met, and the proposal would be in the public interest.
279. CDP Policy 38 states that any other development in or affecting the AONB will only be permitted where it is not, individually or cumulatively, harmful to its special qualities or statutory purposes. Cumulative impact is considered below.
280. Natural England acknowledging that the proposed development is for a site within or close to the North Pennines National Landscape and raises no objection considering that the impacts upon the designation and the delivery of its statutory purpose can be determined locally by the Council with advice from its specialist officers and the relevant National Landscape Partnership. Natural England advises that it is not confirming that there would not be a significant adverse effect on landscape or visual resources or on the statutory purpose of the area, only that there are no landscape

issues which, based on the information received, necessitate Natural England's involvement.

281. The North Pennines National Landscape Team initially raised concerns about the proposals based on the design of the proposed buildings. With the change in design the concerns have been addressed and no objection is raised. Guidance is provided on lighting and provided that the lighting design follows guidance provided, there should be no significant negative impact on the National Landscape.

Benefits of development in this location in the AHLV

282. The NPPF, CDP and M&WDPD advise that it is essential that there is a sufficient supply of minerals to provide the infrastructure, buildings, energy and goods that the country needs. It is also recognised that minerals can only be worked where they are found, and best use needs to be made of them to secure their long-term conservation. It is of most importance in that it is recognised that minerals can only be worked where they are found. The application would make use of the two existing boreholes and gantry thus reducing the impact upon the environment. The visual impact would be temporary and the benefits of the development within the AHLV as set out above are considered to clearly outweigh the harm.
283. Paragraph 224 of the NPPF requires that when determining planning applications, great weight should be given to the benefits of mineral extraction, including to the economy and this is reflected in M&WDPD Policy M3.
284. It is recognised that there would be localised harm of a short term duration to intrinsic character and beauty of the countryside, to the scenic beauty of the NL, to the character, quality and distinctiveness of the landscape and to the special qualities of the AHLV. However, this would be for a temporary period and with the revised design of the buildings and proposed planting, it is considered that this would not be unacceptable.
285. With regard to CDP Policy 38, there would be some localised harm of a short and medium term duration to the scenic beauty of the AONB which is one of several special qualities identified in the AONB Management Plan 2019–24. The Management Plan states that the special qualities cannot be seen in isolation from each other and are more than a bullet point list, but include scenic beauty, a strong sense of relative wildness, remoteness and tranquillity, wide-open moorlands, species-rich grasslands (especially upland hay meadows), truly dark night skies, world-class mining and geological heritage and a wealth of breeding wading birds.
286. Although it is identified that there would be some harm to the scenic beauty of the NL, it is only one of the identified special qualities of the NL. Given the nature of the proposed development, the location on the edge of the designation and the duration of the development it is considered that this harm would be localised and temporary and not be harmful to the special qualities or the purpose of the NL which is to conserve and enhance the area's natural beauty. In addition, the level of harm with appropriate mitigation as referred to above would be reduced to CDP Policies 10, 31, 38, 39 and 40 and M&WDPD Policies MW1 and MW20 and Parts 15 and 17 of the NPPF.

Biodiversity interests

287. Paragraph 193 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. Proposals for new development will be expected to minimise impacts on biodiversity by retaining and enhancing existing biodiversity assets and features and providing net gains for biodiversity. 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. M&WDPD Policy MW1 states that Minerals and waste development proposals will be permitted where it can be demonstrated they will not result in unacceptable adverse impacts, either individually or cumulatively, on the environment of County Durham. This includes biodiversity and geodiversity, encompassing nationally and locally protected sites, as well as protected and priority species and habitats, along with trees, woodlands, and hedges. Proposals should aim to minimise impacts and provide for a minimum net gain of 10% for biodiversity.

288. 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.
289. There are no ecological designated sites within or immediately adjacent to the application site. The nearest site of biodiversity interest to the application site lies to the south of the Works and east of the gantry. 400m to the east of the proposed gantry is an area of ancient and semi natural woodland (Hag Bank). An area of ancient replanted woodland (PAWs) is located to the north east of Ludwell Farm and to the east and west of the gantry. In the wider locality there are several Sites of Special Scientific Interest (SSSI) and Special Areas of Conservation (SAC) and one Special Protection Area (SPA). The nearest SSSI is Westernhope Burn Wood which lies approximately 420 metres to the west of the south western most extent of the application site and a further three SSSIs lie within 2km (Fairy Holes Cave SSSI, Muggleswick, Stanhope & Edmundbyers Common and Blanchland Moor SSSI and West Newlandside Meadows SSSI). The North Pennine Moors SPA and the North Pennine Moors SAC and North Pennine Dales Meadows SAC lie within 2km of the application site. Moor House Upper Teesdale SAC is more distant approximately 7km to the south west. Horsley Burn Wood Local Wildlife Site (LWS) is approximately 2km to the south east.
290. To the south of the River Wear the proposals would result in the temporary loss of a very small amount of sheep-grazed pasture around BH1 and BH2. There would be a loss of one tree at BH2 required to create a new access. The installation of the proposed underground cables would involve disturbance on either route and the installation of the pipes over the existing gantry has the possibility for some

disturbance. Development north of the River Wear, on the site of the former Works, would be on previously developed land.

291. An Ecological Impact Assessment has been submitted in support of the application with the purpose of identifying the likely ecological impacts of the proposed development and sets out mitigation, compensation and enhancement measures where relevant and necessary. The Assessment presents the results of the habitat survey, identifies potential impacts without mitigation, process measures to avoid and/or reduce impacts along with proposed mitigation, compensation and enhancement.
292. With regard to national and international ecological designations the Assessment identifies that four statutory designated sites of international importance (SACs and SPAs) are located within 10 km of the Site. Four statutory designated sites of national importance (SSSIs) are located within 2 km of the Site. Three non-statutory sites are also located within 2 km. It concludes that no significant adverse effects on any of the designations are anticipated as a result of proposals.
293. Habitats within the site are identified as including hardstanding, loose aggregate, ephemeral short perennial vegetation, poor semi-improved grassland, and broadleaved woodland. The Assessment states that habitat within the northern section of the site (the former Works site) meets the description of the priority habitat, Open Mosaic Habitat (OMH), and is assessed as being of local level importance. Woodland within the north of the site along the A689 road verge is assessed as being of local importance but it is noted that it would be retained. Further woodland adjacent to the site along the north of the River Wear and along the banks of the Ludwell Burn located to the south of the site are considered to be deciduous woodland habitat assessed as local importance. Woodland located south of the river, either side of the existing gantry bridge, is mapped as ancient / semi-natural woodland and is assessed as being up to district level importance. Other habitats (hardstanding and species poor grassland, and individual trees) are assessed as being of either negligible or site level importance.
294. With regard to bats the Assessment identifies four buildings outside of the site but adjacent to it within the wider former cement works. Bat roosts were recorded within two of the buildings but is noted that all of the buildings would be retained. It is stated that a static detector survey of the site concluded that the site was used by foraging and commuting bats or a range of species but predominantly by pipistrelle bats and is assessed as being of local importance to bats.
295. Wintering and breeding bird surveys have been undertaken. The Assessment reports that the breeding bird survey recorded eighteen species within the site itself. Of the eighteen, sixteen were either confirmed to breed or considered possibly or probably breeding. Overall, the site is assessed as being of local importance to breeding birds. Higher numbers of breeding birds were recorded within the wider site included in the surveys which is considered to be of higher importance. The winter assemblage of birds consisted of small numbers of predominantly green listed bird species with fewer amber and red listed species recorded than those present during the breeding season. With regards to wintering birds the site is assessed as being of site level importance whilst the surrounding habitats are of greater importance.
296. Although past otter activity was recorded in an otter survey undertaken no evidence of recent activity was. No evidence of otters was recorded within the site itself or along the Ludwell Burn. The Assessment states that otters are likely to use the River Wear for foraging and commuting but opportunities for secure resting or breeding sites are

limited. It is concluded that the site is assessed as of negligible importance to otter, although it is adjacent to habitats with the potential to be of higher value. No evidence of badger was recorded within the site. No reptiles were recorded. The Assessment notes that hedgehog may be present within the local areas and commute or forage across the site on occasion. No other protected or species listed in the Natural Environment and Rural Communities (NERC) Act 2006 are considered likely to be present.

297. The Ecological Impact Assessment considers that there are potential impacts without mitigation. It is considered that the proposals would result in the loss of habitats within the site which include small sections of grassland, hardstanding and Open Mosaic Habitat. Woodland would be retained although there is potential for impacts on adjacent woodland through damage to roots or crowns. There would be no impact on habitats in the riparian zone within 10m of any watercourse. However, in the absence of good practice watercourse protection there would be a residual risk of indirect impacts on watercourses from pollution or run-off during construction. Other potential impacts during the construction phase include the temporary loss or disturbance of nesting bird habitat, lighting-related impacts on bats, birds and otter, and the risk of harm to mammals through entrapment in works trenches. However, measures are proposed to avoid and/or reduce impacts. These include the retention and protection of woodland habitat throughout the development in line with the relevant British Standard. No works would be completed within the footprint of adjacent ancient woodland; all works in this area would be completed from the existing gantry bridge and as such no impacts to ancient woodland are anticipated. All construction work would adhere to good practice to ensure that pollution events and silt release into the watercourse are avoided. Work would ideally be timed to avoid harm to nesting birds and include vegetation clearance and disturbance to off-site birds located in the wider site. A pre-works inspection would be undertaken if work was required within the nesting bird season that could impact on birds during the bird nesting season. A pre-works inspection of the eastern section of an existing building on the former Works site would be completed for barn owl prior to the start of works. In addition, any lighting would be designed to minimise any additional light spill onto adjacent, buildings, woodland and watercourse habitats. As a precautionary measure a check for badgers would take place and during the construction phase and no construction trenches would be left open overnight. Trenches would either be securely covered, or with an escape ramp lowered so that should any mammals fall into the trench, a means of escape is available. A pre-commencement check for otter would be completed one month prior to the start of works to confirm that the status of the species remains unchanged within the working areas or adjacent watercourse. Working methods are proposed in order to address the risk of disturbance to any otter present within adjacent aquatic habitats. Vegetation clearance works would be completed in line with a precautionary reptile method statement.
298. An Ecological Mitigation Table has been produced in support of the application setting out the proposed mitigation measures set out above by receptor and species type. Should planning permission be granted then this mitigation would be secured through condition.
299. Proposed compensation and enhancement is proposed in the form of the creation of new Open Mosaic Habitat to compensate for habitat lost. In addition, landscape proposals include the creation of new woodland, scrub, species-rich grassland and SuDS features.
300. 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 25 April 2024 and so is legally required to deliver biodiversity net gains of at least 10%.

301. A Biodiversity Net Gain Assessment has been submitted and is supported by a DEFRA Biodiversity Metric which has been updated during consideration of the application. The metric states that the development would result in a net gain in biodiversity in the order of 4.18 habitat units which is the equivalent to 25.2% and that trading rules are satisfied. There would be no loss or gain in hedgerow units and watercourse units. Notwithstanding this, the Assessment states that whilst it demonstrates that an uplift of more than 10% is potentially achievable by the development, it is the intention of Weardale Lithium to finalise and secure only a 10% uplift for 30 years within the HMMP. Nevertheless, the 10% mandatory Biodiversity Net Gain and the requirements of CDP Policy 41 are met and measurable net gains for biodiversity would be met in accordance with Paragraph 193 of the NPPF.
302. A draft Habitat Management and Monitoring Plan (HMMP) has been produced, and a more detailed HMMP will be provided on the basis of this draft version, reflecting the requirements of the agreed Defra Metric, should planning permission be granted.
303. 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, amongst other matters, 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.
304. 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.
305. Paragraph 57 of the NPPF and Regulation 122 of the Community Infrastructure Levy Regulations 2010 set out three planning tests for weight to be given to a planning obligation. These are that the specified measures are necessary to make the development acceptable in planning terms, directly related to the development, and fairly and reasonably related in scale and kind to the development.
306. 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.
307. Natural England has no objection to the proposed development and considers that it would not have significant adverse impacts on designated sites. Natural England specifically states that based on the plans submitted, the proposed development would not have likely significant effects on European sites. In terms of SSSIs the proposals would not damage or destroy the interest features of those close by and considered in the submitted Ecological Impact Assessment. In addition, the Environment Agency raises no object subject to conditions including the submission of a Construction

Environment Management Plan that would include a Biosecurity Plan to prevent invasive non-native species being introduced to the site and lighting information to lessen the impact on bats.

308. Ecology Officers raise no objection, recommending conditions requiring a lighting strategy and requirement to carryout ecological mitigation. It is also recommended that the type and amount of habitat creation, retention and enhancement as detailed in the submitted Defra Metric, and in order to achieve a minimum 10% Net Gain, be appropriately secured by planning obligation and should also include a detailed HMMP based on the draft HMMP provided with the application.
309. 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 or on any species for which the European site is designated. This would be undertaken by the carrying out of an initial screening assessment of the project or proposal using the relevant information submitted by the applicant.
310. As stated above Natural England advises that based on the plans submitted, Natural England considers that the proposed development would not have likely significant effects on the European sites, these being the North Pennine Moors SAC, North Pennine Dale Meadows SAC, and Moor House – Upper Tees and has no objection to the proposed development. To meet the requirements of the Habitats Regulations, Natural England advises the Council to record its decision that a likely significant effect can be ruled out.
311. The proposals would accord with CDP Policy 41 given that any harm to biodiversity can be appropriately mitigated through the proposed mitigation measures and further compensated as part of the planting proposals providing net gains for biodiversity. In light of comments from Natural England and the Council's Ecology Officers there would be no conflict with CDP Policy 42 as the proposals would not have likely significant effects on statutorily protected nature conservation sites. In addition, the proposals would accord with CDP Policy 43 in that the proposals are not likely to adversely impact upon internationally, nationally or locally designated ecological sites or upon protected species. It is therefore considered that the proposals would not conflict with CDP Policies 10, 41, 42 and 43, M&WDPD Policy MW1, Parts 15 and 17 of the NPPF.

Access and Traffic

312. 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 Footnote 70 excludes mineral development from delivering sustainable transport.
313. CDP Policy 10 states that new development in the countryside must accord with all other relevant development plan policies and by virtue of their siting, scale, design and operation must not 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. In addition, new development should not be prejudicial to highway safety.

314. MWDPD Policy MW7 states that the transport implications of all proposed minerals or waste development which will generate significant amounts of vehicular movement must be assessed as part of any planning application through a transport assessment or transport statement. Policy MW1 seeks to resist unacceptable adverse impacts on the local and strategic road network.
315. The proposed development sites to the south of the River Wear (BH1 and BH2) would be accessed by the Road C74. At BH1 an access track between TPO trees would be used a few meters to the east of an access used by Northern Lithium. At BH2 a new access would be formed. Construction activities at BH1 and BH2 are expected to take approximately 16 weeks at each site. Vehicle movements to and from these sites would be limited to the minimum required and opportunities would be taken to combine movements where practicable, using the former Eastgate Works site to amalgamate loads. Works to install the underground pipes and those over the gantry would also require access via the C74. Once established and operational the activities at the BH1 and BH2 sites would only require maintenance and monitoring visits using cars and small-scale light goods vehicles with the groundwater abstracted from BH1 and BH2 being transported by pipe as opposed to tankers or in other vehicles.
316. All vehicles associated with the development (construction and operation) on the site of the former Eastgate Works would enter and leave the site via the existing established access onto the Road A689 previously used by HGVs.
317. The operational phases of the proposed development including the Lithium processing operation has differing transport requirements during the field trial phase and Pilot Plant stages based upon flow rates of abstraction, the quantity of Lithium processed and transported off site (to the Tees Port Area), imported chemicals and reagents as well as exported waste (filtered solids, brine, and wastewater). Unlike the field trials phase, during the pilot plant phase 90-100% of the brine is intended to be transported back to the boreholes via the pipework for reinjection with the remainder treated on site or tankered off site for disposal. The field trials phase would require regular highways movements for staff, deliveries of materials, the dispatch of concentrated Lithium brine and waste process water. Vehicle movement would require larger road going vehicles including water tankers and delivery vehicles (e.g. HGVs and smaller vans). Excluding staff journeys, regular movements are anticipated to low initially during the field trials phase but increase during the pilot plant phase.
318. A Transport Statement has been submitted with the application which amongst other matters describes the current access arrangements to the various areas of the application site, visibility associated with the accesses and suitability. The Statement concludes, overall, it is considered the transport impacts of the development during both construction and operations would be minor.
319. It is proposed that an access track previously created without the benefit of planning permission and subject to previous enforcement action is used to access BH1. This access is a narrow, short steep track located between TPO trees. The submitted Transport Statement states that visibility to / from the access along the C74 is limited as a result of nearby trees and boundary walls. Due to the steepness of the track the access is restricted to suitable vehicles only. Immediately to the west is an access

into the same field used by Northern Lithium and the landowner. The two accesses join one track once off the Road C74. Through the current planning application use of the access is sought and would regularise the previous breach.

320. The Highways Authority considers that from a highways perspective the proposal is acceptable and raise no objections. Officers note that the proposed uses would generate very little traffic and so the impact on the local road network would be negligible. The low level of vehicle movements that would be generated would not be prejudicial to road safety or have a severe impact as per the test of NPPF Paragraph 116.
321. Northern Lithium has raised concerns regarding the capacity of the Road C74 given its planning permission (DM/22/02878/MIN) places restrictions on vehicle movements. However, for that development the only access for all vehicles accessing and exiting the site is via the Road C74. Planning permission was granted subject to conditions restricting the number of vehicle movements (excluding site arrivals and departures) and upon the tankers used for transporting wastewater or excess groundwater. The current planning application differs in that following the construction works south of the River Wear the transport of groundwater would be transported via pipeline and not via road.
322. No restriction on vehicle movements is recommended by the Council as Highways Authority on the current application. It is accepted that there would be traffic movements along the C74 to access BH1 and BH2 but that this would only be during the construction phase and then until the pipes across the gantry are installed. Thereafter vehicle movements would reduce to those required for maintenance. The potential need to excavate within the highway with the closure of Road C74 is also raised by Northern Lithium and the two landowners as well potential damage to property. A temporary road closure may well be required in order to facilitate installation of the pipes between BH1 and BH2 and vehicles diverted but this would be for a temporary period and subject to a separate statutory process. Any potential closure or diversion would be time limited and may or may not coincide with works being undertaken by Northern Lithium. Any required highways licence for works would also be subject of a separate process. Any damage to property would be a civil matter. However, the applicant advises that at this stage they believe that the C74 would not require closing in order install the proposed pipework.
323. Having regard to CDP Policy 10 criterion p), Given the location and nature of the development the use of road traffic would be unavoidable during construction and operational phases of the development. There are public transport links in terms of a bus stop being on each side of the road at the entrance to the northern part of the site, but frequency is likely to be limited. There are a number of public rights of way in the vicinity of the site, but these are more likely used for recreational use as opposed to commuting.
324. It is considered that traffic generated by the proposals can be accommodated safely and conveniently on the highway network. Mitigation measures to control the type of vehicles accessing BH1 through condition can be secured along with conditions to ensure no mud and debris is trafficked onto the public highway and a requirement that vehicles turn left (east) out of the BH1 and BH2 sites. The Highways Authority does not consider restrictions on vehicle numbers to be necessary. A CMP to set out how construction activities would be managed on site to reduce the potential impact can also be secured through condition.

325. Given the rural location of the application and the limited public transport offer, sustainable travel options are limited.
326. There would be some effect on the surrounding environment given the quiet nature of the location. Mitigation measures secured through condition as outlined above can be imposed on any grant of planning permission. The Highways Authority has no objection to the proposals. In accordance with CDP Policy 21 the transport implications of the development have been addressed through the submission. It is therefore considered that the proposals would not conflict with CDP Policies 10 and 21, M&WDPD Policies MW1 and MW7 and Parts 14 and 17 of the NPPF.

Flooding, Drainage & Water Resources

327. 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 minerals 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.
328. 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, amongst other matters, within the site, the most vulnerable development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location. In addition, it incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate, and any residual risk can be safely managed.
329. Paragraphs 173 and 174 of the NPPF advises that there is a requirement to undertake a sequential test in respect of individual applications in areas known to be at risk now or in the future of any form of flooding, the aim of which is to steer new development to areas with the lowest risk of flooding. In order to meet the requirements of the sequential test it should be demonstrated that there are no reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding. Paragraph 175 of the NPPF advises the sequential test should be used in areas known to be at risk now or in the future from any form of flooding, except in certain situations where a site-specific flood risk assessment demonstrates that no built development within the site boundary (including access or escape routes) would be located on an area that would be at risk of flooding from any source, now and in the future (having regard to potential changes in flood risk).
330. The Planning Practice Guidance (PPG) provides further advice on the sequential test and advises that a pragmatic approach on the availability of alternative sites should be taken. Annex 3 of the NPPF categorises different types of uses and development according to their vulnerability to flood risk. The PPG under 'Flood risk and coastal change' in Table 2 maps these vulnerability classes against the flood zones set out in Table 1 of the PPG to indicate where development is 'appropriate' and where it should not be permitted.

331. In addition to the sequential test, there can be instances when development is proposed in higher flood risk zones to be required to meet an exceptions test. Paragraph 177 of the NPPF advises that the need for the exception test will depend on the potential vulnerability of the site and of the development proposed, in line with the Flood Risk Vulnerability Classification set out in Annex 3 of the NPPF. The exception test, as set out in Paragraph 178 of the NPPF, is a method to demonstrate and help ensure that flood risk to people and property will be managed satisfactorily, while allowing necessary development to go ahead in situations where suitable sites at lower risk of flooding are not available.
332. 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. CDP Policy 35 relates to flood water management and infrastructure and requires development proposals to consider the effects of the scheme on flood risk and ensure that it incorporates a Sustainable Drainage System (SuDs) to manage surface water drainage. Development should not have an adverse impact on water quality. CDP Policy 36 sets out a hierarchy of drainage options for the disposal of foul water which must be considered including connection to a public sewer, package sewage treatment plant and septic tanks. Applications involving the use of non-mains methods of drainage (including Septic Tanks/Cess Pits) will not be permitted in areas where public sewerage exists.
333. M&WDPD Policy MW1 states that minerals and waste development proposals will be permitted where it can be demonstrated that they will not result in unacceptable adverse impacts, either individually or cumulatively, on surface water, groundwater, and flood risk. Proposals must ensure the protection of water bodies throughout the exploration phase, during the operational life of the site, and after final restoration.
334. 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 the exception test are passed, informed by a site-specific flood risk assessment.
335. Ludwell Burn flows into the River Wear and is located immediately to the west of Ludwell Farm buildings. The Burn flows under the Road C74 at Ludwell Bridge. This section of the C74 is included within the planning application boundary. The River Wear is located between the former Works site to the north and BH1 and BH2 to the south. The proposed gantry included in the application site would be over the River Wear. The majority of the application site is within Flood Zone 1 (low risk of flooding) with some land on the site of the former Works being within Flood Zone 2 (medium probability of flooding) and Flood Zone 3 (high probability of flooding). Parts of the site lie within Risk Zone 3a (high probability) and 3b (functional floodplain). Overland flow routes cross the site as identified within the Council's Strategic Flood Risk Assessment (SFRA). The area of the former Works site proposed for development during the preliminary field trial and pilot plant phase is located within Flood Zone 1. Access through the former Works site would pass through Flood Risk Zones 2 and 3b. Whilst the pipelines connecting to the boreholes cross Flood Zone 2, 3, 3a and 3b they would be elevated above the River Wear using the existing gantry structure. The site is also within a groundwater vulnerability area as identified by the Environment Agency and a secondary aquifer.

336. In the northern part of the application area, the former Works site, the area proposed for development during the preliminary field trial and pilot plant phase is located within Flood Zone 1 and the site is at low risk of fluvial flooding. Limited storage of brine and fuel would occur on the Works site and to mitigate the risk to the environment the tanks would be located within bunds, appropriately sized, to collect and temporarily retain spill volumes resulting from leaks or damage to the tanks. New impermeable areas would be created, and surface water drainage infrastructure would be created and would be required to mitigate the risk of flooding within the site and off-site. A soakaway is proposed in the northern part of the site. Originally a direct outfall into the River Wear was proposed but its removal addresses a previous issue raised by the Environment Agency and also removes the need for any biodiversity net gain requirement to provide any river habitat uplift. As a result of the change, no works are proposed within 10m of the River Wear corridor.
337. BH1 and BH2, the access to them and the underground pipes are located within Flood Zone 1. No further boreholes are proposed to be drilled as part of the proposal. The proposed development at the BH1 and BH2 sites would include limited storage of brine and fuel. To mitigate the risk to the environment the tanks would be located within bunds, appropriately sized, to collect and temporarily retain spill volumes resulting from leaks or damage to the tanks. Whilst the pipelines connecting to the boreholes cross Flood Zone 2, 3, 3a and 3b they would be elevated above the River Wear using the existing gantry structure.
338. The proposed pipeline which would connect BH1 and BH2 would need to cross the Ludwell Burn which flows from Ludwell Wood north towards the River Wear. The pipeline would cross Ludwell Burn using the existing C74 which crosses the water course.
339. Two Drainage Statements have been submitted with the application. The Eastgate Drainage Statement covers the northern application area and the existing gantry to the Road C74. This Drainage Statement concludes that in terms of surface water the existing site at Eastgate (the former works site) is currently considered to be a greenfield permeable site with no active drainage networks. The proposed development would introduce a new surface water drainage network to collect, convey and attenuate surface water run-off to infiltrate to ground. The infiltration rate determined through testing is 0.22 m/hr. The proposed surface water drainage system would integrate sustainable drainage features including unbound surface access tracks, swales and an infiltration basin to manage surface water. It is noted that there is an existing overland flow path from springs and agricultural land, north of Eastgate, downstream to the River Wear. The proposed development would make allowance for this overland flow path around the perimeter of the site with interception swales. Due to the overall topography of the area, in exceedance events the water would flow towards the river from north to south on the site. With regards to foul water, it is stated that there are no existing foul sewers within close proximity to the site. As such domestic wastewater would be drained to a cesspool during the preliminary phase and pilot plant phase. The cesspool would be actively monitored, and wastewater would be transferred to a licenced wastewater treatment facility. Should there be further development of the site in the future then discharge to the Northumbrian Water sewer to the east of the site may be possible. There is the potential for the generation of small quantities of industrial wastewater during the field trials and pilot plant during washdown operations. Water from this source would be drained to a wastewater tank for testing and removal to an appropriate treatment facility. The storage tanks would be designed with secondary containment to mitigate the risk of pollution to the surrounding site in the unlikely event of a tank failure. A small fuel store may be

provided for the emergency generators on site which would be bunded in accordance with the in accordance with the Oil Storage Regulations 2001.

340. The second, the Borehole 1 and Borehole 2 Drainage Statement, concludes that the existing sites at BH1 and BH2 are currently considered to be greenfield permeable sites with no active drainage networks. The proposed development would introduce new surface water drainage networks to collect, convey, and attenuate surface water run-off to infiltrate to ground. If infiltration is deemed to be unfeasible, surface water discharge would be drained to Ludwell Beck at a maximum of 5l/s. The proposed surface water drainage system would integrate sustainable drainage features including unbound surface access tracks, filtration drainage and geo-cellular storage (if needed for restricted offsite discharge), to manage surface water. It is stated that there is an existing overland flow path from springs and moorland, upstream of BH2, to the eastern edge of site and downstream to the River Wear. The proposed development would make allowance for this overland flow path around the perimeter of the site. In the event that the overland flow enters the site, flow would be directed to the east and north of the site, away from the operational equipment and storage facilities. With respect to foul water, it is concluded that there are no existing foul sewers within close proximity to the site, and no domestic wastewater would be generated at either of the borehole sites, as welfare facilities are to be located on the Eastgate site. There is the potential for the generation of small quantities of industrial wastewater during pipe drain down or maintenance operations. Water from this source would be drained to a wastewater tank for testing and removal to an appropriate treatment facility. The storage tanks would be designed with secondary containment to mitigate the risk of pollution to the surrounding site in the unlikely event of a tank failure. A small fuel store would be provided for the generators on site. The fuel store would be bunded in accordance with the in accordance with the Oil Storage Regulations 2001.
341. Two Flood Risk Statements have been submitted. The Eastgate Flood Risk Statement covers the northern application area and the existing gantry to the Road C74. It concludes that the area of site proposed for development during the Phase 1 and 2 is at low risk of flooding and is located within Flood Zone 1. The proposed pipeline connecting Eastgate to the BH1 and BH2 sites would cross Flood Zone 2 and Flood Zone 3 but utilise the existing gantry structure and be elevated above flood level of the River Wear. There is a low risk of flooding to the site from surface water sources. The proposals would create new impermeable areas and surface water drainage infrastructure would be required to mitigate the risk of flooding within the site and off-site. Details of the proposed surface water drainage is provided in the Surface Water Drainage Strategy. Sources of overland flow would be mitigated utilising drainage features along the site boundary, which would direct flows away from operational features of the site. The proposed development would include limited storage of brine and fuel. To mitigate the risk to the environment the tanks would be located within bunds, appropriately sized, to collect and temporarily retain spill volumes resulting from leaks or damage to the tanks.
342. The second, the Borehole 1 and Borehole 2 Flood Risk Statement, concludes that the BH1 and BH2 development sites are subject to a very low risk of fluvial flooding sources with no nearby rivers to the site. Therefore, the Flood Risk Assessment has not identified any required mitigation measures to manage fluvial risk at the site. There is a low risk of flooding to the site from surface water sources. The proposals would create new impermeable areas and surface water drainage infrastructure would be required to mitigate the risk of flooding within the site and off-site. There is a low risk of flooding directly from groundwater sources. It is noted that there is a spring and saturated land located to the south of BH2. This may result in overland flow combining

with surface water flooding to impact on the eastern end of the BH2 site. Details of the proposed surface water drainage is provided in the Surface Water Drainage Strategy. The proposed development would include limited storage of brine and fuel. To mitigate the risk to the environment the tanks would be located within bunds, appropriately sized, to collect and temporarily retain spill volumes resulting from leaks or damage to the tanks.

343. The Flood Risk Assessment and Drainage Strategy for the Eastgate site was updated to objections raised by the EA in its initial response. These related to flood risk and impacts on a flood defence as the proposal involves building over a watercourse and flood defence. A soakaway was included instead of any direct outfall into the River Wear, which is no longer proposed. This change also removes the need for any biodiversity net gain requirement to provide any river habitat uplift. No works are proposed within 10m of the River Wear corridor. The EA subsequently withdrew its objections in relation to flood risk and impacts on a flood defence.
344. Some land on the site of the former Works area is within Flood Zone 2 (medium probability of flooding), Risk Zone 3a (high probability) and 3b (functional floodplain) as is an area to the south of the River Wear where the gantry crosses the River Wear. The area of the former Works site proposed for development during the preliminary field trial and pilot plant phase is located within Flood Zone 1.
345. The EA does not object to the proposal in terms of flood risk. It is satisfied that the submitted Flood Risk Assessment provides sufficient information to demonstrate that the site would be safe for its expected lifetime and would not increase on or offsite flood risk (fluvial). The EA has reviewed the crossing near the flood defence, and appropriate measures are planned to ensure there would be no impact to the defence. Access and egress can be made safely to the west of the site should the A689 flood at Eastgate village. However, there is a requirement for the Local Planning Authority to determine an appropriate area of search and to decide whether the sequential test and/or exceptions test have been passed
346. Although not in the conventional way, the development involves mineral extraction. The NPPG provides guidance as to how the sequential approach applies to minerals and waste development advising that waste and mineral planning authorities should apply the sequential approach to the allocation of sites for waste management and, where possible, mineral extraction and processing. It should also be recognised that mineral deposits have to be worked where there is no scope for relocation. However, mineral working should not increase flood risk elsewhere.
347. In the proposed location on the former previously developed Works site, land proposed for development during the preliminary field trial and pilot plant phase is located within Flood Zone 1. Access through the former Works site would pass through Flood Risk Zones 2 and 3b and the EA acknowledge access arrangements and raise no concerns. Whilst the pipelines connecting to the boreholes cross Flood Zone 2, 3a and 3b (both north and south of the River Wear) they would be elevated above the River Wear using the existing gantry structure. Given minerals can only be worked where they are found, and the basis of the application is to reuse existing boreholes in their presentation locations there is no alternative to the proposed location. In accordance with guidance in the NPPG, it has been possible to locate ancillary facilities such as processing plant and other buildings in areas at lowest flood risk in Flood Risk Zone 1.
348. Overall, the EA raises no objection and considers the proposed development would be acceptable subject to conditions. A construction environment management plan is

requested as no CEMP has been submitted in support of the application, which raises the risk of mitigation measures going unimplemented during construction of the scheme and be made available to contractors. The requirement for a plan through planning condition would address this matter. A condition requires details of borehole construction and decommissioning. Although the EA note that boreholes have already been installed there is the possibility further monitoring and/or operational boreholes may be required to investigate groundwater resources and/or to operate the Lithium extraction/ geothermal scheme in future. The EA also advise that if these boreholes are not decommissioned correctly, they could provide preferential pathways for contaminant movement which poses a risk to groundwater quality. No new boreholes are proposed as part of the current planning application therefore following discussions with the EA this condition has been amended to only relate to the existing boreholes.

349. The EA also requires conditions for above ground for the storage of oils, fuels and chemicals, pollution prevention and details of all underground pipework. These conditions are required because the application indicates the below ground transport and above ground storage of potentially poor quality water abstracted from the Weardale granite and storage of above ground fuels, oils or chemicals. The transport and storage of these substances can pose a risk to groundwater if leakage or spillage occurs. Groundwater is sensitive in this location because the proposed development site is located upon secondary aquifer A which is utilised for private water supply. The conditions are also required to ensure that the proposed transport and storage of potentially polluting / poor quality substances, does not harm groundwater resources in line with Paragraph 187 of the National Planning Policy Framework. In addition, a condition is requested for the submission of a scheme to dispose of foul drainage in order to ensure the protection of the water environment. The EA advises that it would look to control most environmental risks via its licensing and permitting regimes and that the recommended conditions aim to manage risks that are either immediate or fall outside of its licensing and permitting remit.
350. The EA provides advice to the applicant and the local planning authority in respect of groundwater, pre-abstraction licence groundwater investigation consents, ecology, silt, concreting, outfalls, angling interests, potential need for further environmental permits, surface water quality considerations and permits, environmental permit (non-mains drainage) and waste permits. The EA advises that the proposed development has the potential to bring about a degree of disturbance to anglers fishing the River Wear, which is a major angling resource for game fish. It is recommended that the angling organisations and individuals holding the fishing rights nearby are consulted directly on the proposals. The applicant has advised that contact has been made.
351. Of note in its advice to the applicant, the EA states that to date it has issued a number of pre-abstraction licence Groundwater Investigation Consents (GICs) to undertake the initial testing completed to date. An abstraction licence would be required to undertake longer term testing and to operate the proposed scheme. Given the close proximity between the Weardale Lithium and Northern Lithium schemes, from the same formation, evidence would need to be obtained during initial testing phases to determine whether the schemes are competing for the same source of water. This evidence would be needed as part of an abstraction licence application. Where schemes are confirmed to be 'competing' for the same water the EA does not operate a first come first serve basis. In the first instance it would look for a compromise between schemes e.g. sharing of water, where this is not possible, it would decide which scheme to issue a licence to, considering their merits.

352. Given the lack of existing statutory infrastructure in proximity to the site the application states that domestic wastewater would be drained to a cesspool and removed for processing at appropriate wastewater treatment facilities. Welfare facilities would be in temporary accommodation with integrated foul tanks. Other alternatives do not appear to have been considered contrary to CDP Policy 36 however if it is not possible to connect to the public sewerage system then the use of non-mains methods of drainage (including Septic Tanks/Cess Pits) is not ruled out. The EA has requested a condition requiring details of foul drainage. Northumbrian Water raises no objection and no requirement for further drainage details.
353. The Lead Local Flood Authority (Drainage and Coastal Protection) raise no objection and confirm approval of the submitted surface water management for the development.
354. A local resident at Harlaw, Stanhope has raised concerns regarding potential detrimental impacts upon private water supplies. It is also queried if there would be any change to the quality of water from the domestic borehole and in the event of a detrimental effect if he would be offered a viable alternative supply. The applicant has advised that there would be no impacts to domestic water supplies. This they state is because Lithium brine is present in the granite bedrock, which is in a different and much deeper geological system to the one targeted for drinking water supplies. Field tests would be conducted in accordance with consents issued by the EA to demonstrate there is no detrimental effect from abstraction of Lithium brines to groundwater levels and groundwater quality in aquifers used for drinking water supply. Environmental permits would be required from the EA to regulate commercial Lithium processing, and the EA would only issue those permits if there is no detrimental impact to the water environment. The permits would contain monitoring conditions to demonstrate there is no detrimental impact over the lifetime of the development.
355. The EA recommends the inclusion of a number of planning conditions which should mitigate any risks from the transport and storage of poor quality water and chemicals associated with the proposed scheme. The aim of the conditions is to protect the shallower groundwater and therefore any supplies taken from it. All other risks, including direct impact on water levels and quality of the shallower groundwater and private supplies from the abstraction and re-injection activities would need to be assessed by the operator before the scheme is allowed to operate. The EA would be requesting and reviewing these assessments via its abstraction licensing and environmental permitting regimes rather than via planning. Where required the EA would include conditions on licences and permits to mitigate any risks and would not issue licences or permits for any activity where risks to groundwater level or quality cannot be suitably mitigated.
356. Given the comments of the applicant and the requirements of the Environment Agency through planning conditions and its own separate regulatory regime the impacts of the proposed development upon private water supplies would be satisfactorily addressed.
357. It should be noted that Paragraph 201 of the NPPF states that the focus of planning policies and decisions should be on whether proposed development is an acceptable use of land, rather than the control of processes or emissions (where these are subject to separate pollution control regimes). Planning decisions should assume that these regimes will operate effectively. Equally, where a planning decision has been made on a particular development, the planning issues should not be revisited through the permitting regimes operated by pollution control authorities.

358. Protection of the water environment is a material planning consideration and development proposals, should ensure that new development does not harm the water environment. In this case the proposal poses a potential threat to water quality however, the EA has no objections to the proposal subject to conditions and no objections in respect of flood risk. Northumbrian Water does not object and nor do Drainage and Coastal Protection Officers. It is not considered that the proposed development would lead to increased flood risk, both on and off site. Although parts of the site are within Flood Zones 3b these are areas where development would be above ground level. The development in Flood Zone 2 and 3a relate to the access to the development site in the former Works site. The processing plant and other buildings would be located within Flood Zone 1. Having had regard to the submitted Flood Risk Assessments and to the fact that minerals can only be worked where they are found as well as the views of the Environment Agency, it is not considered that the proposed development is unacceptable although there is some conflict with CDP Policy 35a as the development is not necessarily water compatible or essential infrastructure. Suitable conditions can be imposed to ensure that measures to protect the water environment are in place. It is therefore considered that the proposals would not conflict with CDP Policies 10 and 36, M&WDPD Policies MW1 and M14 and Parts 14 and 17 of the NPPF.

Recreational amenity

359. 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.

360. CDP Policy 10 states that new development in the countryside must not impact adversely on general amenity. 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. M&WDPD Policy MW1 states that proposals for minerals and waste development will be permitted where it can be shown to have no unacceptable adverse impacts, either individually or cumulatively, on the local and strategic road network, as well as the Public Rights of Way (PROW) and multi-user path network. If unacceptable impacts on the PROW and multi-user paths, and their users, are unavoidable, suitable mitigation measures must be provided through either temporary or permanent diversions.

361. Footpath No. 18 (Stanhope Parish) runs north south past Lud processing plant and other buildings in areas at lowest flood risk well Farm starting at the C74 then continuing eastward along a dismantled railway running parallel with the River Wear under the gantry and onto Eastgate. There are no public rights of way elsewhere within the site. BH1 is approximately 380m to the west of Footpath No. 18 (Stanhope Parish) with the proposed underground pipes being closer. BH2 is approximately 190m to the east.

362. Access & Rights of Way Officers have no objection to the proposal as long as works do not affect Public Footpath No. 18 (Stanhope Parish). Officers note the access to the Footpath may be affected by the installation of the proposed pipeline along the adopted highway. If access could be maintained during the installation, with use of a banksman Officers would consider that to be acceptable, otherwise a temporary closure would need to be applied for. Given the pipeline would be using the existing

overhead gantry to cross the River Wear and the line of the footpath, Officers anticipate that this would not be an issue and not require any closure.

363. Once operational the proposed development would not have a direct impact upon designated rights of way. During installation of the below ground pipes there is the possibility that there would be temporary disruption in terms of accessing Footpath No. 18 (Stanhope Parish) from the Road C74. This would be time limited for a maximum of 6 months, but likely to be a shorter period of time given the small amount of pipework that would need to be installed near the route of the right of way. South of the River Wear this could potentially be 48 weeks that additional vehicles could be using the C74 but works near Footpath No. 18 (Stanhope Parish) would be for a shorter duration.
364. There would be additional vehicles on the Road C74 that would access the construction works to the application sites south of the River Wear. However, users would continue to be aware of their surroundings as at present and take suitable precautions given access to the Footpath is from the highway used by public traffic and traffic from the Northern Lithium site when it is operational.
365. There may be temporary disruption to the use of Footpath No. 18 (Stanhope Parish) for a limited period of time, but this can be accommodated for and would not be unacceptable, and not a sustainable reason for refusal of the planning application. It is therefore considered that the proposals would not conflict with CDP Policies 10 and 26, M&WDPD Policy MW1 and Part 8 of the NPPF.

Cultural Heritage

366. In assessing the proposed development regard must be had to the statutory duty imposed on the Local Planning Authority under the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character and appearance of a conservation area. In addition, the Planning (Listed Buildings and Conservation Areas) Act 1990 also imposes a statutory duty that, when considering whether to grant planning permission for a development which affects a listed building or its setting, the decision maker shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. If harm is found this gives rise to a strong (but rebuttable) statutory presumption against the grant of planning permission. Any such harm must be given considerable importance and weight by the decision-maker.
367. 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. M&WDPD Policy MW1 states that minerals and waste development proposals will be permitted where it can be demonstrated that they will not lead to unacceptable adverse impacts, either individually or cumulatively, on the environment of County Durham, including its historic environment.
368. Paragraph 216 of the NPPF states 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.

369. There are no designated heritage assets within the site. The closest is the Ludwell farmstead comprising three Grade II listed buildings: Ludwell Farmhouse; Barn Range South of Ludwell Farmhouse, and Former House and Byre, with Loose Boxes, South of Ludwell Farmhouse Barn located between BH1 and BH2. To the west of BH1 at Westernhopeburn are Grade II Westernhope Burn East Farmhouse and Westernhopeburn West Farmhouse and Adjoining Outbuilding. Further to the west, along the proposed access route, are the Grade II Listed Emmerson Cottage, The Cottages and Muschamp House to the south of the C74 at Brotherlee. There are Grade II listed buildings at Swinhopeburn (The Cottage and Adjoining Farm Buildings, Outbuilding to the South of Swinhopeburn Farmhouse and Swinhopeburn Court House). Where the C74 meets the A689 is the Grade II listed The Cottage. To the north of Brotherlee and the A689 are listed buildings at New Park House Farm (Grade II listed Outbuilding to south of Park House Farm House, Barn and Stable Range to East of Park House Farmhouse and Milepost about 120 Metre East of Park House Farmhouse. To the east of these is the Grade II listed Field Barn and Wall at Junction of Heights Quarry Road. The Eastgate Conservation Area has a number of listed buildings including the Grade II Bridge over Rookhope Burn and the Cross Keys Public House. Approximately 2.7km to the west of the application site is Westgate Conservation Area which extends to the south of the River Wear to include properties at East Haswicks to the north of the C74 and amongst other listed buildings include the Grade II Haswick's Bridge over River Wear. The Grade II Fell View Cottage and the Grade II* Westgate Primitive Methodist Chapel (the latter two being to the north of the A689. The Cambokeels medieval site Scheduled Monument lies approximately 420m to the north west of the application site at the closest point. with the Scheduled Enclosure NW of Old Park House 570m to the north west of it. Non-designated heritage assets in the locality include Ludwell Bridge and Long Lee Farm.
370. A Heritage Impact Assessment has been submitted with the application which considers the significance and setting of the heritage assets within and surrounding the former cement works. The proposal seeks to reuse two existing boreholes on the south side of the river and to use the site on the north bank for processing. Two groups of buildings/structures are proposed adjacent to boreholes one and two, which include single storey buildings, security fencing and storage. The boreholes are within the setting of Listed Buildings; however, the design has sought to minimise any harm by proposing small scale structures set into the ground and using local materials to assimilate within the landscape. No harm to the significance or setting of the heritage assets has been identified.
371. The Heritage Impact Assessment also notes that two groups of buildings/structures are proposed adjacent to boreholes one and two, which include single storey buildings, security fencing and storage. The boreholes are within the setting of Listed Buildings; however, the design has sought to minimise any harm by proposing small scale structures set into the ground and using local materials to assimilate within the landscape. Other nearby heritage assets have been considered including the Eastgate Conservation Area and its associated listed buildings and structures and the locally listed Stanhope Park which includes a large part of the surrounding landscape including the former cement works site. The non-designated Ludwell Bridge on the Road C74 close to Ludwell Farm and Long Lee Farm have also been considered. The Assessment concludes that it has identified the heritage assets which have the potential to be affected by the proposal and considered the impact of such on their special interest. The Assessment states that the surrounding heritage assets are of archaeological, historical and architectural interest and contribute to the overall character within this part of the countryside. The proposal has been designed to minimise impact upon the local landscape and heritage assets whilst enabling the use of the existing infrastructure to bring the previously developed land back into active

and productive use. Whilst no harm has been identified, there are several public benefits to this proposal which should be considered in the planning balance.

372. Design and Conservation Officers note that while the red line boundary is extensive, the areas to be subject to above ground built development are more limited and situated in an evolved and degraded landscape. To the east of the application site lies Eastgate Conservation Area and the component heritage assets. These assets are set at distance and due to this, intervening tree cover and the scale and location of the proposed built form it is considered that there would be no harm to setting. To the south lie the listed buildings associated with Ludwell. The significance of these assets is not drawn from setting or the surrounding landscape to any great degree, as such whilst there might be intervisibility this is considered acceptable. Design and Conservation Officers have considered the revised designs in relation to their impact on the setting of designated and non-designated heritage assets identified in the submitted heritage assessment and whilst there would be changes to setting these are not considered to be harmful. Subject to control of materials and finishes either by submission of samples prior to determination or by condition there is no design objection to the proposal.
373. Design and Conservation Officers and the submitted Heritage Impact Assessment do not consider that there would be harm to the nearby heritage assets the closest being those at Ludwell farmstead comprising three Grade II listed buildings: Ludwell Farmhouse; Barn Range South of Ludwell Farmhouse, and Former House and Byre, with Loose Boxes, South of Ludwell Farmhouse Barn. The non-designated Ludwell Bridge would be impacted upon due to the route of the proposed pipeline. However, it is not considered that this would be harmful.
374. As no harm as opposed to less than substantial harm has been identified there is no need to undertake an assessment of public benefits under Paragraph 215 of the NPPF.
375. Notwithstanding the above, the application specifically refers to public benefits of the scheme should the Council consider that there is less than substantial harm as opposed to no harm as required by Paragraph 215 of the NPPF. The Assessment identifies that there are several public benefits to the scheme which should be taken into consideration in the planning balance. These being, but not limited to: reuse of a redundant brownfield site; economic impact from creation of new jobs; associated economic impact from use of local services and utilising the natural resources for energy production. Benefits of the proposed development are considered above in the addressing of impact upon the NL and AHLV and it not proposed to repeat those, but regard should be had to them. Had officers considered that there was less than substantial harm to designated heritage assets and Paragraph 215 of the NPPF was applicable then it is considered that the public benefits of the proposal would outweigh any harm.
376. 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. With regard to Ludwell bridge on the C74. There is approximately 1m depth between the crown of the bridge arch and the road surface level. On that basis, Design and Conservation Officers consider that there would be sufficient cover below the road to lay the pipeline within the highway boundary and as a result there would be no harm to the designated heritage asset and hence no impact upon its significance.

377. A desk based Archaeological Assessment has also been submitted. This identifies that those groundworks associated with the proposed development, including ground reduction, the pipework, foundations and associated utilities, have the potential to remove or truncate an as yet unidentified archaeological resource, together with the remains of Long Lee Farm located at the former cement works site, and possible Roman earthworks to the west of the cement works. It is noted that the construction of the cement works is likely to have removed or truncated any archaeological resource that was present from earlier periods within its footprint. It is stated that the Ludwell Bridge, of probable 18th Century date, on the Road C74, may be impacted by the groundworks for the pipework. The Assessment concludes that no archaeological deposits have been identified which require preservation in situ. It is recommended that a programme of evaluative works is recommended in those parts of the site which have not yet been developed and where the development has the potential to impact on an archaeological resource. The evaluation works may comprise earthwork survey, geophysical survey and evaluation trenching, and this would likely be concentrated in the area to the west of the former cement works. Where necessary, a suitable mitigation scheme can subsequently be devised. It is recommended that the standing remains of Long Lee Farm are subject to a photographic record in accordance with Historic England guidelines prior to development.
378. The Council's Archaeology Officer has no objection having had regard to the results of monitoring undertaken in association with the Northern Lithium application which encountered little of archaeological significance. No concerns are raised regarding the excavation required for the proposed pipeline and it is considered that the archaeological features that may once have existed there will have been removed therefore no archaeological investigations are required for this element of the proposal site of the former Works. To the west at the former Works site and outside of the current application boundary which has not previously been developed is identified as of possible interest and would require investigation should future proposals be submitted for its development.
379. Northern Lithium has raised concerns regarding the consultation response from the Council's Archaeology Officer. In response to Northern Lithium planning application the Council's Archaeologist advised that submitted reports identified that some archaeological features were encountered by these works, one of which was of uncertain date and significance, the others of which were of low significance. Given these results, it was appropriate to require further watching briefs on any further ground disturbing works, which could be secured through condition requiring a written scheme of investigation setting out a programme of archaeological work and a requirement for completion of a post investigation assessment.
380. In response to the concerns raised by Northern Lithium to the current planning application, the Council's Archaeology Officer has confirmed that because of the restricted extent of the proposed works west of Ludwell and the very low archaeological potential of the area as indicated by the results of the two phases of watching brief in 2022, Officers came to the conclusion any further archaeological work was likely to be of very limited value and thus unnecessary.
381. It is considered that, in most respects, the proposed development would have no impact or harm upon the significance of built heritage assets falling within the locality. Nevertheless, an assessment of public benefits has been undertaken and the test in Paragraph 208 of the NPPF has been considered and concluded that there are public benefits that would arise and are considered to be sufficient to outweigh less than substantial heritage harm. It is, therefore, considered that the proposal would not

Agricultural land quality and use

382. Paragraph 187 of the 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 (BMV). 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. 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. M&WDPD Policy MW1 states that proposals for minerals and waste development will be permitted where it can be demonstrated that they will not cause individual or cumulative unacceptable adverse impacts on the best and most versatile agricultural land and soil resources.
383. An Agricultural Land Classification (ALC) Assessment has not been carried out but the submitted Planning Statement states that the provisional Agricultural Land Classification for both the BH1 and BH2 sites is Grade 4. Natural England's Agricultural Land Classification map North East Region identifies the land at BH1 and BH2 to be Grade 5 (very poor) and land at the former Works site to be Grade 4 (poor). It is noted that the results of a July 2022 site survey submitted with the Northern Lithium application (DM/22/02878/MIN) identified the presence of Grade 3b agricultural pastureland on that application site which is in the vicinity of BH1. Notwithstanding this, none of the application site is comprised of best and most versatile land.
384. A minimal amount of agricultural land would be lost due to the proposed built developments on the BH1 and BH2 sites, but this is limited in area. During the earthworks proposed in the BH2 site topsoil and subsoil would be stripped and stored separately until required for landscaping. Topsoil storage mounds would not exceed 3m in height and subsoil mounds would not exceed 5m. Soil resources will not be left in mounds for longer than 6 months. The stripped soils would be respread in the correct layers before seeding and remaining soil resources would then be spread in a thin layer across the wider BH2 compound. Soil handling would only be undertaken when it is suitably dry and friable. Details of soil handling can be secured through condition.
385. The development would remove a portion of land from pasture use at BH1 and BH2 where the built development would be sited and compounds created, however these would be removed, and the land reinstated along with habitat creation. Overall, it would be a relatively small area that would be lost. Through condition details of soil stripping, handling, storage, replacement for the soils and seedling can be required. The proposal would not therefore conflict with CDP Policy 14, M&WDPD Policy MW1 or Part 15 of the NPPF in this respect.

Contamination, Land Stability and Coal Mining Risk

386. 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.

387. MWDPD Policy MW1 states that minerals and waste development proposals will be permitted if it can be demonstrated that they will not result in unacceptable adverse impacts upon land stability and instability from both the operation and the restoration of minerals and waste disposal sites.
388. The former Eastgate Cement Works site, which whilst appearing to be cleared, appears to be derelict i.e., it has been damaged by industrial or other development with the remains of previous buildings and structures upon it. It is understood that the site of the proposed pilot plant appears to have been used for stockpiling associated with the former cement works. There is also a potential for contamination associated with the sites previous uses.
389. A Geotechnical and Geoenvironmental Desk Study has been submitted with the application which seeks to identify, assess and propose mitigation of risks associated with ground conditions relevant to the proposed development. The Study notes that the pilot plant would be located on the former Cement Works site and possible sources of contamination include made ground associated with the cement manufacturing processes. At the pilot plant site ground conditions are anticipated to comprise made ground over superficial deposits (alluvium and glacial till) over limestone. Shallow groundwater may be present in natural superficial deposits and limestone. Contamination as a result of previous activities is not anticipated along the pipeline routes and at the BH1 and BH2 existing borehole sites. A preliminary risk assessment has been undertaken to identify potential source-pathway-receptor linkages that require further assessment. Ground investigation is recommended on the pilot plant site to inform understanding of the geoenvironmental and geotechnical conditions and design any mitigation measures and provide data for foundation design. Intrusive investigations are anticipated to comprise boreholes and several trial pits with associated geotechnical testing, ground gas and groundwater monitoring and laboratory chemical testing.
390. Environment, Health and Consumer Protection (Contaminated Land) officers raise no objections to the proposals subject to conditions requiring further site investigation. In addition, an informative would accompany any grant of planning permission if any unforeseen contamination is encountered. It is considered that the proposals would not conflict with CDP Policy 32 and Part 15 of the NPPF.

Coal Mining Risk and Mineral Safeguarding

391. The site lies within a Coalfield Development Low Risk Area. A Coal Mining Risk Assessment is therefore not required. Should planning permission be granted then it would be necessary to include its Standing Advice within the decision notice as an informative note to the applicant in the interests of public health and safety.
392. The former Works site lies within a mineral safeguarding area for river sand and gravel as defined in the County Durham Plan. CDP Policy 56 advises 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 or which will sterilise an identified 'relic' natural building and roofing stone quarry as shown on Map

C of the policies map document unless one of the following apply: a) it can be demonstrated 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; b) provision can be made for the mineral to be extracted satisfactorily prior to the non-minerals development taking place without unacceptable adverse impact on the environment, human health or the amenity of local communities and within a reasonable timescale; c) the non-minerals development is of a temporary nature that does not inhibit extraction within the timescale the mineral is likely to be needed; d) there is an overriding need for the non-minerals development which outweighs the need to safeguard the mineral; or e) it constitutes exempt development as set out in appendix C of the Plan.

393. A Mineral Safeguarding Assessment has been included within the submitted Planning Statement which considers that criteria a) of CDP Policy 56 is applicable in this case. The Assessment states that the sand and gravel resource likely to be in place beneath the site would have been deposited through fluvial processes. It is acknowledged that there are existing sand and gravel extraction operations within the River Wear catchment, the nearest being Low Harperley Quarry, approximately 11 miles downstream to the east of the proposed site. The part of the River Wear that the proposed site is located within has not historically been attractive to proposals for sand and gravel working. This may be due to resource quality given that deposits in this area would be coarser and therefore of a lower quality than alternative sites. It is also stated that the proposed site is brownfield having previously been used as a cement manufacturing facility. In order to access the mineral resources that lay beneath the site, previous areas of hardstanding (concrete and other made ground) would need to be removed. The Assessment identifies that the presence of the hardstanding would have a series of implications for any mineral recovery operation in that the upper layers of the mineral resource may be “contaminated” through mixing with hardstanding material, and this would reduce the overall recoverable “clean” mineral resource. Some of the anticipated mineral resource may have been removed or replaced with made ground through the construction of the former cement works. Furthermore, there is potential for significant additional costs of extraction when compared to greenfield sites given the breakup and removal of made ground from the site and any additional processing required to remove any made ground fragments from the sand and gravel resource. The Assessment concludes that taking account of the likely significant additional cost that would be incurred to recover the mineral resource from below the existing made ground, coupled with the inherent uncertainty regarding the sand and gravel deposit quality in this part of the River Wear catchment, the removal of the sand and gravel resources below the application site would not be viable. On that basis the proposal does not represent a viable mineral resource, and criteria a) of Policy 56 applies. On that basis the proposal is consistent with Policy 56 of the County Durham Plan.

394. This part of the River Wear has not historically been attractive to proposals for sand and gravel working. It is considered this has been because the deposits in this area are likely to be coarser deposits and due to possible contamination with deleterious rock types from the surrounding areas. If economically important mineral remains underneath areas of the site, which has not accommodated previous built development associated with the former cement works, any sterilisation would be minimal. There is no objection on mineral safeguarding grounds because, if the planning application could provide a source of domestically produced Lithium, then Lithium’s importance to the UKs growing battery and renewable energy sectors and the decarbonisation of the UK economy would constitute an ‘overriding need’ which outweighs the need to safeguard any underlying fluvial sand and gravel. It is also considered that there are clear benefits in the location of the development of on-site processing facilities (phase 1 of the development), as this would remove the need to

tanker all or the majority of the abstracted water off site and any on site facilities would also provide a valuable source of employment within this part of County Durham.

395. Having considered the Assessment and given the location of the site, the existing and proposed use of the land as well as the likely quality of mineral within the site, it is high unlikely that other mineral extraction would be appropriate or viable in this is location. Furthermore, the development proposed on the former Works site subject to this planning application is temporary for 15 years. It is therefore considered that the proposed development would not conflict with CDP Policy 56 and Part 17 of the NPPF.

Cumulative impact

396. When considering cumulative impact regard should be had to past, current and future (planning permissions granted, or planning applications being considered) mineral and non-mineral activities in an area which have added collectively to adverse environmental impacts.
397. 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. Paragraph 224 of the NPPF advises that in considering proposals for mineral extraction, minerals planning authorities should take into account the cumulative effect of multiple impacts from individual sites and/or from a number of sites in a locality. The PPG also states that some parts of a mineral planning authority area may have been subjected to successive mineral development (such as aggregate extraction or surface coal mining) over a number of years.
398. CDP Policies 10 and 31 requires consideration of cumulative impact as does M&WDPD Policy MW1. 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. M&WDPD Policy MW1 states that proposals for minerals and waste development will be permitted where it can be demonstrated that they will not result in individual or cumulative unacceptable adverse impacts on a number of matters including human health and amenity of local communities, the environment of County Durham, the local strategic road network and public rights of way, the County's ability to meet the challenge of climate change and transition to a low carbon future, land stability and instability and aviation safety.
399. Within the vicinity of the application site are a number of former and active quarries as well as the permitted Northern Lithium development. The former Eastgate Quarry lies some 800m to the south with the former cement works north of the River Wear forming part of the application site. Eastgate Quarry is considered to be restored and has been released from aftercare. The former Cambokeels lies to the north of the River Wear. The inactive Harrowbank and Ashby Bank Quarry is approximately 1.4km to the north east. The active Heights Quarry is located approximately 1km beyond the application site with an access directly onto the A689. The active Newlandside Quarry is approximately 3.7km to the east.
400. Heights Quarry is a long established quarry with planning permission for extraction until 2046 and restoration 12 months thereafter. The site is accessed of the A689. This permission does not include limits on vehicle numbers. Given the number of vehicle movements for the proposed development and nature of the vehicle type it is considered that there would be no adverse impacts in relation to highway matters.

Given the distance between the sites and the fact that conditions are in place to control environmental impacts at Heights Quarry it is not considered that other cumulative impacts would arise. This is also the case with Newlandside Quarry which has planning permission until 2031 and conditions controlling the number of vehicle movements.

401. The permitted Northern Lithium development is for the continued exploration to develop the abstraction and re-injection of groundwater for the extraction and processing of Lithium at a pilot scale at Ludwell Farm. This was approved under Planning Permission No. DM/22/02878/MIN in May 2023 and subsequently amended by Planning Permission No. DM/24/00899/VOCMW in October 2024 to allow for temporary lighting. That planning permission involves the continued use of the existing two boreholes drilled by the company under permitted development rights and the development of up to four more (six in total) for monitoring, testing and exploration and development activities over a 5 year period (Phase 1). This would be followed by periodic monitoring over a 5 year period (Phase 2). At the time of the application, it was stated that in practice it may be the case that the number of boreholes required is less than six and the duration of the testing and monitoring be less that described in the application if sufficient information is collected from the initial boreholes.
402. Through condition details of a 30 day pump test have been approved and undertaken. Details of a 60 day pump test for the next stage of the development involving a pilot scale Direct Lithium Extraction (DLE) ultra filtration unit with a DLE demonstration scale plant have been approved. Details of further testing may be submitted in future. The current Northern Lithium planning permission is time limited. Through condition Planning Permission No. DM/22/02878/MIN and now Planning Permission No. DM/24/00899/VOCMW states that Phase 1 comprising the continued use of the existing two boreholes and the development of up to an additional four for monitoring, testing and exploration and development activities shall cease no later than 30 August 2028. Phase 2 comprising periodic monitoring shall cease no later than 30 August 2033. There is the potential that both sites would be operating or undertaking some testing at the same time. Should Northern Lithium submit a further planning permission then this would be considered against relevant Government guidance, development plan policies and other material considerations, including cumulative impact as this current application is.
403. With the Northern Lithium application amongst other matters, condition control working hours, vehicle access, vehicle numbers relating to site operations and tankers used for transporting waste water and the type of vehicle permitted to transport groundwater from the site for processing, these being tractor and standard agricultural bowser. Vehicle movements were considered to be an issue because of the narrow Road C74 but with the current proposal groundwater is proposed to be transported via pipe across the River Wear as opposed to road, and the period where there may be some temporary disruption is during the construction phase. It is accepted that the two developments are in close proximity and would share access in the vicinity of BH1 and use would need to be a matter that would require discussions between the parties and cooperative working. Matters such as working hours and submission of a Construction Management Plan would seek to control the proposed development during the construction phase, thereafter only occasional maintenance would be required at the BH1 and BH2 sites. As stated above appropriate permits would be required from the Environment Agency.
404. Northern Lithium has raised concerns regarding the close proximity of the two developments. It is the case that they are in respect to BH1 and the access track to it and proposed underground pipes. The applicant has undertaken an assessment of

the effect of the current proposal upon the Northern Lithium schemes which concludes that Northern Lithium assets would be unaffected. The applicant has noted the importance that both Northern Lithium and Weardale Lithium find a way for technical co-operation to ensure that the Lithium resources in Weardale are developed to the best advantage of the local community and the northeast region.

405. In terms of non-mineral development, on the site of the former Weardale Cement Works Planning Permission No. DM/18/02040/FPA on 27 May 2022 for the change of use of land to caravan park site and associated works. Works are due to commence on 3 February 2025. Consideration has been in this report to the concurrent working of both developments and it is recognised that there would be the potential for some disturbance during the construction and operational phases of the proposed Lithium development.
406. In addition, a number of planning permissions have been granted at Ludwell Farm as set out in the planning history section of this report. There is the potential for works to take place at the same time if they have not already been completed, which may generate some noise and additional vehicle movements, but these works would be time limited.
407. Cumulative impacts from proposed or committed developments in the vicinity of the proposed development have been considered. The combined effects of working any development may in itself also have some cumulative impacts on environmental and living conditions and the perceptions of the those within the vicinity of the area. In this case the proposed development is for a temporary period. Nevertheless, the impacts of the development have been assessed in this report and where appropriate conditions would be imposed to reduce the impacts where identified. It is considered that the proposal would not result in an adverse cumulative impact exceeding that of a single, acceptable site in accordance with CDP Policies 10, 31 and 38, M&WDPD Policy MW1 and Parts 15 and 17 of the NPPF.

Climate change

408. The NPPF focus relates to moving to mitigating and adapting to climate change, including moving to a low carbon economy. NPPF Paragraph 161 advises that the planning system should support the transition to a low carbon future in a changing climate; and 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. Paragraph 165 of the NPPF relates to helping to increase the use and supply of renewable and low carbon energy and heat. The NPPF does not contain any advice which seeks to restrict mineral extraction on climate change grounds and does not refer to any requirement to consider CO₂ emissions associated with the winning and working of minerals or their use by the end user.
409. CDP Policy 29 requires all development proposals to achieve well designed buildings and places having regard to SPD advice and sets out detailed criteria that where relevant development is required to meet including criterion c) which states all development proposals will minimise greenhouse gas emissions. This criterion goes onto explain that this is in the context of 'by seeking to achieve zero carbon buildings and providing renewable and low carbon energy generation' and CDP paragraph 5.340 which states, 'Reducing carbon emissions and adapting to the effects of climate change therefore underpins every aspect of planning, helping to support regeneration

and improve the health and quality of life of everyone in County Durham. Climate change mitigation and adaptation must therefore be integrated throughout the Plan’.

410. M&WDPD Policy MW1 states that proposals for minerals and waste development will be permitted where it can be demonstrated that the proposal will not result in individual or cumulative unacceptable adverse impacts on at criterion 4, County Durham’s ability to meet the challenge of climate change and transition to a low carbon future. Proposals for minerals and waste must demonstrate how they will minimise greenhouse gas emissions and how they have incorporated measures to adapt, mitigate, reduce vulnerability, and increase resilience to the future impacts of climate change.
411. Greenhouse gas emissions from the proposed development are not directly addressed in the application but it is recognised that the increased use of Lithium would support the growth of green technologies and generate benefits. However, it is noted that these benefits can be undermined to a degree, if the actual recovery of the lithium itself increases carbon emissions. A recent High Court judgement indicated that hydrocarbon projects must establish their downstream emissions. The application compares hard rock mining, underground reserves and geothermal methods of mining Lithium. In terms of CO₂ emission per tonne of Lithium, hard rock mining would produce 15,000kg, underground reservoirs 5,000kg and geothermal water being 0kg. In terms of the use of water per tonne of Lithium, hard rock mining would produce 170m³, underground reservoirs 469m³ and geothermal water being 3m³. Regarding the use of land, per tonne of Lithium, hard rock mining would take 464m², underground reservoirs 3,124m² and geothermal water 1m². Comparing the methods of extraction, the recovery of Lithium through the extraction and processing of geothermal water, as is proposed, would have the lowest environmental footprint compared to other extraction methods of lithium recovery given geothermal water extraction emits no CO₂ back into the atmosphere, the use of water needed to extract is limited and it does not take up a lot of land when compared to other more traditional extraction techniques. Furthermore, it is stated that Weardale is one of only two locations in the UK where the geology exists that has a geothermal gradient (i.e. heat) alongside the lithium resource that is sufficient for direct uses such as space heating and electricity generation. This means that over the longer term at the Eastgate site there would be an opportunity develop geothermal heat uses alongside the extraction of the lithium resource. The application therefore presents an opportunity to meet both national strategic objectives whilst also securing significant economic investment into the local area, all delivered through a scheme which is as sustainable as it can be. In addition, with the use of pipes to transport groundwater the number of vehicle movements would be reduced thus cutting emissions.
412. The applicant has provided information to seek to demonstrate that the proposed development would minimise greenhouse gas emissions compared to other methods of Lithium extraction and thereby mitigate and reduce vulnerability and increase resilience to the future impacts of climate change. The proposed development would not conflict with CDP Policy 29, M&WDPD Policy MW1 and Part 14 of the NPPF in this respect,

Other matters

413. Northern Lithium has raised concerns regarding the proposed development given the close proximity to its permitted development. With regard to comments that Weardale Lithium has not consulted Northern Lithium directly about their development proposals, public consultation is encouraged prior to submission of a planning application. There have been opportunities for community engagement as referred to

above which was an opportunity for discussions to take place. It is not for the planning system to insist discussions take place or comment upon disputes between developers. Northern Lithium has commented on the planning application through the statutory consultation process making its views known. The applicant has responded highlighting that a number of matters are not material planning considerations.

414. Likewise, the issue of ownership, mineral rights and access rights raised by Northern Lithium and the two landowners, are not matters for the planning system and should any necessary agreements and rights not be in place, then the proposed development could not be undertaken.
415. Northern Lithium has raised concerns as to whether consultees are aware of the close proximity of its site to the application site. Consultees who have commented on the current application have commented on the recent Northern Lithium applications and will be aware of that development.
416. A Screening Opinion under the Town and County Planning (Environmental Impact Assessment) Regulations 2017 (as amended) was undertaken at the pre-application stage. A further Screening Opinion was undertaken in respect of this planning application. This concludes that the proposed development would not be likely to have significant effects on the environment and that the proposed development is not EIA development, and that the planning application need not be supported by an Environmental Statement in line with the Regulations. The Northern Lithium development was not considered to be EIA development, and any future application would be Screened and may or may not be, but a request for a Screening Opinion has not yet been made.
417. Northern Lithium comments made regarding the application form and inconsistencies are noted but it is for the Council to assess the planning application and seek clarification where required. Officers do not consider that any further information is required in this regard.
418. Northern Lithium comments regarding the appropriateness of buildings over the boreholes. The applicant advises that the buildings that are placed over both boreholes are needed to securely house the electrical equipment used for the pumping and monitoring operations. The buildings have been designed so that the roof and walls can be removed easily in order to gain access if further room is needed for any specific maintenance operation. The ability to remove parts of the structure is there for any unplanned or emergency activity, it would not be required for regular monitoring or maintenance.
419. Northern Lithium considers that permanent planning permission for the pipeline route and BH1 and BH2 is fundamentally wrong in planning terms and that an end date should be imposed is noted. However, to remove the underground pipes would be disruptive. Should the plant be removed after 15 years and no subsequent planning permission granted, then there would be no use for the boreholes, but they would remain in situ. Officers do not consider that this approach is fundamentally wrong.

Public Sector Equality Duty

420. 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.

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

CONCLUSION

422. Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. The NPPF is a material consideration in planning decisions.
423. The proposal is for development of a pilot Lithium processing plant using groundwater abstracted from existing ground water wells and associated infrastructure over a temporary period. Groundwater containing Lithium would be abstracted from two previously drilled boreholes and transported by pipe to the processing plant. Buildings and structures erected at BH1, BH2 and those for use in the field trials and pilot plant would be removed at the end of the temporary permission period. Underground features are proposed to be retained. Given the pipe work would be installed and removal would cause further disruption, this would not be unacceptable.
424. The planning application relates to, two initial phases of a four-phase scheme but must be determined based on what has been submitted, which is for a phased but permanent development utilising previously drilled boreholes near to a previously developed and derelict site which is in need of comprehensive restoration.
425. The importance of Lithium cannot be overstated as is recognised in Government policy, documents and in the M&WDPD. The benefits of the proposed development are economic, environmental and local and would not only benefit County Durham through inward investment if successful, but the region and country as a whole and feed into the wider net zero carbon emission targets being an essential component of clean energy technologies.
426. The development has been carefully assessed in terms of its location, operation and appearance. Consideration has also been given to the impact of the proposals upon the principle of the development, residential amenity (noise, air quality and dust, lighting, odour and vehicle movements), landscape and visual impact and development within the NL, access and traffic, biodiversity interests, flooding, drainage and water resources, recreational amenity, cultural heritage, agricultural land quality and use, cumulative impact, other matters and, subject to appropriate conditions where appropriate, the impacts are considered to be acceptable.
427. There would be some localised harm to the scenic beauty of the NL which is one of the special qualities of the NL. However, given the nature of the proposed development, the location on the edge of the designation and the duration of the development it is considered that this harm would be of a low magnitude, localised and temporary and not harmful to the special qualities or the purpose of the NL. Subject to appropriate mitigation the level of harm would be reduced. It is considered that the proposal would satisfy the exceptional circumstances set out in the NPPF in respect of the NL and it has been demonstrated that the development would be in the public interest. It should be noted that the aboveground works within the NL are minimal.

428. It is recognised that there would be localised harm of a temporary duration to intrinsic character and beauty of the countryside, to the character, quality and distinctiveness of the landscape and to the special qualities of the AHLV. However, this would be of a low magnitude, and given the temporary nature of the development after which the buildings and associated structures would be removed and appropriate mitigation through the submission of details of materials and colours of buildings and requirement for removal, it is considered that this would not be unacceptable. In addition, the benefits of the development being in this location have been considered and they are considered to outweigh any harm.
429. The site is not subject to nature conservation designations, and it is considered that there would not be an adverse impact on national and international ecological designations close by, a view endorsed by the ecological consultees. Nor is it considered that there would be an adverse impact upon flora or fauna, including protected species. Consideration has been given to flood risk and to the fact that minerals can only be worked where they are found. The proposal is to make use of existing boreholes and those and the processing plant and other buildings would be located in areas of lowest flood risk, and it is not considered that the proposal would increase flood risk elsewhere. .
430. With regard to cultural heritage, Officers consider there would be no harm to designated or non-designated heritage assets. Nonetheless there are public benefits that would arise as a result of the proposed development, and these are considered to be sufficient to outweigh any less than substantial heritage harm that may result from the development being approved.
431. Given the distance from the application site to the nearest residential properties it is unlikely that there would be any adverse impacts upon residential amenity but it is recognised that there is the possibility for disturbance especially during the construction phases.
432. The proposals have generated some public interest both in objection and in support of the development. Concerns raised by objectors and this, amongst the other matters raised, has been carefully examined. Representations received have been weighed along with other responses including those of statutory consultees that have raised no overriding objections to the scheme subject to conditions were appropriate. It should be noted that appropriate licences would be required to be obtained from the Environment Agency, who does not object. Land ownership and competition are not a matter for the planning system.
433. The proposed development is considered to broadly accord with the relevant policies of the County Durham Plan, County Durham Minerals and Waste Policies and Allocations Document and relevant sections of the NPPF.

RECOMMENDATION

434. That the application be **APPROVED** subject to the following conditions and completion of an agreement under Section 106 of The Town and Country Planning Act 1990 (as amended) to secure biodiversity management to achieve the agreed Biodiversity Net Gain.

Commencement

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 Mineral Planning Authority shall be given at least seven days prior written notification of the date of commencement of use of the Pilot Plant.

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

3. The Mineral Planning Authority shall be given at least seven days prior written notification of the date of commencement of use of the Pilot Plant.

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

Completion

4. The development hereby permitted shall cease and all above ground structures shall be removed 15 years from the start of the Pilot Plant's operation as notified to the Mineral Planning Authority under Condition 2. The site shall be reinstated in accordance with a scheme to be submitted to approved in writing prior to the removal of the above ground structures.

Reason: In the interests of visual amenity and to ensure the site is satisfactorily restored and to avoid unnecessary delay in the restoration of the site in accordance with Policy M46 of the County Durham Minerals Local and Parts 15 and 17 of the National Planning Policy Framework.

Approved Documents

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

Sitewide plans

- WDL-ARP-00-XX-DR-C-0004 – Rev I – Pilot Plant Scheme Red Line Boundary
- WDL-ARP-01-XX-DR-C-0031 – Rev H - Eastgate Phase 1 Pilot Plant- General Arrangement Conceptual Layout
- WDL-ARP-01-XX-DR-C-0032 – Rev F - Eastgate Phase 0 Preliminary Field Trials: Conceptual Layout
- WDL-ARP-01-XX-DR-C-0034 – Rev A - Eastgate Phase 1: Pilot Plant Restoration Plan
- 1056-RFM-XX-00-DR-L-1005 – Rev P07 – Proposed Habitat Plan
- BSG Ecology Figure 2.1 Proposed habitats and habitat conditions dated 23/01/2025

Borehole 1

- WDL-ARP-01-XX-DR-C-0010 – Rev J - Borehole 1 General Arrangement
- WDL-ARP-01-XX-DR-CE-0012 – Rev E - Borehole 1: Elevations
- WDL-GGA-01-31-DR-A-0003 – Rev P02 - Borehole 1 Proposed Site Plan

- WDL-GGA-01-31-DR-A-0004 – Rev P02 - Borehole 1 Proposed Ground Plan & Roof Plan
- WDL-GGA-01-31-DR-A-0005 – Rev P02 - Borehole 1 Proposed Sections
- WDL-GGA-01-31-DR-A-0007 – Rev P02 - Borehole 1 Proposed Elevations

Borehole 2 and Pipeline

- WDL-ARP-01-XX-DR-C-0020 – Rev H - Borehole 2 General Arrangement
- WDL-ARP-01-XX-DR-CE-0023 – Rev E - Borehole 2: Enabling Works Landform
- WDL-ARP-01-XX-DR-CE-0022 – Rev D - Borehole 2: Elevations
- WDL-ARP-01-XX-DR-CD-0020 – Rev G - Borehole 2 Proposed Drainage Plan
- WDL-ARP-01-XX-DR-CD-0021 – Rev E - Borehole 2: Permeable-Impermeable Areas
- WDL-ARP-01-XX-DR-CH-0021 – Rev E - Borehole 2: Access and Visibility
- WDL-GGA-01-32-DR-A-0003 – Rev P01 - Borehole 2 Proposed Site Plan
- WDL-GGA-01-32-DR-A-0004 – Rev P02 - Borehole 2 Proposed Roof Plan
- WDL-GGA-01-32-DR-A-0007 – Rev P02 - Borehole 2 Proposed Elevations
- WDL-GGA-01-32-DR-A-0008 – Rev P02 - Borehole 2 Proposed Elevations
- WDL-ARP-01-51-DR-CU-0001 – Rev H - Pipeline Route Sheet 1: Borehole 1 to Borehole 2
- WDL-ARP-01-52-DR-CU-0001- Rev F - Pipeline Route Sheet 2: Borehole 2 to Pilot Plant

Eastgate Preliminary Field Trials Phase

- WDL-ARP-01-XX-DR-C-0033 – Rev E - Eastgate Preliminary Field Trials Phase: General Arrangement
- WDL-ARP-01-XX-DR-CE-0033 – Rev D – Eastgate Preliminary Field Trials Phase: Landform
- WDL-ARP-01-XX-DR-CE-0035 – Rev C - Eastgate Preliminary Field Trials Phase: Elevations
- WDL-ARP-01-XX-DR-CD-0034 – Rev E - Eastgate Preliminary Field Trials Phase: Drainage Proposals
- WDL-ARP-01-XX-DR-CD-0035 – Rev F - Eastgate Preliminary Field Trials Phase: Proposed Permeable and Impermeable Areas

Eastgate Pilot Plant Phase

- WDL-ARP-01-XX-DR-CH-0033 – Rev E - Eastgate Pilot Plant: Site Junction Visibility
- WDL-ARP-01-XX-DR-CD-0031 – Rev F - Eastgate Pilot Plant: Drainage proposals
- WDL-ARP-01-XX-DR-CE-0032 – Rev E - Eastgate Pilot Plant: Elevations
- WDL-ARP-01-XX-DR-C-0030 – Rev I - Eastgate Pilot Plant: General Arrangement
- WDL-ARP-01-XX-DR-CE-0033 – Rev E - Eastgate Pilot Plant: Enabling Works Landform
- WDL-ARP-01-XX-DR-CD-0032 – Rev G - Eastgate Pilot Plant: Proposed Permeable and Impermeable Areas
- WDL-GGA-02-01-DR-A-0002 – Rev P03 - Proposed Site Plan
- WDL-GGA-02-01-DR-A-0003 – Rev P03 - Proposed Ground Plan
- WDL-GGA-02-01-DR-A-0004 – Rev P03 - Proposed Mezzanine
- WDL-GGA-02-01-DR-A-0105 – Rev P01 - Proposed Roof Plan
- WDL-GGA-02-01-DR-A-0007 – Rev P04 - Proposed East Elevation
- WDL-GGA-02-01-DR-A-0009 – Rev P04 - Proposed South Elevation
- WDL-GGA-02-01-DR-A-0010 – Rev P04 - Proposed North Elevation
- WDL-ARP-01-XX-DR-CE-0033 – Rev P02 – Planning Response Environment Agency Objections Flood Risk

Documents

- Arboricultural Impact Assessment (AIA) by Elliot Consultancy
- Ecological Impact Assessment (EclA) Updated October 2024
- Ecological Mitigation Table dated January 2025
- Biodiversity Gain Assessment Updated dated January 2025
- Eastgate Former Cement Works Habitat Management & Monitoring Plan for Biodiversity Gain – Draft Work in Progress dated 23 October 2024 and additional detail provided in document Response to Ecology Comments raised on 22/11/2024 prepared by BSG Ecology published 08/01/2025
- Figure 2.1: Proposed habitats with habitat conditions Version 1.4 dated 23/01/2025 prepared by BSG Ecology
- Borehole 1 and Borehole 2 Flood Risk Statement Reference: WDL-ARP-01-XX-RP-CD-0001 P06 dated 28 March 2024
- Eastgate Flood Risk Statement Reference: WDL-ARP-01-XX-RP-CD-0003 P06 dated 30 August 2024
- Eastgate Drainage Statement Reference WDL-ARP-01-XX-RP-CD-0004 P07 dated 28 October 2024
- Former Eastgate Cement Works Biodiversity Gain Assessment: Erratum prepared by BSG Ecology dated 24 January 2025
- Statutory Biodiversity Metric Eastgate Version 9 received 24 January 2025
- Email to Durham County Council sent on 20 December 2024 from Identityconsult with attachment entitled 'Access Vehicles' and Terram Specification, Design & Installation Guide HDPE GEOCELLS Tree Root Protection & Platforms

Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with Policies 10, 14, 21, 26, 31, 32, 35, 36, 38, 39, 41, 42, 43, 44, 47 and 56 of the County Durham Plan, Policies MW1, M3, MW4, MW5, MW7, M14 and M20 of the County Durham Minerals and Waste Policies and Allocations Document and Parts 2, 4, 6, 8, 9, 14, 15, 16 and 17 of the National Planning Policy Framework.

6. No development shall commence until a Construction Management Plan has been submitted to and approved in writing by the Mineral Planning Authority. The Construction Management Plan shall include as a minimum, but not restricted to, the following:
 1. A Dust Action Plan including measures to control the emission of dust and dirt during construction.
 2. Evidence that fugitive construction dust and particulate emissions from the construction of the proposed development would not have a significant effect on amenity and human health.
 3. The best practicable means shall be used to minimise noise, vibration, light and dust nuisance or disturbance to local residents resulting from construction/demolition site operations. No burning of waste is to be carried out on the development site. It shall be considered that the best practicable means are met by compliance with all current British standards/relevant guidance.
 4. Details of methods and means of noise reduction and suppression.
 5. Where construction involves penetrative piling, details of methods for piling of foundations including measures to suppress any associated noise and vibration.

6. Details of measures to prevent mud and other such material migrating onto the highway from all vehicles entering and leaving the site.
7. Designation, layout and design of construction access and egress points.
8. Details for the provision of directional signage (on and off site).
9. Plan based details of the position, and heights relative to ground level, of security fencing, contractors' compounds, and temporary infrastructure, including cranes, plant, and other equipment, and storage arrangements for materials.
10. Details of provision for all site operatives for the loading and unloading of plant, machinery and materials, to including the timings of deliveries and the types of delivery vehicle(s) to be used.
11. Details of the movement, handling and placement of all soil resources within the site including quantities, types of soils, their intended use, height of storage mounds required to be established and their removal.
12. Details of provision for all site operatives, including visitors and construction vehicles, for parking and turning within the site during the construction period.
13. Routing agreements for construction traffic and details of any road closures required.
14. Details of the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate.
15. Waste audit and scheme for waste minimisation and recycling/disposing of waste resulting from demolition and construction works.
16. Management measures for the control of pest species as a result of demolition or construction works.
17. Details of measures for liaison with the local community and procedures to deal with any complaints received.

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

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

Reason: To protect the residential amenity of existing and future residents from the development in accordance with Policy 31 of the County Durham Plan, Policies MW1 and M14 of the County Durham Minerals and Waste Policies and Allocations Document and Parts 15 and 17 of the National Planning Policy Framework. Required to be pre commencement to ensure that the whole construction phase is undertaken in an acceptable way.

7. No development shall take place until a Construction Environment Management Plan (CEMP) is produced and submitted to the Mineral Planning Authority for review and approval. The CEMP should include the following elements:

- A Sediment Management Plan, which should describe how the works will be undertaken to reduce the risk of fine sediment and materials being released into the River Wear through runoff and construction adjacent to the watercourse;
- A Biosecurity Plan detailing which measures will be implemented to prevent invasive non-native species (INNS) being introduced to the site;
- Details of pollution prevention, which should include spill procedures and pollution response e.g., as a result of a refuelling spill event; and
- Information about the lighting that will be used when construction is occurring on site, including expected locations of lights, timings of use, and any mitigation measures in place to lessen the impact on bats.

The approved Construction Environment Management Plan shall be adhered to throughout the construction period of the development and the approved measures shall be retained for the duration of the construction works. A copy of the plan should be made available on site to contractors.

Reason: Requested by the Environment Agency. No CEMP has been submitted in support of this application, which raises the risk of mitigation measures going unimplemented during construction of the scheme. A copy of the CEMP should be available on site for contractors to refer back to when required. Also, in accordance with Policies 35, 41, and 43 of the County Durham Plan, Policies MW1 and M14 of the County Durham Minerals and Waste Policies and Allocations Document and Parts 15 and 17 of the National Planning Policy Framework. Required to be pre commencement to ensure that the whole construction phase is undertaken in an acceptable way.

8. A scheme for managing the existing installed boreholes to be used for the abstraction or re-injection of groundwater for lithium exploration and extraction for geothermal purposes shall be submitted to and approved in writing by the Mineral Planning Authority. The scheme shall provide details of:
 - how the boreholes have been constructed, secured and will be maintained so as to prevent uncontrolled discharge of artesian groundwater to surface, and to prevent uncontrolled discharge of water or contamination into or between individual aquifers or different geological formations, and, how boreholes are to be decommissioned or sealed at the end of the approved planning permission.

The approved scheme shall be implemented prior to the commencement of the abstraction of water activities.

Reasons: Requested by the Environment Agency. To ensure that existing and redundant boreholes are safe and secure, and do not cause groundwater pollution or loss of water supplies in line with paragraph 187 of the National Planning Policy Framework. It is essential that the boreholes are constructed to withstand any increase in pressures and will not create new pathways for poor quality water to reach the surface or shallow aquifers, especially during re-injection. It is also essential to ensure that the headworks of the existing boreholes, once connected to the new pipework are appropriately covered and sealed, to reduce the risk of mounding and surface flooding due to the high rest water levels present in the granite. Also, in accordance with Policy 35 of the County Durham Plan, Policies MW1 and M14 of the County Durham Minerals and Waste Policies and Allocations Document and Parts 15 and 17 of the National Planning Policy Framework.

9. No new boreholes are permitted as part of this planning permission.

Reason: To ensure that the development is undertaken with approved documents.

Any new borehole would require planning permission unless considered to be permitted development under the General Permitted Development Order 1995.

10. All underground pipework used for the transport of water from the abstraction borehole(s) shall be suitably designed to prevent leakage to ground and into shallow formations. Prior to installation, a scheme detailing the suitability of pipework to be installed shall be submitted to the Mineral Planning Authority for approval.

Reason: Requested by the Environment Agency. To ensure that the proposed transport and storage of potentially polluting / poor quality substances, does not harm groundwater resources in line with paragraph 187 of the National Planning Policy Framework. Groundwater is sensitive in this location because the proposed development site is located upon secondary aquifer A which is utilised for private water supply. Also, in accordance with Policy 35 of the County Durham Plan, Policies MW1 and M14 of the County Durham Minerals and Waste Policies and Allocations Document and Parts 15 and 17 of the National Planning Policy Framework.

11. The development hereby permitted shall not be commenced until such time as a scheme to dispose of foul drainage has been submitted to, and approved in writing by, the Mineral Planning Authority. The scheme shall be implemented as approved.

Reason: Requested by the Environment Agency to ensure the protection of the water environment. In accordance with Policies 35 and 36 of the County Durham Plan, Policy MW1 of the County Durham Minerals and Waste Policies and Allocations Document and Parts 15 and 17 of the National Planning Policy Framework. Required to be a pre-commencement condition to ensure that a scheme is agreed at an early stage of the development to adequately manage foul drainage.

Lighting

12. No development shall commence details of any external lighting to be used shall be submitted to and approved in writing by the Mineral Planning Authority prior to its use. The detail provided shall demonstrate adherence to the Institution of Lighting Professionals (ILP) guidance notes for the reduction of intrusive light (or in an equivalent document if replaced) and shall include the hours of operation. The details shall also consider and address light spill from within buildings (especially with regard to the glazing and roof lights of the main building) and the design follows the guidance below:

- Lighting should be used where needed and when needed
- Angle lights downward – so there is no unnecessary light above or near the horizontal
- Lamps of 500 lumens and less are appropriate for most domestic purposes
- All lights should have a colour temperature less than 3000K as a default specification
- Point where the light is needed
- Switch lights off when not needed. Use proximity sensors. Avoid dusk-till-dawn sensors
- Light to the appropriate illuminance – do not over light needlessly
- Install at the lowest possible height to achieve lighting levels
- Avoid bright white and cooler temperature LEDs

The details shall include a lighting spill plan including lux levels together with an assessment of the likely impacts of this by the ecological consultant will be required together with any necessary mitigation.

The external lighting shall be erected and maintained in accordance with the approved details thereafter.

The strategy should include a lighting spill plan showing proposed lux levels, and should seek to ensure that all existing foraging and commuting routes as well as known roosts are not impacted by any additional lighting on site. Mitigation should be put in place as needed to ensure that levels are below the known tolerance levels of the species currently using the site.

Reason: In order to minimise light spillage and glare and in the interests of ecology, in accordance with Policies 31, 41, and 43 of the County Durham Plan of the County Durham Plan, Policies MW1 and M14 of the County Durham Minerals and Waste Policies and Allocations Document and Parts 15 and 17 of the National Planning Policy Framework. Required to be a pre-commencement condition to ensure that a scheme is agreed at an early stage of the development to adequately manage foul drainage.

Working Period

13. Operations authorised by this consent shall be restricted to the following periods:

Construction operations

08:00 and 18:00 Monday to Friday

08:00 to 13:00 hours on Saturdays

No working on Sundays or Public or Bank Holidays.

Deliveries to and from the site during the construction and operational phases,

08:00 and 18:00 Monday to Friday

08:00 to 13:00 hours on Saturdays

No movements on Sundays or Public or Bank Holidays.

Abstraction and reinjection

24 hours per day

Transportation of groundwater and wastewater/excess groundwater from the site:

08:00 and 18:00 Monday to Friday

08:00 to 13:00 hours on Saturdays

No movements on Sundays or Public or Bank Holidays.

Reason: In the interests of residential amenity and highway safety in accordance with County Durham Local Plan Policies 10, 21 and 31 of the County Durham Plan, Policy MW1 of the County Durham Minerals and Waste Policies and Allocations Document and Parts 9, 15 and 17 of the National Planning Policy Framework.

Access and Protection of the Public Highway

14. Vehicular access to and from the Borehole 1 and Borehole 2 sites shall only be via the approved existing site accesses from the C74 as shown on Drawing No.s WDL-ARP-01-XX-DR-C-0010 – Rev J - Borehole 1 General Arrangement and WDL-ARP-01-XX-DR-C-0020 – Rev H - Borehole 2 General Arrangement. Vehicles arriving at the Borehole 1 site onto the C74 must turn right into the site and vehicles leaving the Borehole 1 site off the C74 must turn left. Vehicles leaving the Borehole 2 site onto

the C74 must turn left and vehicles arriving at the site off the C74 must turn right into the site unless accessing the Borehole 1 site.

Reason: In the interests of highway safety and residential amenity in accordance with Policies 10, 21 and 31 of the County Durham Plan, Policies MW1 and MW7 of the County Durham Minerals and Waste Policies and Allocations Document and Parts 9, 15 and 17 of the National Planning Policy Framework.

15. Vehicular access to and from the former Eastgate Cement Works site for the field trials and pilot plant shall only be via the approved existing site access from the A689 as shown on Drawing No. WDL-ARP-01-XX-DR-C-0031 – Rev H - Eastgate Phase 1 Pilot Plant- General Arrangement Conceptual Layout.

Reason: In the interests of highway safety and residential amenity in accordance with Policies 10, 21 and 31 of the County Durham Plan, Policies MW1 and MW7 of the County Durham Minerals and Waste Policies and Allocations Document and Parts 9, 15 and 17 of the National Planning Policy Framework.

16. Measures shall be taken to ensure all vehicles leaving the site are thoroughly cleansed of mud or dirt before entering the public highway. At such time when such measures are not sufficient to prevent the transfer of mud or dirt onto the public highway, vehicle movements shall cease until adequate cleaning measures are employed which prove effective, or weather and/or ground conditions improve with the effect of stopping the transfer, to the satisfaction of the Minerals Planning Authority.

Reason: In the interests of highway safety and residential amenity in accordance with Policies 10, 21 and 31 of the County Durham Plan, Policies MW1, MW14 and MW7 of the County Durham Minerals and Waste Policies and Allocations Document and Parts 9, 15 and 17 of the National Planning Policy Framework.

Soil Management

17. The method of soil stripping, handling and replacement within the site shall only be undertaken in accordance with the Construction Management Plan approved under Condition 6.

Reason: To ensure the development is carried out in accordance with the approved documents and to protect the soil resources. In accordance with County Durham Minerals and Waste Policies and Allocations Document Policy MW20 and Part 17 of the National Planning Policy Framework.

18. No plant or vehicles shall cross areas of unstripped topsoil except for the purpose of stripping operations.

Reason: To protect the soil resources. In accordance with County Durham Minerals and Waste Policies and Allocations Document Policy MW20 and Part 17 of the National Planning Policy Framework.

19. The stripping and movement of topsoil and subsoil shall only be carried out under sufficiently dry and friable conditions, to avoid soil smearing and compaction, and to ensure that all available soil resources are recovered. Appropriate methods of soil stripping should be separately agreed with the Minerals Planning Authority for any permanently wet or waterlogged areas of the site in advance of stripping operations commencing.

Reason: To protect the soil resources. In accordance with County Durham Minerals and Waste Policies and Allocations Document Policy MW20 and Part 17 of the National Planning Policy Framework.

20. Topsoil storage mounds shall not exceed 3m in height and subsoil mounds shall not exceed 5m. Soil resources will not be left in mounds for longer than 6 months.

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 Minerals and Waste Policies and Allocations Document Policy MW20 and Part 17 of the National Planning Policy Framework.

21. Once formed, topsoil and subsoil mounds shall be grass seeded in accordance with a scheme agreed beforehand with the Minerals Planning Authority.

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 Minerals and Waste Policies and Allocations Document Policy MW20 and Part 17 of the National Planning Policy Framework.

22. No topsoil or subsoil shall be removed from the site.

Reason: To ensure the development is carried out in accordance with the approved documents. In accordance with County Durham Minerals and Waste Policies and Allocations Document Policy MW20 and Part 17 of the National Planning Policy Framework.

Site Working

23. Fencing details including style and colour shall be agreed in writing with the Mineral Planning Authority prior to its erection and the development carried out in accordance with the approved details.

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.

24. No development above damp course shall be commenced until precise details of the colours and finishes for all buildings, external plant and machinery including photovoltaic panels shall be agreed in writing with the Mineral Planning Authority and the development carried out in accordance with the approved details.

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, Policies MW1 and MW4 of the County Durham Minerals and Waste Policies and Allocations Document and Parts 15 and 17 of the National Planning Policy Framework. Required to be pre-commencement in order to assess the appearance of the development.

Tree Protection and Landscaping

25. No development shall commence until an Arboricultural Method Statement (AMS) as referred to in the Arboricultural Impact Assessment (AIA) by Elliot Consultancy has been submitted and approved in writing by the Mineral Planning Authority. The AMS

should include the routing and installation of pipework from the borehole to the highway and along the highway (referred to section 5.4 of the AIA) and protection of trees from damage during demolition and construction (referred to section 5.6 of the AIA). It should also cover tree pruning, protection and tree-friendly design and construction at the western access. Thereafter, the development shall be completed in accordance with 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 and hedges 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, Policies MW1 and MW4 of the County Durham Minerals and Waste Policies and Allocations Document and Parts 12, 15 and 17 of the National Planning Policy Framework. Required to be a pre-commencement condition to ensure adequate tree protection is in place prior to works commencing.

26. Prior to commencement a detailed landscaping scheme shall be submitted to and approved in writing by the Mineral Planning Authority. The landscape scheme shall include the following:

- Any trees, hedges and shrubs scheduled for retention, including method of protection.
- Details soft landscaping including planting species, sizes, layout, densities, numbers.
- Details of planting procedures and/or specification.
- The timeframe for implementation of the landscaping scheme.
- The establishment maintenance regime, including the replacement of vegetation which die, fail to flourish within a period of 5 years from planting.

The approved landscaping scheme shall thereafter be undertaken in accordance with the approved details and timeframes.

Reason: In the interests of the visual amenity of the area and to comply with Policy 29, 39 and 40 of the County Durham Plan, Policies MW1 and MW4 of the County Durham Minerals and Waste Policies and Allocations Document and Parts 12, 15 and 17 of the National Planning Policy Framework. Required to be a pre-commencement condition to ensure landscaping is agreed.

27. Measures to protect the trees at the access to the Borehole 1 site from the Road C74 as set out in an email to Durham County Council on 20 December 2024 from Identity consult shall be adhered to at all times including vehicle dimensions. Such measures specify the dimensions of the access vehicles to be used and tree root protection and platforms and be in place prior to the commencement of development.

Reason: To ensure the development is carried out in accordance with the appropriate best practice guidance to enable the long term retention of trees and hedges 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, Policies MW1 and MW4 of the County Durham Minerals and Waste Policies and Allocations Document and Parts 12, 15 and 17 of the National Planning Policy Framework.

Buildings, Plant and Machinery

28. Notwithstanding the provisions of Part 19 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995, no buildings, plant or

machinery, other than approved by this permission, shall be erected or placed on the site without the prior agreement of the Minerals Planning Authority.

Reason: To safeguard the amenities of nearby residents in accordance with the County Durham Plan Policy 31, County Durham Minerals and Waste Policies and Allocations Document Policies MW1 and M14 and Parts 15 and 17 of the National Planning Policy Framework.

29. Plant and machinery on the site shall not be used to process, treat, or otherwise refine materials other than those extracted from the site.

Reason: To safeguard the amenities of nearby residents in accordance with the County Durham Plan Policy 31, County Durham Minerals and Waste Policies and Allocations Document Policies MW1 and M14 and Parts 15 and 17 of the National Planning Policy Framework.

Noise

30. The rating level of noise emitted from fixed plant/machinery on the site shall not exceed the background (LA90) by more than 5dB LAeq (1 hour) between 07.00-23.00 and 0dB LAeq (15 mins) between 23.00-07.00. The measurement and assessment shall be made according to BS 4142: 2014+A1: 2019. On written request by the planning authority the operator shall, within 28 days, produce a report to demonstrate adherence with the above rating level.

Reason: In order to protect amenity in accordance Policies 10 and 31 of the County Durham Plan, Policies MW1 and MW4 of the County Durham Minerals and Waste Policies and Allocations Document and Parts 15 and 17 of the National Planning Policy Framework.

Surface Water Drainage and Pollution Control

31. Any facilities, above ground for the storage of oils, fuels, chemicals or poor-quality groundwater shall be sited on an impervious base and surrounded by impervious walls. The volume of the bunded compound shall be at least equivalent to the capacity of the tank or container plus 10%. All filling points, vents, gauges and sight glasses must be located within the bund. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipe work shall be located above ground and protected from accidental damage. All filling points and tank overflow pipe outlets shall be detailed to discharge into the bund. Such facilities shall be constructed and completed in accordance with plans approved by the Mineral Planning Authority and spill kits shall also be located in appropriate locations around the Site and utilised in the event of any accidental discharge/spillages.

Reason: The submitted planning application indicates the below ground transport and above ground storage of potentially poor quality water abstracted from the Weardale granite and storage of above ground fuels, oils or chemicals. The transport and storage of these substances can pose a risk to groundwater if leakage or spillage occurs. Groundwater is sensitive in this location because the proposed development site is located upon secondary aquifer A which is utilised for private water supply. To ensure that the proposed transport and storage of potentially polluting / poor quality substances, does not harm groundwater resources in line with Paragraph 187 of the National Planning Policy Framework. Also, in accordance with Policy 35 of the County Durham Plan, Policies MW1 and M14 of the County Durham

32. No ground or surface water contaminated by oil, grease or other pollutants used on, or in connection with the site operations shall be discharged into any ditch or watercourse.

Reason: To ensure that the proposed transport and storage of potentially polluting / poor quality substances, does not harm groundwater resources in line with Paragraph 187 of the National Planning Policy Framework. Groundwater is sensitive in this location because the proposed development site is located upon secondary aquifer A which is utilised for private water supply. Also, in accordance with Policy 35 of the County Durham Plan, Policies MW1 and M14 of the County Durham Minerals and Waste Policies and Allocations Document and Parts 15 and 17 of the National Planning Policy Framework.

33. Drainage shall be in accordance with the Eastgate Drainage Statement Reference WDL-ARP-01-XX-RP-CD-0004 P07 dated 28 October 2024

Reason: To prevent the increased risk of flooding from any sources and to ensure surface water is appropriately managed on site in accordance with County Durham Plan Policy 35, Policies MW1 and MW14 of the County Durham Minerals and Waste Policies and Allocations Document and Parts 15 and 17 of the National Planning

Contaminated Land

Contaminated Land (Phase 2-3)

34. No development shall commence until a land contamination scheme has been submitted to and approved in writing by the Mineral Planning Authority. The submitted scheme shall be compliant with the YALPAG guidance and include 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 Part 15 of the National Planning Policy Framework. Required to be pre-commencement to ensure that the development can be carried out safely.

Contaminated Land (Phase 4)

35. 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 Mineral 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.

36. The Biodiversity Gain Plan shall be prepared in accordance with the Biodiversity Gain Assessment Updated and received 24 January 2025 and prepared by BSG Ecology.

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, Policy 41 of the County Durham Plan, Policies MW1 and M14 of the County Durham Minerals and Waste Policies and Allocations Document and Parts 15 and 17 of the National Planning Policy Framework.

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

- (a) a non-technical summary;
- (b) the roles and responsibilities of the people or organisation(s) delivering the HMMP;
- (c) the planned habitat creation and enhancement works to create or improve habitat to achieve the biodiversity net gain in accordance with the approved Biodiversity Gain Plan;
- (d) the management measures to maintain habitat in accordance with the approved Biodiversity Gain Plan for a period of 30 years from the practical completion of the development or the first occupation of the development, whichever is the sooner; and
- (e) the monitoring methodology and frequency in respect of the created or enhanced habitat to be submitted to the Mineral 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, Policies MW1 and M14 of the County Durham Minerals and Waste Policies and Allocations Document and Parts 15 and 17 of the National Planning Policy Framework. Required to be pre-commencement to ensure the habitat creation and/or enhancements can be suitably delivered before any existing habitats are affected.

38. Notice in writing shall be given to the Mineral Planning Authority when:

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

Reason: To ensure the proposed habitat creation and/or enhancements are carried out so the development delivers a biodiversity net gain in accordance with Schedule 7A of the Town and Country Planning Act 1990 and Policy 41 of the County Durham Plan, Policies MW1 and M14 of the County Durham Minerals and Waste Policies and Allocations Document and Parts 15 and 17 of the National Planning Policy Framework.

39. 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 Mineral 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, Policies MW1 and M14 of the County Durham Minerals and Waste Policies and Allocations Document and Parts 15 and 17 of the National Planning Policy Framework.

40. 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, Policies MW1 and M14 of the County Durham Minerals and Waste Policies and Allocations Document and Parts 15 and 17 of the National Planning Policy Framework.

41. Monitoring reports shall be submitted to the Mineral 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, Policies MW1 and M14 of the County Durham Minerals and Waste Policies and Allocations Document and Parts 15 and 17 of the National Planning Policy Framework.

42. Mitigation as detailed in the Ecological Impact Assessment (EclA) Updated October 2024 and summarised in the Ecology Mitigation Table (January 2025) shall be undertaken and adhered to at all times.

Reason: In the interests of nature conservation and to conserve protected species and their habitat in accordance with of the County Durham Plan Policies 41 and 43, Policies MW1 and M14 of the County Durham Minerals and Waste Policies and Allocations Document and Part 15 of the National Planning Policy Framework.

Restoration

43. Restoration of the site shall be in complete accordance with the details approved in Condition 4.

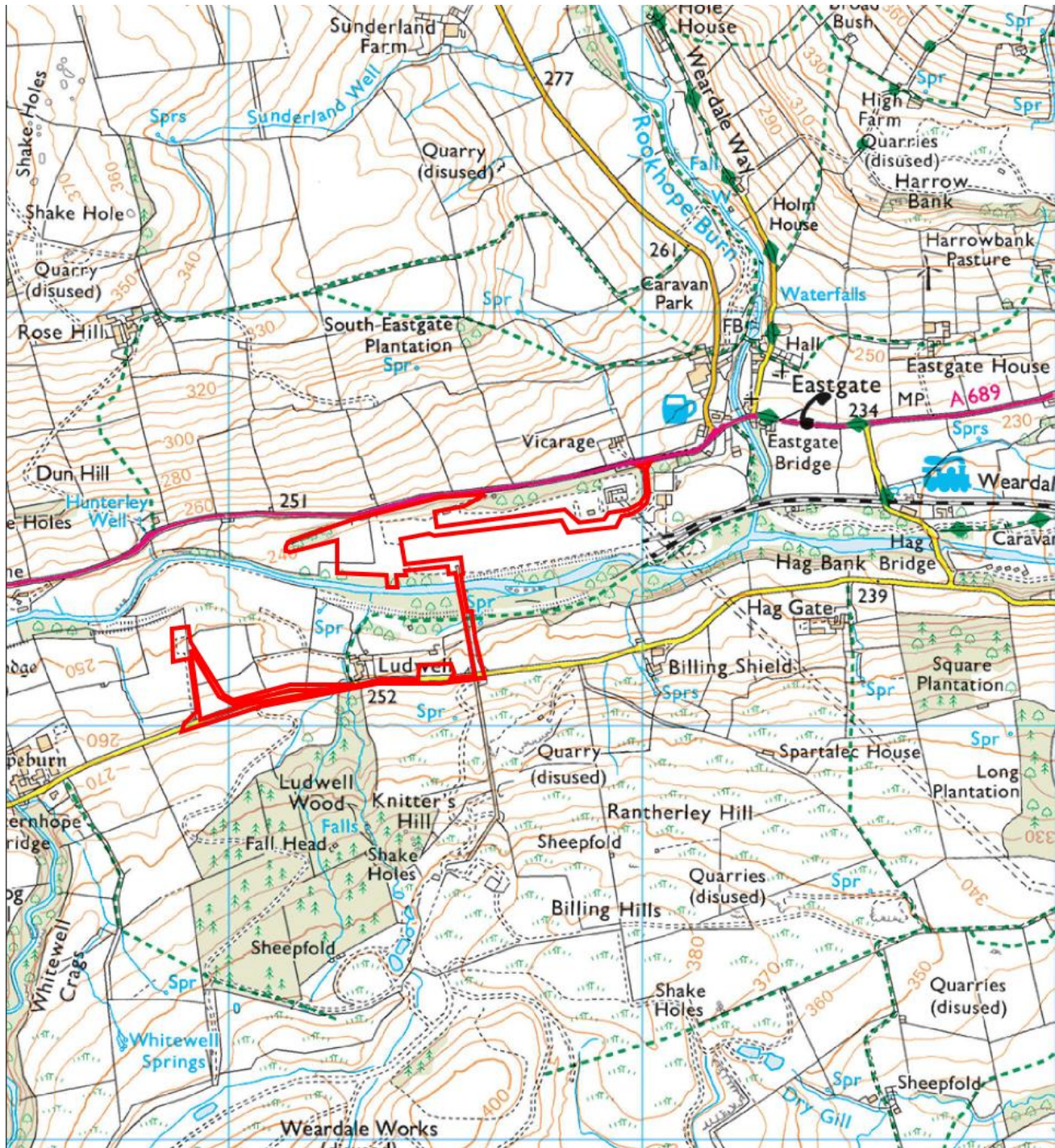
Reason: To ensure the development is carried out in accordance with the approved documents and to ensure the site is satisfactorily restored in accordance with Policies MW1 and MW20 of the County Durham Minerals and Waste Policies and Allocations Document and Parts 15 and 17 of the National Planning Policy Framework.


STATEMENT OF PROACTIVE ENGAGEMENT

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

BACKGROUND PAPERS

- Submitted application form, plans supporting documents and subsequent information provided by the applicant.
- The National Planning Policy Framework (December 2024)
- National Planning Practice Guidance notes
- County Durham Plan (2020)
- County Durham Minerals and Waste Policies and Allocations Document (2024)
- County Durham Plan supporting documents:
 - Development Viability, Affordable Housing and Financial Contributions SPD (2024)
 - Trees, Woodlands and Hedges SPD (2024)
- County Durham Landscape Value Assessment (2019)
- County Durham Landscape Strategy (2008)
- County Durham Landscape Character (2008)
- AONB Management Plan 2019 – 2024
- UK Critical Minerals Strategy (2022)
- UK Battery Strategy (2023)
- Statutory, internal and public consultation responses



 <p>Planning Services</p>	<p>DM/24/00957/MIN</p> <p>Development of a pilot Lithium processing plant using groundwater abstracted from existing ground water wells and associated infrastructure - Site of Former Weardale Works and Quarry Eastgate DL13 2LG</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>Comments</p>	<p>Date January 2024</p> <p>Scale Not to Scale</p>

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Planning Services

COMMITTEE REPORT

APPLICATION DETAILS

Application No:	DM/23/02008/FPA
Full Application Description:	Engineering and associated works to form enclosed area in association with storage use
Name of Applicant:	Wyngrove Limited
Site Address:	Land North Of Emerald Biogas, Preston Road, Aycliffe Business Park, Newton Aycliffe DL5 6AB
Electoral Division:	Aycliffe East
Case Officer:	Callum Harvey Senior Planning Officer Tel. 07393 469 380 Callum.Harvey@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

The Site

1. The application site comprises a vacant area of scrubland measuring 3.9 hectares (ha) in area. The site is bound to the west by a tall, dense belt of trees, with Preston Road beyond and the Stockton and Darlington Railway further beyond. The site is bound to the north by Hurworth Road, with a number of office, storage and industrial units beyond. To the east is an earth embankment approximately 2m high, upon which is a tall, dense belt of trees, beyond which is Whinbank Road with a number of storage and industrial units beyond. To the south of the site is the Emerald Biogas site. The site is located within Aycliffe Business Park North.
2. The site previously formed part of the application site for a development which is now known as Emerald Biogas. Planning permission was granted for two phases of development; an Anaerobic Digestion Plant and associated buildings and works at Phase 1, and industrial buildings and associated works at Phase 2. Phase 2 was located at the northern end of that site. The site history and the relevance in the assessment of this application is explained in greater detail in the Planning History section of this report.
3. The current application site forms the northern end of that site, which was known as Phase 2. Because Phase 1 has been constructed, the outline and reserved matters consent for the development of Phase 2 remains extant. The approved plans for Phase 2 shown the use of green roofs to the industrial units, with two potential pond/swap

features alongside the eastern boundary and a hedgerow separating Phase 1 and Phase 2.

4. The site is shown as a designated Local Wildlife Site in the County Durham Plan, known as The Snipe.
5. The application site's access is 30m east of the Stockton and Darlington Railway, with the main area of development located 50m west of the railway, beyond a tall, dense belt of trees. The railway is a non-designated heritage asset and is identified in the County Durham Plan.
6. Aycliffe Village Conservation Area is located 1.3km to the southeast, beyond a number of large industrial and storage buildings and the tree planted embankment located to the east of the site. The nearest listed building or structure is the Grade II listed Aycliffe Wood occupation bridge, 220m to the southwest beyond a tall, dense belt of trees. The Grade II listed School Aycliffe Lane overbridge is located 400m to the northwest of the site and is also located beyond a tall, dense belt of trees. Both of the C19 stone bridges cross the Stockton and Darlington Railway.
7. The nearest residential properties are along Watson Road, 650m to the north of the site, beyond a number of large industrial and storage buildings and the tall, dense tree belt located to the south of that street.
8. The site is not within either the Lower Risk or Higher Risk Coal Advice Areas and is not within a Mining and Groundwater Constraint Area, as identified by the Coal Authority. The site is partially overlain in its north western corner by a Minerals Safeguarding Area as identified in the County Durham Plan.
9. The site lies within a consultation zone for the Health and Safety Executive's (HSE) Major Hazard Sites Consult Zones, relating to the Ineos Chlorvinyls Ltd site approximately 150m west of this site. The site is used to fabricate plastics.
10. The site is within Flood Zone 1 as identified by the Environment Agency, which is the area at lowest risk of fluvial (river) flooding. The southwestern corner of the site is adjacent to areas of Low Risk Surface Water Flooding, with a 0.1% chance of flooding occurring each year.
11. The site is within the Nutrient Neutrality catchment area for the Teesmouth and Cleveland Coast Special Protection Area/Ramsar.

The Proposal

12. The proposal seeks to create an area of outdoor storage (Use Class B8) across the site, split into five separate plots. The western most plot is indicated to store containers, whilst the adjacent plot is indicated to store plant and equipment. Plots 3, 4 and 5 further east are indicated as expansion areas. The site would be bound by a 2.3m high perimeter fence. All five plots would be served by the existing vehicular access onto Preston Road to the southwest which serves the adjacent Emerald Biogas site which is not operated by the applicant. The applicant intends to lease out the proposed outdoor storage areas to commercial uses. The covering letter submitted in support of the application indicates containers, plant and construction materials could be stored at the site.
13. The site would be enclosed by a 2.2m high mesh fencing coloured green, and the access would feature a 2.3m high mesh swing gate coloured green.

14. The application states that no jobs would be created by the proposal.
15. The works would involve scraping of the ground across the site, creating a volume of earth which would be stored within the site as earth bunds, located along the southern and eastern site boundaries. The bunds at the eastern end of the site would measure up to 3m in height. The application has not clarified the height of the southern bund. The eastern bunds within the site would lead to the loss of some trees within the site.
16. This application is being reported to the County Planning Committee because it involves major non-residential development on a site of more than 2 hectares.
17. Officers had previously brought this application to the County Planning Committee in October 2025 recommended for refusal, due to outstanding concerns regarding impact on priority species, drainage, and sufficient tree replacement. The application had at the time been pending for more than a year following the initial objection from the Ecology officer, and the application does not benefit from pre-application advice.
18. Following consideration of the application during the October meeting, Members decided to defer determination to enable the applicant to work with officers to resolve the outstanding concerns. Officers have subsequently met with the applicant's representatives to agree mitigation measures for the identified concerns. An updated Dingy Skipper Mitigation Statement and updated drawings were received 3rd December 2024. Following due consideration by Officers it is considered that the submitted details are acceptable having addressed previous concerns, and application is therefore being brought to the County Planning Committee for consideration.

PLANNING HISTORY

19. Hybrid Planning Permission No. CMA/7/74 was granted in 2010 for the following:
 - Full planning permission for an Anaerobic Digestion Plant, Research/Visitor centre, Glasshouses and new vehicular access as part of Phase 1, to the southern end of that site; and
 - Outline permission for industrial floorspace, associated parking and a separate vehicular access as part of Phase 2, at the northern end of that site. The matters of appearance, landscaping, layout and scale of the development of Phase 2 were reserved.
20. The current application relates to land within Phase 2 of the above works. Phase 1 is located to the south of the current application site.
21. The layout of the development of Phase 1 was subsequently amended under Planning Permission No. DM/19/00242/VOCMW in June 2019, following the start of construction. Phase 1 has since been constructed in accordance with those amended plans and is now in use. The vehicular access onto Preston Road to the west has been constructed.
22. Reserved Matters consent (CMA/7/105) was granted in 2013 for the appearance, landscaping, layout and scale of the industrial units within Phase 2 of the development, which were to be located in the current application site.
23. Planning Permission No. 7/2010/0164/DM was granted in 2010 for a 2.4m high perimeter fence around the current application site and the adjacent land to the south.

National Policy

24. The following elements of the National Planning Policy Framework (NPPF) are considered relevant to this proposal.
25. *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.
26. *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.
27. *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.
28. *NPPF Part 8 – Promoting healthy and safe communities.* The planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. Developments should be safe and accessible; Local Planning Authorities should plan positively for the provision and use of shared space and community facilities. An integrated approach to considering the location of housing, economic uses and services should be adopted.
29. *NPPF Part 9 – Promoting sustainable transport.* Encouragement should be given to solutions which support reductions in greenhouse gas emissions and reduce congestion. Developments that generate significant movement should be located where the need to travel will be minimised and the use of sustainable transport modes maximised.
30. *NPPF Part 11 – Making Effective Use of Land.* Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Strategic policies should set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously-developed or 'brownfield' land.
31. *NPPF Part 12 – Achieving Well-Designed Places.* The Government attaches great importance to the design of the built environment, with good design a key aspect of sustainable development, indivisible from good planning.
32. *NPPF Part 14 – Meeting the challenge of climate change, flooding and coastal change.* The planning system should support the transition to a low carbon future in a changing

climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.

33. *NPPF Part 15 – Conserving and Enhancing the Natural Environment.* 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.
34. *NPPF Part 16 – Conserving and Enhancing the Historic Environment.* Heritage assets range from sites and buildings of local historic value to those of the highest significance, such as World Heritage Sites which are internationally recognised to be of Outstanding Universal Value. These assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations.
35. *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>

National Planning Practice Guidance:

36. 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; light pollution; natural environment; neighbourhood planning; noise; public rights of way and local green space; use of planning conditions; use of planning obligations; transport assessments and statements; minerals; and water quality.

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

Local Plan Policy:

County Durham Plan (October 2020)

37. *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.
38. *Policy 2 – Employment Land.* Establishes allocated land for B1 (Business), B2 (General Industrial) and B8 (Storage and Distribution) uses.

39. *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.
40. *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.
41. *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).
42. *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.
43. *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.
44. *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.
45. *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.

46. *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.
47. *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.
48. *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.
49. *Policy 42 – Internationally Designated Sites*. States that development that has the potential to have an effect on internationally designated sites, either individually or in combination with other plans or projects, will need to be screened in the first instance to determine whether significant effects on the site are likely and, if so, will be subject to an Appropriate Assessment. Development will be refused where it cannot be ascertained, following Appropriate Assessment, that there would be no adverse effects on the integrity of the site, unless the proposal is able to pass the further statutory tests of ‘no alternatives’ and ‘imperative reasons of overriding public interest’ as set out in Regulation 64 of the Conservation of Habitats and Species Regulations 2017. Where development proposals would be likely to lead to an increase in recreational pressure upon internationally designated sites, a Habitats Regulations screening assessment and, where necessary, a full Appropriate Assessment will need to be undertaken to demonstrate that a proposal will not adversely affect the integrity of the site. In determining whether a plan or project will have an adverse effect on the integrity of a site, the implementation of identified strategic measures to counteract effects, can be considered. Land identified and/or managed as part of any mitigation or compensation measures should be maintained in perpetuity.
50. *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.

51. *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. 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.
52. *Policy 46 – Stockton and Darlington Railway.* States development which impacts upon the historic route of the Stockton and Darlington Railway (S&DR) of 1825, the Black Boy and Haggerleases branch lines and the Surtees Railway, together with their associated structures, archaeological and physical remains and setting, will be permitted where the proposal: seeks to reinstate a legible route or enhance any physical remains and their interpretation on the ground, and otherwise respects and interprets the route(s) where those remains no longer exist; safeguards and enhances access (including walking and cycling) to, and alongside, the route, branch lines and associated structures, archaeological remains and their setting; does not encroach upon or result in the loss of the original historic route(s), damage the trackbed excepting archaeological or preservation works, or prejudice the significance of the asset; and does not prejudice the development of the S&DR as a visitor attraction or education resource.
53. *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

54. The following Supplementary Planning Documents (SPDs) form part of the development plan in County Durham:
55. 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.
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. Parking and Accessibility SPD (2023) – Provides guidance on parking requirements and standards.

Neighbourhood Plan:

Great Aycliffe Neighbourhood Plan (July 2017)

58. *Policy GANP CH1 – Landscape Character and Townscape.* States that all developments must respect the landscape character of the parish and its settlements, as defined within the Great Aycliffe Heritage and Character Assessment (December 2015), and incorporate features which contribute to the conservation, enhancement or restoration of local features.
59. *Policy GANP CH4 – Protecting Heritage Assets.* States that Proposals affecting Listed Buildings, Scheduled Monuments or the Conservation Area of Aycliffe Village and their settings must preserve and, wherever possible, seek to enhance their significance. New developments should seek to avoid any significant adverse impacts on Heritage Assets and the Conservation Area of Aycliffe Village whether by nature of their height, scale or bulk, position, or by poor design, or by affecting the settings in a way that would compromise these assets.
60. *Policy GANP E3 – Conservation Area of Aycliffe Village.* States that any development in, or affecting the setting of, the Conservation Area of Aycliffe Village must demonstrate how the proposal preserves and enhances the significance of the conservation area in a heritage statement accompanying any planning applications.
61. *Policy GANP E4 – Existing Tree Retention and Removal.* 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 need for, and benefits of, the proposal clearly outweigh the loss. New development proposals will be expected to have regard to the local distinctive landscape character of Great Aycliffe and in particular to retain tree lined avenues where they exist. Where tree removal is justified proposals will only be supported if there is a compensatory mitigation proposal which forms part of the submission. Where the removal of a tree(s) is proposed and essential to the delivery of the site, the developer is required to replace at least two of similar amenity value on site. Where a group of trees are removed a similar number must be replaced in a nearby suitable location. Any trees proposed for removal should be detailed, including the reason for removal, through the submission of a Design and Access Statement. Planting that contributes to the biodiversity of the area and supports green corridors is particularly encouraged. Proposals should be accompanied by an indicative planting scheme to demonstrate an adequate level of sustainable planting can be achieved and maintained in the future.
62. *Policy GANP E5 – Protection of existing trees within new development.* States that proposals for new development will be expected to safeguard existing trees where appropriate and integrating them fully into the design and protecting them during construction having regard to their management requirements and growth potential. Residential or commercial development proposals where trees are present should be accompanied by a tree survey and tree protection plan and where necessary an arboricultural impact assessment. These should clearly identify the trees, and root protection areas, and state how the health of the trees on the site will be protected during demolition and construction, including that of installing utilities, drainage and landscaping and in the long-term after construction. All proposals under this policy must meet British Standards 5837:2012 'Trees in relation to design, demolition and construction'.
63. *Policy GANP R3 – Supporting Local Job Opportunities.* States that in order to develop and sustain the economy of Great Aycliffe, support will be given to the development of employment activities, in suitable and appropriate locations, that diversify the current offer in Great Aycliffe and particularly those activities that will provide high quality jobs which can capitalise on and/or enhance the skills of the Great Aycliffe residents.

CONSULTATION AND PUBLICITY RESPONSES

Statutory Consultee Responses:

64. *Great Aycliffe Town Council* – advises that it has no comment/objection to the planning application.
65. *Highway Authority* – raise no objection following receipt of further information, conditions recommended to secure details of the construction method.
66. Whilst a condition was initially recommended to secure details of the car parking arrangement within the site, the Highways officer has since advised that, due to the scale and nature of the development and an existing nearby car parking area, such a condition is no longer necessary.
67. *Drainage Coastal Protection (Lead Local Flood Authority)* – raise no objection. Officers previously advised that the information received in February 2024 addressed some previous concerns and that the submitted hydraulic calculations are acceptable.
68. Updated comments have been received following receipt of an updated external works and drainage layout drawing, which reflects the reduction in hard standing within the site following changes to the on-site ecological mitigation. The Drainage Officer has not raised concerns with the amended drawing.
69. *Health and Safety Executive* – The HSE does not advise, on safety grounds, against the granting of planning permission in this case.

Internal Consultee Responses:

70. *Spatial Policy* – has raised no objection and highlight relevant development plan policies. They note that the site is allocated employment land and is no longer a designated Local Wildlife Site. Notwithstanding that the views of Ecology Officers are still a key consideration in respect of other biodiversity matters. They also note the nearby Stockton and Darlington Railway, which is a non-designated heritage, as well as the distant designated heritage assets.
71. *Ecology* – Has provided updated comments in relation to the loss of habitats on site, and on the impact on Dingy Skipper which is a priority species. Updated information had been received from the applicant in December 2024 seeking to address the Ecology Officer's previous concerns in respect of a lack of detail into how impacts upon the identified on-site priority species during the works would be sufficiently mitigated.
72. The Ecology Officer advises that, overall, the principles of the proposed Dingy Skipper mitigation are sound, however there are a few details that need expanding upon. Notably there is a need for oversight from an ecological consultant during the construction of the bund to ensure the habitat created is suitable, and details of proposed seeding and plug planting would be required. A description of the target habitat would also be needed to be able to monitor the site and provide management recommendations.

73. The submitted Dingy Skipper Mitigation Statement received December 2024 states that interventions would occur over a five-year period, however the Ecology Officer advises that management interventions will be required beyond this timescale to ensure that the habitat remains optimal for dingy skipper in the long term. They note that a Habitat Management and Monitoring Plan would be required, and this should encompass the habitat creation proposals within the provided document alongside the additional details and should span 30 years.
74. The Ecology Officer advises the above issues could be addressed by securing further details by recommended conditions, and securing a Habitat Management and Monitoring Plan with long term management of the site through a legal agreement.
75. *Landscape* – Advise that the proposed development will result in the loss of a woodland belt that currently screens the site on the Western boundary. As well as the screening function the woodland belt also functions as structural landscape within the Business Park. With regard to landscape and visual impacts of the proposed development, Officers advise that the boundary woodland should be retained.
76. *Trees* – raise no objection but Officers note the proposed loss of trees along the western and eastern edges of the proposed site. The Trees Officer has advised that planting of any large species atop a bund would not be supported due to the bund being made up of made ground, with larger trees potentially affecting the stability of the bund. Replacement planting in this area would therefore need to be small species such as Hawthorn, Cherry or Blackthorn trees, or similar.
77. *Design and Conservation* – raise no objection. Officers advise that the submitted heritage impact assessment identifies the proximity of the application site to the historic route of the S&DR and the implications of Policy 46 of the County Durham Plan in this regard. It identifies that significance lies on the retention and use of the historic route rather than setting in this particular location, it also concludes that the height and density and intervening vegetation mitigates any impact. Officers advise that the conclusions of the assessment that no harm would occur to the non-designated asset is considered acceptable and on this basis no objection is raised in relation to impact on the S&DR.
78. *Archaeology* – advise that there is no archaeological objection and no conditions are recommended.
79. *Environmental Health and Consumer Protection (Air Quality)* –note that the development could lead to dust emissions during the construction phase and during the storage of materials given the outdoor storage nature of the proposal, however given that the neighbouring commercial and industrial land uses are of low sensitivity to dust emissions this is not a fundamental issue. The proposed use of the site and limited local sensitivity means that road traffic emissions are unlikely to be an issue. Therefore, no objection has been raised following receipt of further information and no conditions are recommended.
80. *Environmental Health and Consumer Protection (Contaminated Land)* – raise no objection. Conditions are recommended in relation to contaminated land mitigation measures.
81. *Environmental Health and Consumer Protection (Nuisance)* – raise no objection and note that the proposed site is surround by other industrial units which are of low sensitivity to odour and dust emissions, however all statutory nuisance matters, which include odour and dust, can create impacts if not properly controlled. A condition is

recommended to secure a plan prior to any potentially odorous and/or dust generating material being stored on site, and a further condition is recommended ensuring daytime and early evening working hours.

Public Responses:

82. The application has been advertised in the local press (the Northern Echo) and by site notice. Neighbouring letters have been sent to 98 neighbouring premises. No representations have been received.

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>

Applicant's Statement:

83. This note has been prepared on behalf of Wyngrove Ltd ("the Applicant") to be incorporated into the Officer's report to Planning Committee (5th February meeting).
84. The application was previously referred to Planning Committee on the 2nd October 2024. A decision was taken by Committee members at that meeting to defer the determination of the application. This was to allow further discussions between the Applicant and Officers, in respect of ecology and habitat, mainly in respect of mitigation at the site for Dingy Skipper butterfly, a priority species.
85. Following subsequent discussions between the applicant's ecologist, INCA, and the Council's ecology officers, the Applicant amended the scheme further to reduce the extent of the proposed development, and in so doing, to retain a larger area of vegetation for the purposes of supporting Dingy Skipper butterfly.
86. The applicant is committed to managing the protection of habitat on site during the construction phase and thereafter. The details of this approach to habitat management will be agreed with the Council through the discharge of planning conditions. Such a management regime does not currently exist on the site.
87. In 2019, the Council set out its intentions to deallocate the site's former designation as a Local Wildlife Site. As a result of planning permissions being granted for industrial development in the area, much of the qualities associated to the wildlife site were lost, including as a result of the Emerald Biogas development to the south. The application site was the subject of a legal agreement at that time which resulted in a payment of £90,000 to the Council for compensatory improvements to habitat elsewhere.
88. The planning history of the site, including the compensatory payment, coupled with the proposed retainment and management of onsite habitat, creates an overall betterment to habitat and biodiversity value when taken as a whole.
89. The proposed storage facility would benefit existing local businesses in and around Aycliffe, by providing convenient access to additional storage space to meet their current and future storage demands and the expansion of their operations. It also potentially will help draw new businesses to Aycliffe by providing them with an option to meet their storage requirements off-site though in the local area.

PLANNING CONSIDERATIONS AND ASSESSMENT

90. Section 38(6) of the Planning and Compulsory Purchase Act 2004 sets out that if regard is to be had to the development plan, decisions should be made in accordance with the development plan unless material considerations indicate otherwise. In accordance with advice within the National Planning Policy Framework (NPPF), the policies contained therein are material considerations that should be taken into account in decision making. Other material considerations include representations received. In this context, it is considered that the main planning issues in this instance relate to: the principle of development, design and visual impact, heritage, amenity of neighbouring land uses, access and traffic, ecology, trees, flooding and drainage, contaminated land, minerals safeguarding, and public sector equality duty.

The Principle of the Development

91. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF is a material planning consideration. The County Durham Plan (CDP) and the Great Aycliffe Neighbourhood Plan (GANP) are 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. The GANP was adopted in July 2017 and covers the period 2018 to 2033.
92. 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.
93. In light of the recent adoption of the CDP and the GANP 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.
94. The application is for the creation of an open storage area (Use Class B8) on an area of scrubland. The site is specifically allocated for employment land use under Policy 2 of the County Durham Plan, and also falls within the wider Aycliffe Business Park

(North) allocation for employment land. The allocation contributes to providing for the County's employment land needs as set out in Policy 1 of the CDP. CDP Policy 2 states "undeveloped land and plots at the following employment sites and at proposed extensions to these existing employment sites, as shown on the policies map, are allocated for B1 (Business), B2 (General Industrial) and B8 (Storage and Distribution) unless specifically stated". As a B8 use the proposal would fall within the range of Use Classes for which the site was allocated. Therefore, the proposal would not conflict with CDP Policy 2.

95. The application states that no jobs would be created, though the application submits that the proposed storage use would support existing nearby businesses. GANP Policy R3 states that "In order to develop and sustain the economy of Great Aycliffe, support will be given to the development of employment activities, in suitable and appropriate locations, that diversify the current offer in Great Aycliffe and particularly those activities that will provide high quality jobs which can capitalise on and/or enhance the skills of the Great Aycliffe residents." The proposal would not lead to direct job creation, which is considered a missed opportunity on allocated employment land, however Officers acknowledge that the proposed storage use would support existing nearby businesses, thereby supporting existing jobs at those businesses. Whilst the proposal does not lead to direct job creation, it would not lead to conflict with Policy GANP G3.
96. The overall acceptability of the development is also dependant on a number of other matters as discussed below.

Design and Visual Impact

97. Paragraph 131 of the NPPF states that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Being clear about design expectations, and how these will be tested, is essential for achieving this. So too is effective engagement between applicants, communities, local planning authorities and other interests throughout the process.
98. Paragraph 135 of the NPPF states that planning policies and decisions should ensure that developments:
 - a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
 - b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
 - c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
 - d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
 - e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
 - f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

99. CDP Policy 29 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).
100. GANP Policy CH1 states that all developments must respect the landscape character of the parish and its settlements, as defined within the Great Aycliffe Heritage and Character Assessment (December 2015), and incorporate features which contribute to the conservation, enhancement or restoration of local features.
101. The proposal seeks to create an area of hardstanding to form an open storage area. The previous plans from February 2024 show the site would be bound to the north and east by bunds, however the 'Proposed New Landscaping Areas (Revision P01)' drawing received July 2024 does not include the bund along the northern site boundary. The site is surrounded to the west and east by tall, dense tree belts, to the north by industrial and office units, and to the south by a large industrial site. The proposed development would not be visually prominent within the surrounding area – the bunds would be visible from the highway to the north however they would not have an adverse impact on the character of the area.
102. It is noted that permission is sought for storage uses, and that the northern earth bund would be 2.2m in height. In the interest of the amenity of the surrounding area a condition is deemed necessary which would limit the height of any temporary building, structures, materials and items stored to a maximum height of 3m.
103. The location of the proposed 2.3m high perimeter fencing and access gate have been indicated on the received site plans and are considered acceptable. The received Proposed Site Entrance Works drawing describes green mesh fencing, the appearance of which would be acceptable.
104. Indicative details of the proposed location of lighting have been received. Precise details of the height, angle, direction and luminosity of the lighting are required in the interest of the visual amenity of the surrounding area, though can be secured by a condition securing their assessment and approval prior to being erected.
105. The Landscape Officer has been consulted and they advise that the proposed development will result in the loss of a woodland belt that currently screens the site on the western boundary, which screens the site from views to the west whilst also forming part of a network of structural landscape within the Business Park. However, Officers note that the received plans show the belt would be retained, therefore views of the site from the west would be visually screened. Provided that further details of the proposed lighting are secured by condition, the proposal would not lead to an adverse impact on the amenity of the wider landscape or the wider area, in accordance with Policy 39 of the CDP.
106. The Design and Conservation Officer's comments are discussed later in this report.
107. Subject to recommended conditions as described above, the proposal would not have an adverse impact on the amenity of the site or the surrounding area. The proposal would therefore accord with GANP Policy CH1, with CDP Policy 29, and with Part 15 of the NPPF.

Heritage

108. 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. The same legislation 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 any such harm must be given considerable importance and weight by the decision-maker.
109. Paragraph 213 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. Paragraph 216 of the NPPF states 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.”
110. 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.
111. GANP Policy CH4 states that proposals affecting Listed Buildings, Scheduled Monuments or the Conservation Area of Aycliffe Village and their settings must preserve and, wherever possible, seek to enhance their significance. New developments should seek to avoid any significant adverse impacts on Heritage Assets and the Conservation Area of Aycliffe Village whether by nature of their height, scale or bulk, position, or by poor design, or by affecting the settings in a way that would compromise these assets. Policy GANP E3 states that any development in, or affecting the setting of, the Conservation Area of Aycliffe Village must demonstrate how the proposal preserves and enhances the significance of the conservation area in a heritage statement accompanying any planning applications.
112. The application site’s access is 30m east of the Stockton and Darlington Railway, with the main area of development located 50m east of the railway, beyond a tall, dense belt of trees. The railway is a non-designated heritage asset and is identified in the County Durham Plan.
113. Aycliffe Village Conservation Area is located 1.3km to the southeast, beyond a number of large industrial and storage buildings and the tree planted embankment located to the east of the site. The nearest listed building or structure is the Grade II listed Aycliffe Wood occupation bridge, 220m to the southwest beyond a tall, dense belt of trees. The Grade II listed School Aycliffe Lane overbridge is located 400m to the northwest of the site and is also located beyond a tall, dense belt of trees. Both of the C19 stone bridges cross the Stockton and Darlington Railway.
114. Design and Conservation Officers agree with the conclusions of the submitted Heritage Statement in that the scale and appearance of the proposal, along with the retained tree belt to the west of the site, would not lead to harm to the setting of the Stockton and Darlington Railway. Officers also consider there would be no harm to the setting of the Aycliffe Conservation Area, or to the setting of the 19th Century stone bridges which span the railway.

115. Archaeology Officers have been consulted and advise they have no concerns with the proposal, and no conditions are recommended.
116. It is considered that the proposal would not cause harm to the identified designated and non-designated heritage assets, or to archaeological remains, in accordance with Policies 44 and 46 of the County Durham Plan, with GANP Policies CH4 and E3, with Paragraphs 206 and 209 the NPPF, and with Sections 66 & 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Amenity of neighbouring land uses

117. 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 220 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).
118. 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.
119. The site is surrounded by industrial units with their associated office space, due to its location within the Aycliffe Business Park.
120. Environmental Health and Consumer Protection (Air Quality and Nuisance) Officers have been consulted and have no objections subject to a condition which seeks to secure a plan prior to any potentially odorous and/or dust generating material being stored on site; and a further condition is recommended ensuring daytime and early evening working hours.
121. It is considered that this allocated employment land within a well-established business park is an acceptable location for an area of open air storage of this scale. Whilst precise numbers of vehicle movements cannot be clarified, it is anticipated that vehicle trips during both the construction and operation phases would not be notable. It is also noted that a storage use is not likely to lead to noise or nuisance concerns, though is dependent on the material being stored. The recommended condition would ensure

controls over the storage of potentially odorous or dusty materials to mitigate the potential impact.

122. Indicative details of the proposed location of lighting have been received. Precise details of the height, angle, direction and luminosity of the lighting are required in the interest of the amenity of neighbouring land uses, though can be secured by a condition securing their assessment and approval prior to being erected.
123. Subject to conditions it is considered that the proposal would not have an adverse impact on the amenity or use of the neighbouring land uses. The proposal would therefore not conflict with CDP Policy 31 and Part 15 of the NPPF.

Access and Traffic

124. 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. Policy 21 also outlines that development should not be prejudicial to highway safety or have a severe cumulative impact on network capacity.
125. The proposal seeks to use an existing vehicular access to the southwest, onto Preston Road. This access would be shared with the adjacent existing operation at Emerald Biogas to the south. As stated above whilst precise numbers of vehicle movements cannot be clarified, it is anticipated that vehicle trips during both the construction and operation phases would not be notable.
126. The Highways Authority initially raised concerns due to a lack of clarity on whether the site is for the existing Emerald Biogas to the south, or whether the site would be sold or leased to third parties. Concerns were also raised with the potential for surface water run off and debris from the proposed bunds falling into the adopted highway. The applicant has since clarified that the site would be sold or leased to third parties whilst amended plans have been received showing amendments to the proposed bunds. Following receipt of this information the Highways Authority has advised that it has no objection subject to a condition securing details of the construction method.
127. Subject to conditions the development would not lead to a highway safety impact and would not conflict with CDP Policy 21 and Part 9 of the NPPF.

Ecology

Protected and Priority Species

128. Paragraph 193 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.

129. The application site was previously a designated Local Wildlife Site, known as the Snipe.
130. The application refers to previous consents for industrial buildings on the current application site, outline consent reference CMA/7/74 and reserved matters consent CMA/7/105, as a 'fall back position' when considering the potential ecological impact of the currently proposed development. In effect the application is submitting that the ecological impact of developing this site has already been established, and subsequently mitigated for by a financial sum which was secured at the time through a legal agreement.
131. Whilst Officers note those consents are deemed extant, the previously approved development is materially different to the current proposal when considering the ecological impact of developing this site. The previously approved industrial buildings included green roofs of approximately 11,139 sq.m. in area, as stated on the approved plans, and green spaces of approximately 12,850 sq.m. in area, as stated on the approved plans. Officers also note that the approved green spaces included ponds/swamp features at the eastern end of the site, and new hedgerow planting along the southeastern boundary. The approved site plan also showed there would be existing trees and grassland retained at both the western and eastern edges of the site.
132. By comparison, the current proposal seeks to create a much larger area of hardstanding than the previous proposal, leading to a notably lesser amount of green space being proposed. No hedgerows or ponds/swamp features are proposed. The current proposal also seeks to create landscaped bund areas along the southern boundary and in the eastern part of the site, leading to the loss of existing trees, whereas the previously approved development did not propose this loss of trees. Another notable change is that whilst the previous proposal included buildings with green roofs within the built area of the site, the currently proposed hard standing would not benefit from green roofs. It is therefore clear that the two schemes are materially different in that the current proposal would lead to a far lesser amount of proposed habitat within the site.
133. Ecology Officers, when providing comments on the current application, advised that they accepted that the financial sum secured under the previous consent for this site addresses the currently proposed loss of the habitats on site. However, the issue of mitigating for priority species within the site remained unresolved. Therefore, the current application is required to provide sufficient mitigation measures for impacts on priority species.
134. The current application was received without pre-application advice from Officers. Initially, a Preliminary Ecological Appraisal (PEA) was submitted with the application. Following the first round of consultation with the Ecology officer, a Dingy Skipper survey was then submitted as requested by Ecology Officers following the findings of the PEA. The surveys note that the site comprises species rich grassland, and that Dingy skipper has been recorded on site; whilst an area of woodland to the southeast of the site, beyond the existing security fence, is of ecological value. Following reconsultation with Ecology Officers, they note that large expanses of the site are still likely to meet priority habitat status as per its historical designation as a Local Wildlife Site. Following the findings of the Dingy Skipper surveys, they also note at least a medium population of the species are still present on site (approximately 30 individuals noted during the surveys). Additional further information was therefore requested so that the application can clearly demonstrate that the impact of the proposed works on the identified priority species would be sufficiently mitigated.

135. The Ecology Officer highlights that Dingy Skippers are a priority species under Section 41 of the Natural Environment and Rural Communities (NERC) Act 2006. Policies 41 and 43 of the CDP as set out earlier in this report are therefore applicable.
136. Following subsequent rounds of consultation, Ecology Officers requested further information in relation to mitigating for the impact on Dingy Skipper as a result of the proposed works. When this application was previously brought before Members at the October 2024 County Planning Committee, Officers were still seeking additional information and recommended refusal.
137. Following the Committee's decision to defer determination of the application to enable the applicant to work with Officers to resolve the outstanding concerns, Officers have subsequently met with the applicant's representatives to agree mitigation measures for the identified concerns. An updated Dingy Skipper Mitigation Statement and updated drawings were received in December 2024. The Statement seeks to provide the information which the Ecology Officer has been seeking, and the amended drawings show a reduction in hardstanding at the eastern edge of the site to provide a larger area of landscaping and habitat, as part of the proposed Dingy Skipper mitigation.
138. The Ecology Officer has considered this additional statement and updated drawings, and has advised that they are acceptable, provided that further details are secured by conditions. The submission and written approval of a Construction Environmental Management Plan would be required to demonstrate the works would be carried out in accordance with the details submitted in December 2024. A subsequent written confirmation that the proposed habitat creation has been completed to the required specification, and signed off by the ecological consultant, would also be required before the development is brought into use, to ensure the agreed mitigation measures have been implemented.
139. The Ecology Officer also recommends that a Habitat Management and Monitoring Plan (HMMP) be secured to ensure the proposed mitigation strategy is managed and monitored over a 30 period, to ensure its successful implementation. Officers recommend this be secured through a legal agreement.
140. Section 39 of the Wildlife and Countryside Act 1981 enables local authorities to enter into management agreements with the owner of land for its conservation (and for other related purposes) and is regarded as a suitable mechanism for securing long term land management in relation to biodiversity net gain. A condition is not regarded as a suitable mechanism due to the minimum 30 year timescales involved and a Section 39 is more suited to ensuring long term management.
141. Subject to conditions and securing a HMMP through a legal agreement it is considered that there would not be an adverse impact on priority species. The proposal therefore does not conflict with Policy 41 of the CDP or with Part 15 of the NPPF in this respect.

Biodiversity Net Gain

142. 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 received in 2023, prior to 10% Biodiversity Net Gain (BNG) becoming a statutory requirement. Therefore, the application is only required to demonstrate 'a' BNG in accordance with Policy 41 of the CDP.

143. Subject to the recommended conditions and securing the HMMP through a legal agreement as summarised above, it is considered that the proposal would deliver a Biodiversity Net Gain. The application therefore does not conflict with Policy 41 of the CDP or with Part 15 of the NPPF in this respect.

Habitat Regulations Assessment

144. CDP Policy 42 states that development that has the potential to have an effect on internationally designated site(s), either individually or in combination with other plans or projects, will need to be screened in the first instance to determine whether significant effects on the site are likely and, if so, will be subject to an Appropriate Assessment. Development will be refused where it cannot be ascertained, following Appropriate Assessment, that there would be no adverse effects on the integrity of the site, unless the proposal is able to pass the further statutory tests of 'no alternatives' and 'imperative reasons of overriding public interest' as set out in Regulation 64 of the Conservation of Habitats and Species Regulations 2017. In these exceptional circumstances, where these tests are met, appropriate compensation will be required in accordance with Regulation 68. Under the Conservation of Habitats and Species Regulations 2017 (as amended) (Habitat Regs), the Local Planning Authority must consider the nutrient impacts of any development proposals on habitat sites and whether those impacts may have an adverse effect on the integrity of a habitats site that requires mitigation, including through nutrient neutrality. In this respect Natural England has identified that the designated sites of the Teesmouth & Cleveland Coast Special Protection Area/Ramsar (SPA) is in unfavourable status due to excess Nitrogen levels within the River Tees.
145. The site lies within the Nutrient Neutrality catchment area for the Teesmouth and Cleveland Coast Special Protection Area/Ramsar, however due to the nature of the proposed development and no wastewater would be created, the development would not lead to any impacts in this respect.
146. The proposal does not conflict with CDP Policy 42 with regard to the impact upon the Teesmouth & Cleveland Coast Special Protection Area/Ramsar (SPA).

Trees

147. CDP Policy 26 states that development will be expected to maintain and protect, and where appropriate improve, the county's green infrastructure network. This will in turn help to protect and enhance the county's natural capital and ecosystem services. Development proposals should incorporate appropriate Green Infrastructure (GI) that is integrated into the wider network, which maintains and improves biodiversity, landscape character, increases opportunities for healthy living and contributes to healthy ecosystems and climate change objectives. In relation to new provision the Policy states that development proposals should provide for new green infrastructure both within and, where appropriate, off-site, having regard to priorities identified in the Strategic GI Framework. Proposals should take opportunities to contribute to existing green infrastructure projects in the locality including those identified in the Infrastructure Delivery Plan. New Green Infrastructure will be required to be appropriate to its context and of robust and practical design, with provision for its long term management and maintenance secured. The council expects the delivery of new green space to make a contribution towards achieving the net gains in biodiversity and coherent ecological networks as required by the National Planning Policy Framework (NPPF).
148. 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.

149. GANP Policy GANP E4 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 need for, and benefits of, the proposal clearly outweigh the loss. New development proposals will be expected to have regard to the local distinctive landscape character of Great Aycliffe and in particular to retain tree lined avenues where they exist. Where tree removal is justified proposals will only be supported if there is a compensatory mitigation proposal which forms part of the submission. Where the removal of a tree(s) is proposed and essential to the delivery of the site, the developer is required to replace at least two of similar amenity value on site. Where a group of trees are removed a similar number must be replaced in a nearby suitable location. Any trees proposed for removal should be detailed, including the reason for removal, through the submission of a Design and Access Statement. Planting that contributes to the biodiversity of the area and supports green corridors is particularly encouraged. Proposals should be accompanied by an indicative planting scheme to demonstrate an adequate level of sustainable planting can be achieved and maintained in the future.
150. GANP Policy E5 then states that proposals for new development will be expected to safeguard existing trees where appropriate and integrating them fully into the design and protecting them during construction having regard to their management requirements and growth potential. Residential or commercial development proposals where trees are present should be accompanied by a tree survey and tree protection plan and where necessary an arboricultural impact assessment. These should clearly identify the trees, and root protection areas, and state how the health of the trees on the site will be protected during demolition and construction, including that of installing utilities, drainage and landscaping and in the long-term after construction. All proposals under this policy must meet British Standards 5837:2012 'Trees in relation to design, demolition and construction'.
151. The Trees Officer notes the proposed loss of trees along the western and eastern edges of the proposed site. The Trees officer has advised that planting of any large species would not be supported atop a bund due to the bunds being made up of made ground, with larger trees potentially affecting the stability of the bund. Replacement planting in this area would therefore need to be small species such as Hawthorn, Cherry or Blackthorn trees, or similar.
152. Amended plans were submitted in December 2024 which show replacement tree planting within an area in the northeast corner of the site. This area is currently grassed and features a slight gradient sloping from the west down to the east, with an adjacent tree belt to the east. It is considered that this area is sufficient in principle for the required tree planting to replace the trees which would be lost during the works, in accordance with the Neighbourhood Plan Policy GANP4 E4 requirement to replace trees on a 2:1 ratio. Precise details of the location and species of the tree planting can be secured by condition.
153. Subject to the further details being secured by condition the proposal would not conflict with CDP Policies 26 and 40, with Policy GANP E4 of the Neighbourhood Plan, or with Part 15 of the NPPF.

Surface Water Drainage

154. Part 14 of the NPPF directs Local Planning Authorities to guard against flooding and the damage it causes. Protection of the water environment is a material planning consideration and development proposals, including waste development, should ensure that new development does not harm the water environment. Paragraph 180 of the NPPF advises that planning decisions should contribute to and enhance the natural and local environment by preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of water pollution. Development should, wherever possible, help to improve local environmental conditions such as water quality.
155. 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.
156. CDP Policy 35 requires development proposals to consider the effects of the scheme on flood risk and ensure that it incorporates a Sustainable Drainage System (SuDs) to manage surface water drainage. Development should not have an adverse impact on water quality. 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.
157. The site is within Flood Zone 1 as identified by the Environment Agency, which is the area at lowest risk of fluvial (river) flooding. The southwestern corner of the site is adjacent to areas of Low Risk Surface Water Flooding, with a 0.1% chance of flooding occurring each year.
158. A Flood Risk Assessment (FRA) has been submitted in support of the application. The FRA considers potential risks in respect of fluvial, pluvial, tidal and ground water flooding, as well as flood risk from artificial water bodies. The Assessment concludes that the site has a low probability of flooding from all sources save for pluvial flooding. Surface water flows are proposed to enter the public drainage system, whilst no foul water flows are proposed.
159. Drainage Officers had initially requested the submission of a revised FRA and an External Works and Drainage Layout drawing, as the initial submission lacked sufficient information to enable Officers to fully consider the drainage implications of the proposal. An updated FRA was received in February 2024, with an updated external works and drainage layout drawing received in December 2024 to reflect the currently proposed layout.
160. The Drainage Officer has no raised concerns with the updated drawing and has not recommended any conditions. The proposal does not conflict with Policy 35 of the CDP, or with Part 14 of the NPPF.

Foul Water Drainage

161. CDP Policy 36 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.
162. Officers note that the proposed open air storage facility would not include a W.C., therefore foul water drainage is not a consideration. The proposal would therefore not conflict with Policy 36 of the CDP.

Contamination and Coal Mining Risk

163. 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.
164. The site is not within either the Lower Risk or Higher Risk Coal Advice Areas, and is not within a Mining and Groundwater Constraint Area, as identified by the Coal Authority. The Coal Authority has not been consulted on this application.
165. A Geo-environmental Assessment has been submitted which highlights that the site historically formed part of a railway siding ancillary to a former Royal Ordnance Factory. The sidings were removed prior to 1976 and the site has lain vacant since.
166. Environment, Health and Consumer Protection (Contaminated Land) officers have considered the proposals and raise no objection, recommending conditions in the interest of mitigation potentially contaminated land due to its historic uses.
167. Subject to conditions the proposal would not likely lead to a contamination risk, or lead to a risk of land instability. The proposal would not conflict with CDP Policy 32 or with Part 15 of the NPPF in this respect.

Minerals Safeguarding

168. The site is partially overlain in its north western corner by a Minerals Safeguarding Area as identified in the County Durham. CDP Policy 56 states 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.

169. Officers are mindful that the proposal is for the laying out hardstanding to create an outdoor storage area, with an enclosing fence. No buildings are proposed. The proposal is of a somewhat temporary nature in that the development would not exclude the site from future mineral workings if such works were deemed viable. Officers are also mindful that the site is allocated for employment use in the County Durham Plan, and is located within an existing industrial estate, which would both form constraints in the event that the working the site for minerals were to be viable in the future.
170. It is considered that the development of this site for the proposed use would not lead to a conflict with CDP Policy 56 and Part 17 of the NPPF.

Other Matters

Health and Safety Executive

171. The site lies within a consultation zone for the Health and Safety Executive's (HSE) Major Hazard Sites Consult Zones, relating to the Ineos Chlorvinyls Ltd site approximately 150m west of this site. The site is used to fabricate plastics.
172. The HSE has been consulted and have not raised concerns. No conditions have been recommended.

Public Sector Equality Duty

173. 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.
174. 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.

CONCLUSION

175. 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. The NPPF is a material consideration in planning decisions.
176. The application is for the creation of an open storage area (Use Class B8) on an area of scrubland. The site is specifically allocated for employment land use under CDP Policy 2, and also falls within the wider Aycliffe Business Park (North) allocation for employment land. The principle of this form of development accords with CDP Policy 2 and is therefore supported in principle, although it is noted that no new jobs would be created.

177. The proposed development has not generated public interest, with no letters of objection or support received. Great Aycliffe Town Council has responded with no comment/no objection.
178. Consideration has been given to the principle of development, design and visual impact, heritage, amenity of neighbouring land uses, access and traffic, ecology, trees, flooding and drainage and contaminated land. Following receipt of further information in December 2024 it is considered that the previous concerns relating to ecology, trees and drainage matters have been resolved. Subject to conditions where appropriate, and securing the long term management & maintenance of the site in accordance with an HMMP through a legal agreement, the impacts of the development are considered to be acceptable.

RECOMMENDATION

179. That the application be **Approved** subject to the following conditions, and subject to completion of a legal agreement securing long term management, maintenance and monitoring in accordance with a Habitat Management and Monitoring Plan:

Time Limit

- 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.

Approved Plans

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

1093-EMR-00-00-D-A-00210 Revision P02 – Proposed Site Entrance Works
1093-EMR-00-00-D-A-00220 Revision P03 – Indicative Lighting Layout
1093-EMR-00-00-D-A-00250 Revision P02 – Proposed New Landscaping Areas
001 Revision G – External Works and Drainage Layout

Flood Risk and Drainage Impact Assessment Revision B, by Portland Consulting Engineers dated 23rd February 2024.

'A Plan for Dingy Skipper Mitigation on Land North of Emerald Biogas at Newton Aycliffe', received 5th December 2024.

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.

Working Hours

- 3) 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 0730 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 without express permission from the Local Authority.

Banksmen will be employed to escort deliveries and manage traffic when reversing onto the public highway or other activity which may impact on road safety. All off-loading of plant, equipment and materials will be carried out on site and vehicles would turn around before leaving.

Reason: To protect the amenity of neighbouring land uses from the development in accordance with Policy 31 of the County Durham Plan and Part 15 of the National Planning Policy Framework.

Highways

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

1. A Dust Action Plan including measures to control the emission of dust and dirt during construction.
2. Details of methods and means of noise reduction and suppression.
3. Where construction involves penetrative piling, details of methods for piling of foundations including measures to suppress any associated noise and vibration.
4. Details of measures to prevent mud and other such material migrating onto the highway from all vehicles entering and leaving the site.
5. Designation, layout and design of construction access and egress points.
6. Details for the provision of directional signage (on and off site).
7. Plan based details of the position, and heights relative to ground level, of security fencing, contractors' compounds, and temporary infrastructure, including cranes, plant, and other equipment, and storage arrangements for materials.
8. Details of provision for all site operatives for the loading and unloading of plant, machinery and materials, to including the timings of deliveries and the types of delivery vehicle(s) to be used.
9. Details of provision for all site operatives, including visitors and construction vehicles, for parking and turning within the site during the construction period.
10. Routing agreements for construction traffic.
11. Details of the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate.
12. Waste audit and scheme for waste minimisation and recycling/disposing of waste resulting from demolition and construction works.

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

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

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

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

Reason: To protect the amenity of existing and future neighbouring land uses from the development, and in the interest of highway safety, in accordance with Policies 21 and 31 of the County Durham Plan and with Parts 9 and 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.

Landscaping

5) Notwithstanding the hereby approved plans, prior to any tree felling within the site, precise details of the location and species of the proposed replacement planting in the northeast corner of the site shall be submitted to and approved in writing by the Local Planning Authority.

The details shall include replacement of individual trees on at least a 2:1 ratio.

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, Policy GANP E4 of the Great Aycliffe Neighbourhood Plan, and with Part 15 of the National Planning Policy Framework.

Amenity of Neighbouring Land Uses

6) Prior to any potentially odorous and/or dust generating material being stored on site, a management plan detailing how the amenity impacts of that material would be mitigated against shall be submitted to and approved in writing by the Local Planning Authority.

No odorous and/or dust generating material shall be stored on site unless in accordance with the approved management plan.

Reason: To protect the amenity of neighbouring land uses from the development in accordance with Policy 31 of the County Durham Plan and Part 15 of the National Planning Policy Framework.

Contaminated Land

7) No development shall commence until a land contamination scheme has been submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall be compliant with the YALPAG guidance and include a Phase 2 site investigation 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.

8) 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 with Part 15 of the National Planning Policy Framework.

External Lighting

9) Prior to any fixed external lighting being brought into use, precise details of the height, angle, direction and luminosity of the lighting shall be submitted to and approved in writing by the Local Planning Authority.

Any fixed external lighting within the site shall not be brought into use unless in accordance with the approved details.

Reason: In the interest of the visual amenity of the surrounding area, and in the interest of the amenity of the neighbouring land uses, in accordance with Policies 29 and 31 of the County Durham Plan and with Parts 12 and 15 of the National Planning Policy Framework.

Ecology Conditions

10) Prior to works commencing, a Construction Environmental Management Plan shall be submitted to and agreed in writing by the Local Planning Authority. The Plan shall detail the measures set out in the hereby approved:

- Dingy Skipper Mitigation Statement; and
- 1093-EMR-00-00-D-A-00250 Revision P02 – Proposed New Landscaping Areas both received 3rd December.

The works shall then be carried out in accordance with the approved Habitat Management and Monitoring Plan.

Reason: In the interest of preserving the identified priority species, and in the interest of achieving a Biodiversity Net Gain, in accordance with Policy 41 of the County Durham Plan and with Part 15 of the National Planning Policy Framework. Required to be pre-commencement to ensure the approved details are agreed and implemented during the construction works.

11) Notwithstanding the hereby approved Dingy Skipper Mitigation Statement, prior to works commencing the following shall be submitted to and approved in writing by the Local Planning Authority:

- (i) Details of proposed seeding and plug planting; and
- (ii) A description of the target habitat.

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

Reason: To enable the monitoring of the site and to provide management recommendations, in the interest of preserving the identified priority species, and in the interest of achieving a Biodiversity Net Gain, in accordance with Policy 41 of the County Durham Plan and with Part 15 of the National Planning Policy Framework. Required to be pre-commencement to ensure the approved details are agreed and implemented prior to the priority species mitigation details being implemented.

12) Prior the development being brought into use, a written statement confirming that the agreed habitat creation has been completed to the required specification, and signed off by the ecological consultant, shall be submitted to and agreed in writing by the Local Planning Authority.

Reason: In the interest of preserving the identified priority species, and in the interest of achieving a Biodiversity Net Gain, in accordance with Policy 41 of the County Durham Plan and with Part 15 of the National Planning Policy Framework.

Height Restriction

13) No structures, material or items shall be stored within the site above the height of 3 metres.

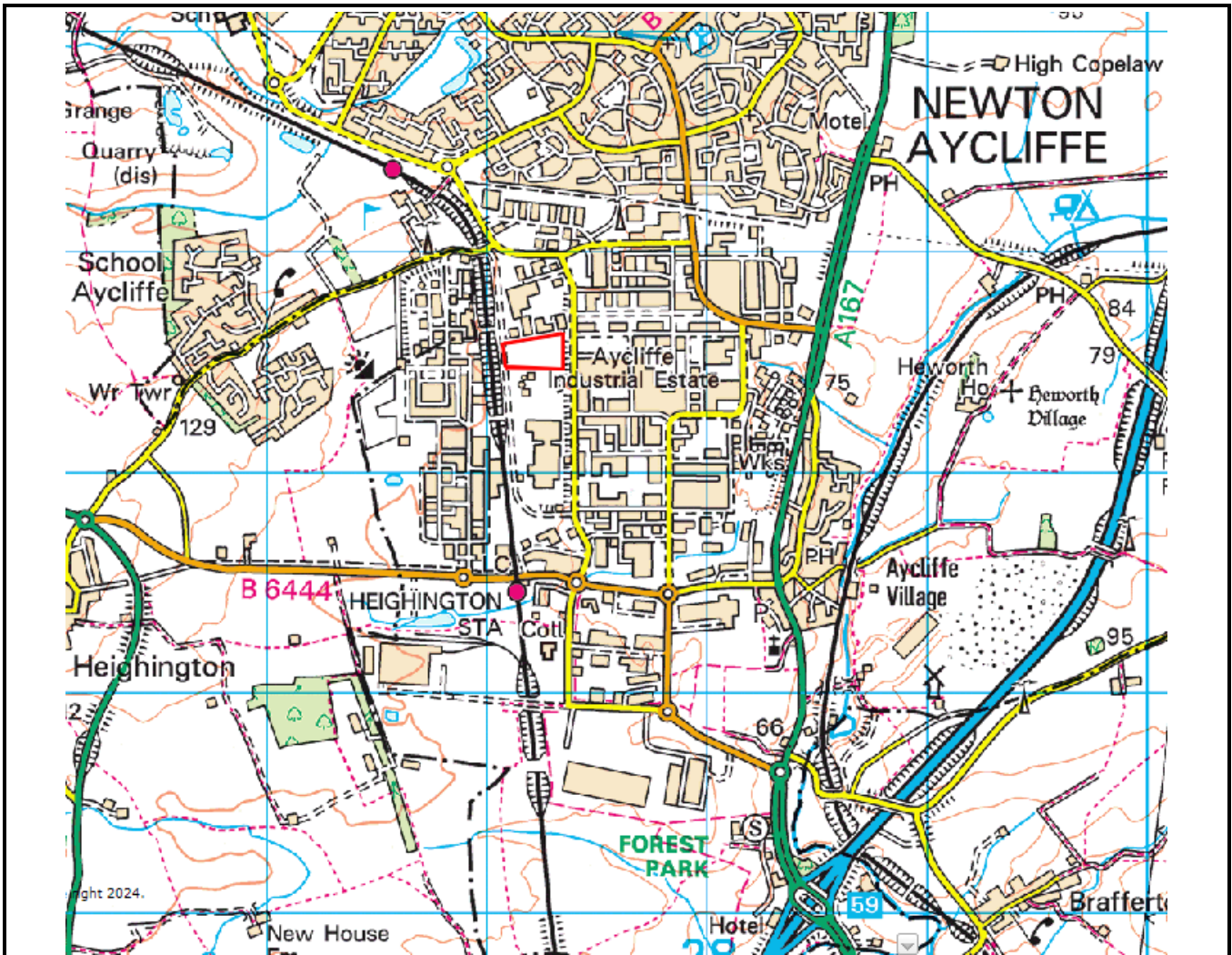
Reason: In the interest of the visual amenity of the area, in accordance with Policy 29 of the County Durham Plan and with Part 15 of the National Planning Policy Framework.

STATEMENT OF PROACTIVE ENGAGEMENT

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

BACKGROUND PAPERS

- Submitted application form, plans, supporting documents and subsequent information provided by the applicant
- Statutory, internal and public consultation responses
- The National Planning Policy Framework
- National Planning Practice Guidance Notes
- County Durham Plan (2020)
 - Trees, Woodland and Hedges SPD (2024)
 - Parking and Accessibility SPD (2023)
 - County Durham Settlement Study (June 2018)
- Great Aycliffe Neighbourhood Plan (July 2017)



Planning Services

DM/23/02008/FPA

Engineering and associated works to form enclosed area in association with storage use.
 Land North Of Emerald Biogas, Preston Road, Aycliffe Business Park, Newton Aycliffe DL5 6AB

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Date January 2025

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