



## County Planning Committee

**Date** Tuesday 2 December 2014  
**Time** 2.00 pm  
**Venue** Council Chamber, County Hall, Durham

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### Business

#### Part A

1. Apologies for Absence
2. Substitute Members
3. Minutes of the meeting held on 4 November 2014 (Pages 1 - 4)
4. Declarations of Interest
5. Applications to be determined
  - a) CMA/5/31 - Sheraton Hill and Hulam Farms, Sheraton, Hutton Henry, County Durham (Pages 5 - 36)  
Erection of 5 no. wind turbines with a maximum tip height of 115m and associated buildings and works
  - b) CMA/5/40 - Land at Wingate Grange Farm situated to the west of Wingate, south east of Wheatley Hill, north of Deaf Hill, on the southern side of the A181 (Pages 37 - 66)  
Erection of 5 no. Wind Turbines (max tip height 115m) and associated infrastructure including crane hard-standings, a substation and control building, transformers, underground cabling, access tracks, and a meteorological mast
  - c) DM/14/02556/OUT - Land to the North of Durham Road, Middlestone Moor, Spennymoor (Pages 67 - 90)  
Outline application for up to 300 dwellings, including site access, public open space, landscaping and associated infrastructure works.
6. Such other business as, in the opinion of the Chairman of the meeting, is of sufficient urgency to warrant consideration

7. Any resolution relating to the exclusion of the public during the discussion of items containing exempt information

### **Part B**

#### **Items during which it is considered the meeting will not be open to the public (consideration of exempt or confidential information)**

8. Such other business as, in the opinion of the Chairman of the meeting, is of sufficient urgency to warrant consideration

**Colette Longbottom**  
Head of Legal and Democratic Services

County Hall  
Durham  
24 November 2014

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

Councillor K Davidson (Chairman)  
Councillor B Moir (Vice-Chairman)

Councillors J Allen, B Armstrong, D Boyes, M Dixon, D Hall,  
G Holland, A Laing, R Lumsdon, C Marshall, H Nicholson,  
G Richardson, A Shield, P Taylor and R Young

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**Contact: Ian Croft**

**Tel: 03000 269702**

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**DURHAM COUNTY COUNCIL**

At a Meeting of **County Planning Committee** held in Council Chamber, County Hall, Durham on **Tuesday 4 November 2014 at 2.00 pm**

**Present:**

**Councillor K Davidson (Chairman)**

**Members of the Committee:**

Councillors B Armstrong, D Boyes, M Dixon, D Hall, G Holland, I Jewell, A Laing, R Lumsdon, H Nicholson, G Richardson, A Shield and R Young

**1 Apologies for Absence**

Apologies for absence were received from Councillors J Allen, B Moir and P Taylor.

**2 Substitute Members**

Councillor I Jewell as substitute member for Councillor B Moir.

**3 Declarations of Interest**

There were no declarations of interest.

**4 Minutes**

The minutes of the meeting held on 7 October 2014 were confirmed as a correct record and signed by the Chairman.

**5 Applications to be determined**

**5a DM/14/01651/OUT - Land adjacent to Vicarage Close, Hargill Road, Howden-le-Wear**

Colin Harding, Senior Planning Officer informed the Committee that this application had been withdrawn at a late stage by the applicant. He clarified that should the application be re-submitted at any future date it would be subject to a further full consultation process.

**5b DM/14/2132/FPA - Land at the former Seaham Colliery, Station Road, Seaham, County Durham**

The Committee considered a report of the Senior Planning Officer regarding an application for the erection of a new secondary school, parking, landscaping and

sports facilities on land at the former Seaham Colliery, Station Road, Seaham (for copy see file of minutes).

Andrew Inch, Strategic Team Leader provided the Committee with a detailed presentation which included photographs of the site and a plan of the proposed layout.

Councillor Laing, in **Moving** approval of the application, informed the Committee that Seaham was in need of a new school and she was delighted that this application had come forward.

Councillor Dixon referred to planning Condition 20 which restricted the use of the MUGA to 9 p.m. Monday to Friday, and to Condition 21 which stated that no floodlighting shall be erected to the MUGA courts. The lack of floodlighting would, in effect, mean that during the winter months the MUGA would not be able to be used after 5 p.m. and Councillor Dixon considered Condition 21 to be too restrictive.

Councillor Boyes queried the possibility of restricting the use of the MUGA to either 6 p.m. or 7 p.m.

The Strategic Team Leader replied that the applicant had not proposed floodlighting and therefore the application had not been considered or assessed on the provision of floodlighting. Although planning Condition 21 excluded floodlighting for this application, the applicant could submit a later application for floodlighting if required, and this would be subject to consultation with local residents. He also considered the proposed hours for the use of the MUGA to be appropriate.

Councillor D Boyes **Seconded** approval of the application, and it was

**Resolved:**

That the application be approved, subject to the conditions detailed in the report.

## **6 Bradley Open Cast Inquiry Update**

Claire Teasdale, Principal Planning Officer, provided the Committee with an update on the Bradley Open Cast Inquiry.

In February 2011 the Committee refused planning permission for a proposed surface coal mining scheme at a site to be known as Bradley, near Leadgate, Consett, County Durham on the grounds that it would have an unacceptable impact on the environment and amenity of local communities, and the proposed community benefits of the proposal did not outweigh the unacceptable impact on the environment and amenity of local communities, contrary to Policies contained in the County Durham Minerals Local Plan.

The applicant, UK Coal (UKC), lodged an appeal against the Council's decision which was heard at a local Inquiry between 25 October 2011 and 11 November 2011, with the Planning Inspector's decision letter issued in February 2012. The Inspector dismissed the appeal and an associated temporary footpath diversion order application that would have been necessary to facilitate the development.

In April 2012 UKC mounted a legal challenge against the Inspector's appeal decision. A High Court judgement was handed down in July 2013 which upheld one of UKC's grounds of challenge and quashed the Planning Inspector's decision. As a result a new Inquiry was required to be held and another Inspector appointed to consider the appeal.

The appeal, which was heard at a local Inquiry at Leadgate Workmen's Social Club and Institute, commenced on 7 October 2014 and lasted 12 days. There was a considerable amount of local interest evidenced by the daily attendance at the inquiry by local residents. The Inspector's decision was expected in the first few months of 2015.

Councillor Shield reminded the Committee that the High Court had quashed the Planning Inspectors decision because the way it had been written and presented, with an over-emphasis on the Localism Act, rather than because of the decision itself.

The Chairman placed on record both his and the Committee's thanks to those officers who had been involved in the appeal process, and in particular Claire Teasdale, Laura Renaudon and Stuart Timmis.

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# COMMITTEE REPORT

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## APPLICATION DETAILS

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<b>APPLICATION NO:</b>	CMA/5/31
<b>FULL APPLICATION DESCRIPTION:</b>	Erection of 5 no. wind turbines with a maximum tip height of 115m and associated buildings and works
<b>NAME OF APPLICANT:</b>	EDF Energy Renewables
<b>ADDRESS:</b>	Sheraton Hill and Hulam Farms, Sheraton, Hutton Henry, County Durham
<b>ELECTORAL DIVISION:</b>	Blackhalls
<b>CASE OFFICER:</b>	Henry Jones, Senior Planning Officer 03000 263960, <a href="mailto:henry.jones@durham.gov.uk">henry.jones@durham.gov.uk</a>

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## DESCRIPTION OF THE SITE AND PROPOSALS

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### The Site

1. The application site comprises of 6.6 hectares of land at Sheraton Hill and Hulam Farms to the north of the settlement of Sheraton and to the east of Hutton Henry and the A19. Land within the application site comprises of an existing access road (Bellows Burn Lane), agricultural land associated with the farms, agricultural buildings and residential properties at the Hulam farmstead. The Bellows Burn watercourse crosses the application site at a point within its far south.
2. Sections of Footpath No. 14, Bridleway No. 1 and Bridleway No. 13 (all Sheraton with Hulam) all cross the application site. In addition Footpath No. 3 (Nesbitt), Footpath No. 9 Byway No. 18, Bridleway No. 20 and Bridleway No. 10 (all Sheraton and Hulam) are all within the immediate vicinity of the application site. The locally designated Easington Area of High Landscape Value is partly located within the application site. A small section of the application site (to the east of turbine 5) also includes the Hesleden Dene Local Wildlife.
3. In addition there are a host of local and statutory landscape, heritage and ecological land designations also located within relative close proximity to the application site. The submitted planning application through its assessment of landscape, heritage and ecological impacts, identifies a comprehensive list of such sites.
4. With regards to landscapes of the highest status of protection, the North Yorkshire Moors National Park is located approximately 25km to the south of the application site whilst the North Pennines Area of Outstanding Natural Beauty is located approximately 32km to the west of the application site.

5. Also of particular note are sections of the designated Heritage Coast (approximately 3km east) and sections of this Durham coastline are also designated as a National Nature Reserve (NNR), Local Nature Reserve, RAMSAR site, Special Area of Conservation (SAC), Special Protection Area (SPA) and Site of Special Scientific Interest (SSSI).
6. The Castle Eden Dene NNR, SAC and SSSI are located approximately 2.4km to the north of the application site. Hart Bog SSSI is located approximately 300m to the south-east of the application site and Hulam Fen SSSI is located approximately 600m to the north. The Hulam Reed Swamp Local Wildlife Site is located approximately 400m to the north-west of the application site. Hesleden Dene Ancient Woodland is located approximately 400m east of the application site.
7. A range of heritage assets are located within relative close proximity to the application site. Castle Eden Conservation Area is located approximately 822m from the application site. The closest listed buildings to the application site are those at Hutton House (Grade II) approximately 400m to the west and a grouping of 4 no. buildings/structures at Nesbitt Hall (all Grade II) approximately 620m to the east. Sheraton Deserted Medieval Village, a scheduled monument, is located approximately 450m to the south of the application site whilst a further scheduled monument, the Deserted Medieval Village at Castle Eden, is located approximately 2km to the north of the application site. Approximately 2km to the north of the site, a registered Park and Garden of Special Historic Interest is located at The Castle, Castle Eden.
8. The application is a cross boundary planning application as part of the application site is located within County Durham and part of the application site is located within Hartlepool Borough.

#### The Proposal

9. Planning permission is sought for the erection of 5 no. wind turbines, associated buildings and works.
10. The proposed turbines themselves would each have a maximum tip height of 115m, hub height of 69m with a rotor diameter of 92m. Turbines 1 and 2 would be located to the north-east of the Hulam farmstead and turbines 3, 4 and 5 to the east of the Sheraton Hill farmstead. A lattice type anemometry mast of 70m in height is also proposed, to be located in close proximity to turbine 3. This mast would be permanent.
11. Adjacent to each turbine a transformer would be sited within a housing of approximately 2m x 1.5m x 3m. The turbines would be sited on reinforced concrete foundations with a diameter of approximately 17m and a depth of approximately 3.5m. Each turbine would require a crane hardstanding to be built adjacent to the turbine foundation and each of these would cover approximately 40m x 25m.
12. A temporary construction compound is also proposed to accommodate portacabins (site offices, welfare facilities, toilets), storage containers for tools and equipment, storage areas for plant, material and components and sufficient parking. This compound would be located adjacent to the Hulam farmstead. The compound would be 50m wide by 50m in length.



13. The development would be connected to the local electricity distribution network. The grid connection would be subject to a separate consenting process under Section 37 of the Electricity Act 1989 if required. Electrical power from the turbine transformers would be transferred to the electricity distribution system through switchgear unit(s).
14. Two control buildings are required to house high voltage switchgear, metering and other control equipment. The larger of the control buildings would be 18.4m in length, 7.5m in width and 5.9m in height. This compound would be located adjacent to the Hulam farmstead. The second, smaller control building would be 10m in length, 7.5m in width and 5.8m in height and would be located adjacent to Bellows Burn Lane to the east of the Sheraton Hill farmstead. Cables, to be laid underground, connecting these control buildings to each turbine would be necessary and approximately 5.1km of cable trenches would be required for this development.
15. Bellows Burn Lane would provide the main access for the whole development and this access would be upgraded. Turbines 3, 4 and 5 would each be accessed from Bellows Burn Lane itself though with a new section of access track laid. The Bellows Burn would be required to be crossed to provide the access for turbine 4. Turbines 1 and 2 would be accessed via new tracks located off the existing route to Hulam Farm which would also require an upgrade.

### Construction

16. The construction period for the development would take approximately 12 months. Preliminary works include carrying out a site survey and preparation, construction of site entrance, access tracks and passing places. Construction of control building, site compound, turbine foundations, crane pads and erection of the anemometry mast would follow. Excavation of trenches for cable laying and connection of on-site distribution and communication cables would follow before turbine delivery and erection.

### Decommissioning

17. The development has been designed to have an operational life of 25 years and at the end of this period it would need to be decommissioned. The application states that a decommissioning plan would be prepared and agreed with the Local Planning Authority. Based upon current best practice guidance the applicant states that this decommissioning would involve removal of all above ground structures, removal of all underground structures to at least one metre below ground level with any structures beneath this level to be left in situ. Landowners would be given the option to retain the access tracks for their own purposes.
18. Of the five wind turbines proposed four are within County Durham with only turbine one within Hartlepool and the vast majority of the above mentioned development is within the County Durham boundary. Hartlepool Borough Council is therefore separately considering the development with regards to their district.
19. The application is accompanied by an Environmental Statement (ES). This report has taken into account the information contained in the ES and subsequently submitted details and that arising from statutory consultations and other responses.
20. The application is being presented to the County Planning Committee as the development comprises of more than two wind turbines with an output of greater than 1.5MW.

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## **PLANNING HISTORY**

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21. In April 2011 planning permission was granted for the erection of an anemometry mast for a temporary period of three years.
22. A range of planning permissions also exist for the agricultural and equestrian related developments at the Hulam and Sheraton Hill farmsteads though these are considered of little relevance to the development proposal.
23. Hartlepool Borough Council is currently considering an application for the proposed development.

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## **PLANNING POLICY**

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### **NATIONAL POLICY**

24. The Government has consolidated all planning policy statements, guidance notes and many circulars into a single policy statement, the National Planning Policy Framework (NPPF). The overriding message is that new development that is sustainable should go ahead without delay. It defines the role of planning in achieving sustainable development under three topic headings – economic, social and environmental, each mutually dependant. The presumption in favour of sustainable development set out in the NPPF requires local planning authorities to approach development management decisions positively, utilising twelve ‘core planning principles’.
25. In accordance with paragraph 215 of the National Planning Policy Framework, the weight to be attached to relevant saved local plan policy will depend upon the degree of consistency with the NPPF. The greater the consistency, the greater the weight. The relevance of this issue is discussed, where appropriate, in the assessment section of the report. The following elements of the NPPF are considered relevant to this proposal.
26. *NPPF Part 1 – 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 of a low carbon future.
27. *NPPF Part 4 – Promoting Sustainable Transport*. The transport system needs to be balanced in favour of sustainable transport modes, giving people a real choice about how they travel. It is recognised that different policies and measures will be required in different communities and opportunities to maximize sustainable transport solutions which will vary from urban to rural areas. Encouragement should be given to solutions which support reductions in greenhouse gas emissions and reduce congestion.
28. *NPPF Part 10 – Meeting the Challenge of Climate Change, Flooding and Coastal Change*. Planning plays a key role in helping shape places to secure radical reductions in greenhouse gas emissions, minimising vulnerability and providing resilience to the impacts of climate change, and supporting the delivery of renewable and low carbon energy.

29. *NPPF Part 11 – Conserving and Enhancing the Natural Environment.* The planning system should contribute to, and enhance the natural environment by; protecting and enhancing valued landscapes, recognizing the benefits of ecosystem services, minimising impacts on biodiversity and providing net gains in biodiversity where possible, preventing new and existing development being put at risk from unacceptable levels of soil, air, water or noise pollution or land instability, and remediating contaminated and unstable land.
30. *NPPF Part 12 – Conserving and Enhancing the Historic Environment.* Local planning authorities should set out in their Local Plan a positive strategy for the conservation and enjoyment of the historic environment, including heritage assets most at risk through neglect, decay or other threats. In doing so, they should recognise that heritage assets are an irreplaceable resource and conserve them in a manner appropriate to their significance.

<http://www.communities.gov.uk/documents/planningandbuilding/pdf/2116950.pdf>

31. 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 including of most relevance to this application a dedicated section on renewable and low carbon energy.

<http://planningguidance.planningportal.gov.uk/>

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

The District of Easington Local Plan (December 2001) (DELP)

32. *Policy 1 – General Principles of Development.* States that due regard will be given to the provisions of the development plan in the determination of planning applications. Account will be taken of accordance with the principles of sustainable development together with community and local economy benefits. Accordance with high standards of location, design and layout will also be required.
33. *Policy 3 – Protection of the Countryside.* This policy defines development limits. Development outside settlement boundaries will be considered to be within the countryside. Such development will be considered to be inappropriate unless allowed for by other Local Plan policies.
34. *Policy 7 – Protection of Areas of Highway Landscape Value.* This policy seeks to protect areas of high landscape value and development which adversely affects their character, quality or appearance will only be permitted if it meets a need that outweighs the value of the landscape and there is no alternative location within the County.
35. *Policy 14 – Protection of Special Areas of Conservation.* Development which is likely to adversely affect such a site will only be approved where there is no alternative solution and there are reasons of an over-riding national interest. In cases where a priority habitat or species may be affected development will only be approved where it is necessary for reasons of human health or public safety or beneficial consequences of primary nature conservation importance arise.

36. *Policy 15 – Protection of Sites of Special Scientific Interest and National Nature Reserves.* This policy states that development which is likely to adversely affect a notified site of special scientific interest will only be approved where there is no alternative solution and the development is in the national interest.
37. *Policy 16 – Protection of Sites of Nature Conservation Importance, Local Nature Reserves and Ancient Woodlands.* This policy states that development likely to adversely affect such a site will only be approved where there is no alternative solution within the county or district (as appropriate) and the development is in the national interest.
38. *Policy 17 – Identification and Protection of Wildlife Corridors.* This policy states that development which would adversely affect a wildlife corridor or a wildlife link will only be approved where compensatory features are provided which would maintain the integrity of the corridor or link.
39. *Policy 18 - Species and Habitat Protection.* This policy states that development adversely affecting protected species will only be approved where its benefits clearly outweigh the value of the species or its habitat.
40. *Policy 22 – Preservation and Enhancement of Conservation Areas.* This policy seeks to protect the character, appearance and setting of Conservation Areas.
41. *Policy 24 – Protection of Listed Buildings.* This policy states that any developments which adversely affect the character, appearance, special architectural features or setting of a listed building will not be approved.
42. *Policy 35 – Design and Layout of Development.* This policy requires the consideration of energy conservation and the efficient use of energy within new development proposals, the scale of surroundings, and impact upon neighbouring residential amenity.
43. *Policy 36 – Design for Access and the Means of Travel.* This policy requires good access and encouragement of the use of a choice of transportation modes.
44. *Policy 74 – Footpaths and other Public Rights of Way.* This policy states that public rights of way will be improved, maintained and protected from development.

**RELEVANT EMERGING POLICY:**

The County Durham Plan

45. The emerging County Durham Plan was submitted in April 2014 and is currently the subject of an ongoing Examination in Public. In accordance with paragraph 216 of the NPPF, decision-takers may give weight to relevant policies in emerging plans according to: the stage of the emerging plan; the extent to which there are unresolved objections to relevant policies; and, the degree of consistency of the policies in the emerging plan to the policies in the NPPF. Further, the Planning Practice Guidance explains that in limited circumstances permission can be justifiably refused on prematurity grounds: when considering substantial developments that may prejudice the plan-making process and when the plan is at an advanced stage of preparation (i.e. it has been submitted). The following policies contained in the Submission Draft are considered relevant to the determination of the application.

46. *Policy 22 - Wind Turbine Development.* Sets out the Councils direction of travel in respect of wind energy. This states that planning permission will be granted for the development of wind turbines unless, amongst other things, there would be unacceptable harm to residential amenity, landscape character and important species and habitat. In order to safeguard residential amenity, turbines should be located a minimum separation distance of 6 times the turbine height from a residential property. The policy also seeks to protect designated heritage assets and their settings, airport radar systems and sets a clearance distance from public rights of way and the public highway.
47. *Policy 38 - Durham Coast and Heritage Coast.* This policy seeks to protect and enhance the Durham Coast and wider coastal zone. Development proposals within the coastal zone or that may affect its setting must be appropriate in terms of scale, massing and design and not give rise to unacceptable adverse impacts upon the tranquillity or isolated character of the area.

*The above represents a summary of those policies considered most relevant in the Development Plan the full text, criteria, and justifications of each may be accessed at:*  
<http://www.durham.gov.uk/article/3269/Easington-Local-Plan> (Easington Local Plan)  
<http://www.durham.gov.uk/cdp> (County Durham Plan)

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## **CONSULTATION AND PUBLICITY RESPONSES**

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### **STATUTORY RESPONSES:**

48. *Hutton Henry Parish Council* – Object to the development on the grounds of harmful visual dominance, scarring of the landscape and harmful impact upon the amenity of residents.
49. *Castle Eden Parish Council* – Object to the development on the grounds of harmful landscape and visual impacts including on the Area of High Landscape Value and Heritage Coast, harm to Castle Eden Conservation Area, impacts on TV and radio reception and the effectiveness and value of wind turbine developments.
50. *Monk Hesleden Parish Council* – Object to the development on the grounds of harmful cumulative impacts, visual impacts and impacts upon the eco-system.
51. *Hart Parish Council* – Raise objections to the development on the grounds of safety due to icing and lightning strike potential, impacts upon recreational use of the area, impacts upon ecological assets, impacts upon tourism, efficiency of the turbines and querying of connection to the grid.
52. *The Highway Authority* – Raise no objections to the development with regards to the proposed access arrangements or traffic implications. Transport submissions within the application including the submitted Construction Traffic Management Plan are found to be acceptable. Passing places must be created on Bellows Burn Lane and a condition to ensure this is recommended on any approval. A condition is also recommended so as to agree the creation of three new or amended vehicular access points on Bellows Burn Lane. Works shown on the Swept Path Analysis indicates impact on the public highway verge at the A19 southbound/Bellows Burn Lane junction and details of this should be agreed with the Traffic Assets Senior Engineer.
53. *Highways Agency* – Raise no objections to the development subject to the attachment of conditions on any approval with regards to adherence to a construction transport management plan and agreement on abnormal loads routing.

54. *Coal Authority* – Confirm that the application site does not fall within the Coal Mining Development Referral Area. No objections are therefore raised and standing advice only applies to the development.
55. *Natural England* – Original comments supplied on the application considered that no adverse impacts upon internationally and nationally designated sites would occur through the development. No concerns with regards to the impact of the development upon the protected landscape of the Heritage Coast are raised. With regards to protected species, original comments raised no objections with regards to impacts upon protected species namely bats, great crested newts and otters although in the event of an approval conditions should be attached with regards to mitigation and habitat enhancement.
56. Additional comments have been following the submission of updated information from the applicant. No specific comments or objections are raised and in order to assess implications on protected species, Natural England advise referral to internal Ecology Officers and assessment against their published standing advice.
57. *The Environment Agency* – Raise no objections to the development subject to conditions being attached on any approval relating to surface water drainage and implementation of mitigation measures relating to groundwater, hydrology and hydrogeology.
58. *Northumbrian Water* – Raise no objections or comments.
59. *Ministry Of Defence (MOD)* – Originally objected to the development on the grounds of unacceptable interference with air defence radar at Brizlee Wood and Met Office radar at High Moorsley. Discussions have been ongoing between the applicant, the MOD and the Met Office and these objections have been on the grounds that conditions could be attached to any approval to permit adequate mitigation measures.
60. *National Air Traffic Services (NATS)* – Raise no objections having regards to their air safeguarding criteria.
61. *Durham Tees Valley Airport* – An objection has been submitted on the grounds that the rotation of the turbine blades would be detected on the airport's primary radar creating clutter. This impact could affect the safe operation of radar.

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

62. *Spatial Policy* – Emphasis is placed on the wider environmental, economic and social benefits that arise from renewable energy projects. In determining this planning application these benefits must be balanced against the other impacts of the development most notably the landscape and visual impacts of the development and impacts upon the residential amenity.
63. *Design and Conservation* – Acknowledge that there are a large number of heritage assets within relatively close proximity to the application site. Objection is raised to the impact of the development upon the setting of Nesbitt Hall and associated outbuildings and structures (all Grade II listed). Turbines 2 and 3 in particular would dominate views to the west and adversely affect the relationship between the listed buildings and this landscape.

64. *Archaeology* – Raise no objections to the submitted heritage statement, geophysical report or trial trenching evaluation. No evidence of archaeological interest on the site has emerged from this evaluation and no conditions would be required for attachment on any approval.
65. *Ecology* – Objections are raised to the date and therefore content of bird and bat surveys. Surveys of these species are of an age where they cannot be considered up to date and in the case of birds are inadequate in number.
66. *Landscape* – Provide a context for wind farm development within County Durham with discussion on landscape capacity. Detailed advice with regards to the direct physical impacts of the development, impacts on landscape character, the cumulative visual and landscape impacts, impacts upon designated sites and impacts upon settlements. Several of these key landscape and visual impact issues are considered to be finely balanced for instance the impact upon the Area of High Landscape Value and the cumulative landscape and visual impact of the development with other turbines and ultimately whether these impacts are significantly harmful is a matter of judgement. However, objection regarding the visual impact of the development upon the settlement of Hesleden is raised.
67. *Environment, Health and Consumer Protection (Noise and Dust)* – Raise no objection to the application though conditions are recommended in the event of an approval with regards to both the construction and operational phases of the development.
68. *Access and Rights of Way* – Most recent guidance advises that turbine rotor blades should not over sweep a public right of way. Turbine 5 could over sweep Sheraton with Hulam Bridleway No. 1. The applicant has proposed an alternative temporary bridleway route for the duration of operation. This is considered acceptable and could be finalised via condition on any approval.
69. *Employability* – Provide advice with regards to targeted training and employment obligations. Discussions have been held with the applicant and the proposal to provide a financial contribution towards the provision of apprentices is welcomed.

#### **PUBLIC RESPONSES:**

70. The application was advertised within the press, on site and letters were sent to neighbouring properties. A total of 139 no. letters of representation have been received with 131 no. letters of objection and 8 no. letters of support. The matters raised are summarised below.

#### Objection

##### *Principle of the Development*

- The economic and environmental gain of turbines is negligible.
- Wind energy is a means of profiteering without energy benefits.
- The north-east has enough wind turbines.
- Very few jobs are created from wind turbine developments.
- A nuclear power plant is located nearby – there is no need for wind turbine development.

### *Visual and Landscape Impacts*

- Harmful visual impact and intrusion.
- Harmful cumulative impacts with other wind turbines.
- Loss of trees and hedgerows.
- The proposed turbines are too close to settlements.

### *Heritage Impacts*

- Harmful impact on Castle Eden Conservation Area.
- Harmful impact on Scheduled Ancient Monuments.
- Harmful impact on the listed church at Hart Village.

### *Residential Amenity/Safety Issues*

- Harmful noise impacts from the turbines and construction traffic.
- Concerns regarding shadow flicker and potential for epilepsy and migraines.
- Concerns over ice throw.
- Potential for turbines to fall or their components.
- Potential for turbines to be struck by lightning and set on fire.
- Potential for amplified modulation to occur.

### *Highways Issues*

- Concerns over road safety from construction traffic.
- Distraction of motorists on the A19.
- Public rights of way and bridleway affected.

### *Ecology*

- Harm to ecological assets including specific species and designated sites.
- Horses will be scared.

### *Aviation*

- The turbines will affect airport radar.

### *Communications*

- TV signals will be affected by the development.

### *Drainage*

- The proposed access track development will affect drainage in the area including Hart Bog.
- The water table will be affected as a watercourse is to be reconstructed.

### *Other Issues*

- Devaluing of property.
- Loss of views.
- Objection to consultation processes with the public.
- Query on how grid connection is achieved.
- Harmful impact on a local shoot and gamekeepers employment.
- The turbines would not be decommissioned in 25 years but likely remain or be replaced.
- Harmful impacts on tourism through harm to rural tranquillity.
- Concerns over land stability due to historical mining and groundwater conditions.
- Extracts from newspaper articles and quotes from politicians and other publications are referenced within objectors comments seeking to demonstrate the level of concern with the benefits of wind energy.



## Support

- General support to the development proposals are raised and its impact.
- The permissive bridleway route is welcomed.
- Benefits to renewable energy production and impact on climate change.
- Impacts upon ecological assets and the local shoot would not be detrimental.
- Visual impacts considered to be acceptable.
- No concerns regarding impact upon horse riders.
- Proposal will create jobs.

### NON-STATUTORY RESPONSES:

71. *Durham Bat Group* – Raise objection to the application, being concerned with the content and accuracy of submitted bat survey data and evaluation. The submitted documentation is considered to lack reference to or diminish the potential of impacts upon bats. Recommendations are made with regard to revised bat surveys being undertaken and additional bat flight line mapping.
72. *Campaign to Protect Rural England* – Raise objection to the development on the grounds of a detrimental impact on the tranquillity of the area, potential impacts upon the Heritage Coast, impacts upon the Area of High Landscape Value, impact on hedgerows, cumulative landscape impacts and impacts upon bridleway users.
73. *Ramblers Association* – Request movement of turbine 2 as Footpath 14 (Sheraton with Hulam) is within fall over distance. It is stated that these concerns are shared by the Highways Agency and Network Rail. Requests are also made that precautions are taken to protect footpath users during construction and that temporary diversions are provided during the construction period.
74. *Joint Radio Company* - Confirm that the development has the potential to affect a number of telecommunication links. No objections are raised to the development subject to the attachment of a condition on any approval requiring a scheme of mitigation informed by survey work to be implemented.
75. *Royal Society for the Protection of Birds (RSPB)* – Consider that mitigation for the displacement effects on lapwing and to provide added value for other wader species is necessary through the creation of a new habitat area. Monitoring of breeding quail as proposed is welcomed. With regards to hydrology it is stated that the careful consideration of impacts upon SSSIs must be undertaken. With regards to collision effects on gull species, concerns are expressed on the avoidance rates within the submitted application which are considered inaccurate and that instances of collision are therefore considered to be higher.
76. *Teesmouth Bird Club* – Raised no objections to the development though do state that there is little information with regards to the potential for cumulative impacts with other wind turbine development. Conditions so as to ensure that habitat mitigation and enhancement, post-construction survey monitoring and post-construction bird strike monitoring are undertaken.
77. *Durham Bird Club* – Lend support to the comments of Teesmouth Bird Club and RSPB. Serious concerns are raised with regards to bird flyovers, however, and on any approval specific requests for conditions regarding bird strike monitoring are made. Conditions regarding additional breeding bird survey work and so as to ensure special protection of species identified within Schedule 1 to the Wildlife and Countryside Act to be found to be nesting in the area are also proposed.

The following comments have also been received.

78. *Grahame Morris MP* – Objects to the development on the grounds of landscape and cumulative landscape impacts, impact upon Castle Eden Conservation Area, the questionable benefits of the renewable energy technology, that County Durham has fulfilled its wind energy requirements and that local communities would be detrimentally affected.
79. *Cllr Rob Crute* – Objects to the development on the grounds of visual and cumulative landscape impacts, impacts upon ecological assets, health and safety issues for instance shadow flicker, aviation issues and impacts upon local businesses due to the disruption during the construction period and operation impacts of the development.
80. *Cllr Alan Cox* – Objects to the development stating that he supports the opposition from local residents and considers that wind turbines should be located off-shore.

#### **APPLICANTS STATEMENT:**

##### The Applicant

81. EDF Energy Renewables are part owned by EDF Group UK and EDF Energy Nouvelles. The company is based in the North East of England and have recently moved from offices in Doxford Park, Sunderland to into new Offices at Rainton Bridge Business Park near Houghton-le-Spring in order to accommodate an expanding team. The team based in the north east are responsible for the development, construction, operation, and maintenance of a nationwide portfolio of wind farm sites.
82. EDF-ER have already developed a number of wind farms in the north east, and currently operate the following wind farms in County Durham: Walkway (nr, Sedgefield), Trimdon, Langley, and High Hedley (nr. Tow Law). Last year, as well as developing on-shore wind, the company also commissioned our first off-shore wind farm at Teeside, and have recently announced the acquisition of the rights to construct an off-shore scheme at Blyth.
83. If planning permission is granted for the scheme it would be our intention to construct, operate and maintain the wind farm for proposed 25 year life.

##### The Proposal

84. The National Planning Policy Framework (NPPF) provides very positive advice to local planning authorities on increasing the supply of renewable energy. Wind farm development will cause some local landscape and visual effects. In the case of Sheraton, these have been considered in detail in the Environmental Statement and are acceptable, satisfying the tests required under the NPPF.
85. The analysis of the site has shown it to be a viable location for a wind energy scheme, which can accommodate the scale of the development proposed.
86. Subject to signing relevant legal agreements relating to the implementation of required aviation mitigation solutions, there are now no objections from statutory consultees to this proposal.

## Benefits of the Scheme

87. A 10MW wind farm in this location would supply enough electricity to supply approximately 5400 dwellings preventing annual emissions of 9800 tonnes of CO<sup>2</sup>. \*
88. As well as generating a significant amount of renewable energy, the proposed development would also bring the following benefits to the local community:
- Support of the Sponsorship Scheme for Apprentices in County Durham + Hartlepool – to sponsor three apprentices per year for 5 years.
  - Agreed to Habitat Management scheme, to improve on-site bio-diversity; to be funded by EDF-ER for the life of the wind farm.
  - A new permissive bridleway to be created to improve access to the landholding for members of the public.
  - A financial contribution of £15,000 to help link existing Public Rights of Way near to the proposed wind farm.
  - Community Fund of £5,000 per MW which equates to £50,000 per year for the life of the wind farm. (£40,000 per year for DCC and £10k per year for HBC). This equates to an overall Community Fund of £1.25m over the life of the wind farm, and would be index linked.
  - Under a current central government initiative, Business Rates of approx £10,000 per MW each year would be retained by DCC and HBC rather than being sent to Westminster. This would be equal to £100,000 per year, or £2.5m over the life of the wind farm.

*\*Please note these figures are based on onshore turbines operating at 26.06% capacity (2008-2012 average capacity factor for onshore wind from Digest of UK Energy Statistics) and assuming 4,222 is the average UK household electricity consumption in kW hours (based on DECCs publication URN:12D/468). Carbon emissions based on assumed 430g CO<sub>2</sub> per MWh.*

*The above represents a summary of the comments received on this application. The full written text is available for inspection on the application file which is available to view at County Hall, Durham, DH1 5UQ*

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## **PLANNING CONSIDERATIONS AND ASSESSMENT**

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89. Having regard to the requirements of section 38(6) of the Planning and Compulsory Purchase act 2004, the relevant Development Plan policies, relevant guidance and all other material considerations including representations received it is considered that the main planning issues in this instance relate to the principle of development, landscape and visual impact, residential amenity, aviation and radar issues, impact on heritage assets, impacts on ecology and nature conservation, highway safety, flood risk and hydrology and TV and other communication interference.

### Principle of Development

90. The DELP contains no specific saved policy providing guidance on wind energy development. DELP Policy 3 seeks to protect the countryside, identifying the need to safeguard this natural, non-renewable resource. DELP Policy 3 therefore establishes a presumption against development in the countryside except in certain exceptional circumstances. DELP Policy 3 identifies renewable energy development as an example of development that is acceptable in the countryside in principle.

91. One of the twelve core principles of the NPPF (paragraph 17) supports “the transition to a low carbon future in a changing climate..... and encourage the use of renewable resources (for example by the development of renewable energy).”
92. The NPPF also advises at paragraph 98 that when determining planning applications, local planning authorities should not require applicants for energy development to demonstrate the overall need for renewable or low carbon energy and that applications should be approved (unless material considerations indicate otherwise) if its impacts are or can be made acceptable.
93. The Planning Practice Guidance (PPG) includes dedicated guidance with regards to renewable energy and in principle also supports renewable energy development considering that planning has an important role in the delivery of new renewable and low carbon energy infrastructure in locations where the local environmental impact is acceptable.
94. National planning guidance therefore generally supports renewable energy schemes.
95. Whilst only limited weight can be given to the emerging County Durham Plan (CDP) and Policy 22 therein, the policy does not object to the principle of wind turbine development though there is a presumption against some wind farm developments within the AONB, which is not applicable in this instance.
96. It is noted that public opposition to the development includes objection to matters surrounding the need, merit and efficiency of wind energy development. The NPPF advises that applicants need not demonstrate an overall need for renewable energy and there are no renewable energy production ceilings for the north-east. The PPG advises that considering the energy contribution to be made by a proposal can be given weight in decision making particularly when a decision is finely balanced. However, as the energy contribution to reducing greenhouse gases in this instance would be significant, officers do not object in principle to the development in this regard. A point is raised that relatively few jobs emerge from wind energy development. The construction phase of the development would create some employment opportunities, however, irrespective of this, the amount of employment opportunities to emerge from the development is considered to not be a reason to object to the development in principle.
97. Officers therefore raise no objection to the development in principle considering the development compliant with DELP Policy 3 and Part 10 of the NPPF. Public responses include the comment that wind turbine developments should be off-shore. Officers do not object to the principle of on-shore wind energy development, however, and the acceptability of the scheme is considered to rest with the assessment of the detailed issues and impacts.

## Landscape Impacts

### *Physical Impacts*

98. Aside from the impact of the tall turbine and anemometry mast structures themselves, the associated developments would have a physical impact upon the fabric of the landscape. The submitted Environmental Report summarises the impacts associated with the different elements of the development.

99. The site access, provision of new access tracks and associated sight lines and passing places would require sections of hedgerow/landscape removal. The submitted Environmental Report states that such removal would be kept to the minimum necessary and that new planting would be proposed to mitigate impact. The development would involve a total of 2.5km of new access track. The turbine foundations and crane pads would together with the access tracks create significant amounts of new hard surface development on the land. Cables connecting the turbines to the control buildings would necessitate significant trench excavation. These would be constructed immediately adjacent to access tracks and be approximately 1m in width. Once construction was completed, however, the trenches would all be filled in, limiting the long term impact.
100. Similarly, whilst the construction compound covers a significant area of 2,500m<sup>2</sup> the compound would be a temporary feature. The compound is proposed to be sited adjacent to existing buildings at Hulam Farm rather than in an isolated location.
101. The two control buildings proposed are relatively modest buildings.
102. In the event of an approval, landscaping conditions could be attached to determine the precise degree of landscaping loss and ensure compensatory planting and the application proposes some mitigation and enhancement principles in this regard.
103. Landscape Officers have considered the physical impacts of the development upon the fabric of the landscape and in general terms consider the impacts to be relatively low.
104. Officers therefore raise no objections to the development purely in terms of the physical impacts of the development upon landscape fabric.

#### *Impacts upon Designated Sites*

105. Within the application site itself the only land designated for its landscape qualities, is the locally designated Easington Area of High Landscape Value.
106. Landscape Officers have considered the assessment of designated landscapes within the submitted Landscape and Visual Impact Assessment (LVIA) and, in general, the assessment is considered appropriately detailed and the conclusions drawn considered accurate.
107. With regards to landscapes of the highest status of protection, the North Yorkshire Moors National Park is located approximately 25km to the south of the application site whilst the North Pennines Area of Outstanding Natural Beauty (AONB) is located approximately 32km to the west of the application site. The submitted LVIA includes a visualisation of the proposed development from within the National Park and considers that their presence would not give rise to significant effects within the area of the National Park. Officers agree with this conclusion, albeit it must be acknowledged that the National Park boundary is outside of County Durham. Specific commentary is not provided with regards to the AONB within the LVIA and the AONB is beyond the 30km radii from the site within which the focus of impact is concentrated within the LVIA. The submitted Zone of Theoretical Visibility (ZTV) does suggest that the proposed wind turbines would be visible from within the AONB in places, for instance to the west of Tow Law and Hamsterley. However, at the distances involved officers do not consider that the proposed development would have any significant or harmful impacts upon the AONB.

108. Sections of land designated as the Heritage Coast stretch from Sunderland in the north to Hartlepool in the south with much of this Heritage Coast within County Durham. This coastline is a unique asset comprising of distinctive bays and headlands carved from magnesian limestone and overlying clays. Whilst only limited weight can be attributed to it at the moment, CDP Policy 38 seeks to ensure that this coastal zone and its setting are protected from development that may cause unacceptable adverse impacts.
109. Visibility of the proposals from the majority of this coastline would be reduced by the screening effects of the built up form of Peterlee and Blackhall Colliery. Views of the development proposal from the Heritage Coast would be intermittent and it is considered that no unacceptable adverse impacts upon this coastline would occur.
110. Three of the proposed wind turbines would be within the AHLV and the remaining two within 150m of it. The proposed turbines would be dominant features across the southern part of the AHLV, the area lying south of the Haswell-Hart railway walk between Castle Eden and Nesbitt Dene. This part of the AHLV is characterised by undulating farmland with strong linear bands of woodland and hedgerow trees. It is considered that within this southern area, the AHLV would be dominated by the proposed turbines with impacts elsewhere within the AHLV generally low. Despite the significance of the impact within sections of the AHLV, Landscape Officers consider that the turbines would not be entirely out of scale with this landscape because of the relatively broad scale of the topography and land cover. A substantial change to the character of this landscape would occur, however.
111. DELP Policy 7 seeks to protect areas of high landscape value and development which adversely affects their character, quality or appearance will only be permitted if it meets a need that outweighs the value of the landscape and there is no alternative location within the County.
112. Despite the prominence of the proposed turbines within sections of the AHLV, taking into account the views of Landscape Officers, this prominence is not necessarily considered to be out of scale or incongruous in this landscape. Officers therefore consider that the proposed development would not be detrimental upon the AHLV having regards to DELP Policy 7.
113. In addition it should be noted the CDP does not propose such local landscape designations and utilises landscape character assessment as advised by the NPPF, though only limited weight can be attributed to the emerging CDP at the moment.

#### *Cumulative Landscape Impact*

114. There are currently two clusters of operational turbines on the Tees Plain to the south and south-east of the proposals; the Butterwick/Walkway complex and High Volts. To the west and northwest there are further clusters of turbines on the Limestone Plateau at Trimdon Grange, Hare Hill and Haswell Moor/High Haswell.
115. The area in which the landscape impact of existing turbines is at its greatest is currently focussed around the existing clusters. Between these existing clusters of turbines there is some relief from a wind farm landscape.
116. Further wind turbines are approved at Red Gap Moor, Lambs Hill and Tees Offshore. The area in which turbines would be experienced as relatively prominent features in this landscape would extend to cover most of the central and northern Tees Lowlands and effectively all of the coastal plain and a more continuous tract of wind

farm landscape would develop in the northern part of the Tees Plain as the tracts around Butterwick/Walkway, Red Gap Moor and High Volts coalesce.

117. With the addition of the proposed turbines a landscape within which turbines would be prominent features would cover the whole of the coastal plateau and coastal plain. Coalescence with High Volts and the wind farm landscape around existing and permitted clusters would extend further north.
118. In terms of specific cumulative impacts, the area where these would be expected to be most acute as a result of the development would be in the area dominated by High Volts and Sheraton Moor and particularly where these zones overlap.
119. The point at which the extent of tracts of wind farm landscape becomes harmful and unacceptable is a matter of judgement. The proposal does not cross any obvious threshold in terms of the overall impact of the development upon the landscape but would bring about a scenario in which the greater part of the southern East Durham Limestone Plateau and northern Tees Plain west of Hartlepool was dominated by wind development as a continuous tract of wind farm landscape.
120. Officer's view is that despite the development contributing further to and extending the impact of a wind farm landscape in this area, the cumulative impacts upon the landscape is not so significant or harmful to warrant objection.

#### *Landscape Conclusions*

121. Officers therefore raise no objections to the development in terms of the physical impacts of the development upon landscape fabric.
122. With regards to impacts upon designated landscapes, the most significant impact would be upon the locally designated AHLV within which the development is partly sited. Within sections of this landscape the turbines would be dominant features and it is a matter of judgement as to whether this impact is harmful upon the AHLV and brings the development into conflict with DELP Policy 7. However, the turbines would not be entirely out of scale with this landscape because of the relatively broad scale of the topography and land cover, reducing the extent to which they might be considered harmful and as a result officers do not object to the turbines purely on the grounds of the impact this locally designated landscape.
123. Cumulative landscape impacts would occur through the development. This development when added to existing operating turbines and those consented, would increase the area within the landscape in which turbines would be dominant and extend the tract of windfarm landscape within the County. However, it is considered that the cumulative landscape impacts would not be so harmful as to warrant refusal of the application.
124. As a result in terms of landscape impact officers do not raise objection to the development having regards to DELP Policies 1 and 7 and Parts 10 and 11 of the NPPF.

#### *Visual Impacts*

#### *Impact on Settlements*

125. The area in which the proposals would have its more substantial impacts, approximately within around 5 or 6km from the site, contains a number of settlements including Hesleden, Monk Hesleden, High Hesleden, Sheraton, Blackhall

Rocks, Blackhall Colliery, Hutton Henry, Castle Eden, Peterlee, Station Town and Wingate (all within County Durham) and also Hartlepool, Elwick and Dalton Piercy (all within Hartlepool Borough).

126. The submitted application includes a detailed assessment of the visual impacts of the development including a viewpoint assessment from many of these nearest settlements and discussion within the LVIA assessment of views from within each settlement. In general terms Landscape Officers concur with the findings of the LVIA.
127. The proposed turbines would be prominent features from views within many of the nearest settlements. In most instances the impact of the development upon these settlements would be similar to existing relationships in the County where wind turbines are located within relative close proximity to settlements. Therefore whilst the proposed turbines would be prominent in views from several settlements, this visual impact would not be unacceptably dominant.
128. The exception to this is considered to be the impact upon Hesleden, located approximately 800m to the north of the proposed turbines at the nearest point. It is considered that the environment of the southern half of the village, south of Front Street/Church Street, would be dominated by the development. Residential property, areas of public open space and recreational space and footpaths are located within this southern section of the village. To an extent, with the orientation of properties and the location of these public spaces, the village is orientated towards the south and towards the development. The land in this part of the village also slopes downhill towards the proposed turbines and this sense of the village tipping towards the development exacerbates the impact.
129. Within the visualisations accompanying the LVIA viewpoint 2, a view to the south of Church Street, provides a representation of the views within the southern sections of the village. The impact of the development would be dominant with a stacking of the turbines one behind the other within a relatively narrow field of view. Officers consider that this impact would be unacceptably harmful and objection to the development is raised on these grounds. Although the existing High Volts turbines would be visible behind the proposed turbines within these same views, High Volts is not particularly prominent, and officers consider that they would not add to the harmful impact.
130. Due to the nature and magnitude of the visual impact of the development upon Hesleden the application is considered contrary to the requirements of DELP Policies 1 and 35 and Part 10 of the NPPF.

#### *Impact on Residential Property*

131. The application includes a detailed assessment of the visual impacts of the development upon the nearest residential property including a residential visual amenity survey that accompanies the LVIA assessment. This document identifies property within a 1km radius of the turbines and for those properties within 800m provides a detailed discussion on the nature and magnitude of impact.
132. The evidence of past appeal decisions suggests that turbines are likely to be overbearing at distances closer than four times the turbine height and unlikely to be overbearing at distances of greater than seven times their height. At distance ranges in between, the acceptability of their impact is influenced by site-specific factors.



133. Whilst only limited weight can be attributed to the policy at this moment in time, Policy 22 of the emerging County Durham Plan (CDP) requires that turbines are located in excess of six times their height unless it can be demonstrated that the impact would not be overbearing.
134. Six times the tip height of the proposed turbine is a height of 690m whilst 7 times the tip height is 805m. A total of 14 no. properties are within 7 times the tip height and 10 no. properties within 6 times the tip height.
135. In some instances the properties are orientated in such a manner or have intervening landscaping that the impact of the turbines within these distances would be mitigated. Examples of this are at East Terrace, Hesleden and Hulam Cottage.
136. In other instances, within this relative close proximity there would be open views to several turbines and it is a matter of judgement as to whether the proximity and prominence of the turbines would be so harmful upon the occupiers of those properties that their amenity would be unacceptably affected. The degree of impact upon several of these properties would be of a similar magnitude and examples of the most affected properties are the property at Sheraton Hill Farm (P8 within the submitted survey), Sheraton Hill Farm Bungalow, Smithy Cottage, Hulam Farm and properties at the Nesbitt Hall Farmstead. Officers acknowledge that some of these properties would be financially involved in the development and also acknowledge that letters of support for the development have been received from the occupiers of some of these most affected properties.
137. Officers would agree with the submitted survey that impacts upon these properties would represent a significant change in circumstances and visual impacts from some properties would be major. However, officers consider that the effect would be such that the impacts of the proposed turbines would not overbearing, unpleasantly overwhelming or create an unavoidable presence in main views from these dwellings and curtilages.
138. Officers raise no objections to the proposed development with regards to the visual impact upon individual properties having regards to DELP Policies 1 and 35 and Part 10 of the NPPF.

#### Other Impacts upon Residential Amenity

139. Aside from the potential visual intrusions of the development upon residential amenity, other matters such as the potential for noise, shadow flicker and safety must be considered.

#### Noise

140. The National Planning Policy Framework at paragraph 123 requires that LPA's to consider the impact of noise relating to new development giving rise to health and amenity issues for adjacent residents.
141. Planning Practice Guidance commends the use of 'The Assessment and Rating of Noise from Wind Farms' (ETSU-R-97). It describes a framework for the measurement of wind farm noise and gives indicative noise levels calculated to offer a reasonable degree of protection to wind farm neighbours. Among other things, this document states that noise from wind farms should be limited to 5dB (A) above background noise for both day and night-time periods. The now defunct PPS24, former national planning guidance in relation to noise, advises that a change of 3dB (A) is the minimum perceptible to the human ear under normal conditions. Thus it is

not intended that with developments there should be no perceptible noise at the nearest properties, rather the 5dB (A) limit is designed to strike a balance between the impact of noise from turbines and the need to ensure satisfactory living conditions for those individuals who might be exposed to it. The ETSU guidance also recommends that both day and night time lower fixed limits can be increased to 45dB(A) where the occupier of the affected property has some financial involvement in the wind farm.

142. With regards to noise, the application is accompanied by a noise assessment the scope of which was to assess the noise impacts associated with the construction phase and the operation of the turbines themselves. The assessment also considers the potential for cumulative noise impacts with other wind turbines, wind shear and amplitude modulation.
143. Environment, Health and Consumer Protection have assessed the development and the submitted noise assessment and have confirmed that it conforms with to the procedural method statement detailed in the applicable advice “The Assessment and Rating of Noise from Wind Farms” (ETSU-R-97). The submitted assessment demonstrates that for each of the representative noise sensitive receptors the predicted wind turbine emission noise levels for both day-time and night-time periods would be below the ETSU-R-97 derived noise limit. This includes when cumulative noise impact with other wind turbines is taken into account.
144. Amplitude modulation is an area undergoing further research and there is no requirement under ETSU-R-97 to include any correction for amplitude modulation. Furthermore, Environment, Health and Consumer Protection state that the operation of the selected specification of wind turbines will not give rise to any tonal characteristic of noise.
145. Environment, Health and Consumer Protection therefore raise no objections, however, conditions are recommended in the event of an approval with regards to both the construction and operational phases of the development. The conditions proposed with regards to the construction phase relate to working hours and practices, schedule of works for the decommissioning of the wind turbines and a condition requiring the carrying out of an assessment of the works and construction activities upon the nearest noise sensitive receptors. With regards to the operational phase of the development conditions to limit the maximum noise levels at the nearest residential receptors, requirement for the developer to investigate noise complaints (including complaints of low frequency noise or excess amplitude modulation), continual logging of wind speed, direction and sound power generation and provision of a nominated representative to liaise on noise complaint matters are recommended.
146. Officers raise no objections to the development in terms of noise impacts having regards to DELP Policy 1 and Parts 10 and 11 of the NPPF.

#### *Shadow Flicker*

147. Shadow flicker can occur within 130 degrees either side of north and the effect is unlikely to be significant in distances greater than 10 rotor diameters. The application is accompanied by a shadow flicker assessment which considers that potentially 13 no. dwellings could be affected by shadow flicker. The properties that would be most affected based upon the results are at the Nesbitt Hall farmstead which could theoretically be the subject of shadow flicker for up to approximately 66 hours per year.

148. Such a period of time is calculated on a theoretical worst case scenario basis using assumptions such as the following; that the rotor blades would be rotating for 365 days per year, that the sun shines in a clear sky every day of the year and that there is no tree cover that may prevent windows being affected.
149. Mitigation measures can be devised to control shadow flicker occurring, examples include through the provision of screening measures or alternatively through controls to switch the turbine off in periods where shadow flicker can occur.
150. In the event of any approval officers consider that a condition can be attached so as to require mitigation measures to be implemented to remove the potential for shadow flicker occurrence.
151. Objectors are concerned about the potential for epilepsy and migraines associated with shadow flicker. The submitted shadow flicker report outlines that the frequency of shadow flicker occurrence is significantly less than the frequency at which photosensitive epilepsy is usually triggered. Irrespective, the mitigation measures that officers consider could be undertaken would also remove the instances of shadow flicker occurring.
152. No objections with regards to the effect of shadow flicker are therefore raised having regards to DELP Policy 1 and Parts 10 and 11 of the NPPF.

### *Safety*

153. Objectors are concerned about the potential for ice throw, lightning strike and turbines setting on fire and the potential for the turbines and their components to fall.
154. The PPG advises that appropriate fall over distance with regards to nearby buildings is the height of the turbine plus 10%. No buildings are located within this distance. No objections have been received from the Highway Authority or Highways Agency on the grounds of the proximity of the development to the road network.
155. With regards to the concerns over ice throw, such matters are not directly referenced within the safety concerns section of the PPG in relation to wind turbines. There is reference within the Highways Agency/Department for Transport publication "The Strategic Road Network and the Delivery of Sustainable Development (2013)". This document advises that wind turbines can be fitted with vibration and/or climate sensitive technology so that the turbine can be shut down if there is the potential for icing. In the event of an approval a condition could be imposed requiring that such technology is utilised.
156. Whilst there have been some high profile instances of wind turbines being struck by lightning or catching fire, this is not considered to be the usual. Wind energy is considered a safe technology and officers have no reason to suspect that the proposed turbines could not be operated safely.

### *Aviation and Radar*

157. Durham Tees Valley Airport (DTVA) has submitted an objection to the development on the grounds that the rotation of the turbine blades would be detected on the airport's primary radar creating clutter, which could be highly distracting for air traffic control. In the interests of safety, objection has therefore been raised in terms of the impact the impact upon radar operation.

158. The applicant has been in ongoing discussions with DTVA, seeking to form a mitigation strategy to overcome the objections. Officers understand that these discussions are ongoing and progress is being made in terms of an agreed mitigation strategy that would permit DTVA to remove their objection. However, at this point in time no final agreement has been reached. In the absence of this agreement and the absence of any withdrawal of the objection from DTVA, officers object to the development on the grounds of aviation safety.
159. Originally the Ministry of Defence (MOD) objected to the development on the grounds of unacceptable interference with air defence radar at Brizlee Wood and Met Office radar at High Moorsley. In relation to air defence radar the development could create false aircraft returns on the radar. In relation to the Met Office radar the development could cause false rain rates to be diagnosed which would lead to inaccurate weather warnings being issued.
160. During the course of the application the applicant has negotiated with the MOD and the Met Office in regards to these issues. The MOD has now confirmed that in the event of an approval conditions could be attached requiring the devising of an air defence mitigation scheme and Met Office radar mitigation scheme. Officers therefore raise no objections with regards to the impact of the development upon the radar at Brizlee Wood and High Moorsley.
161. NATS have raised no objections having regards to their air safeguarding criteria.

#### Impacts on Heritage Assets

162. The application is accompanied by a cultural heritage assessment which has assessed heritage assets within an immediate study area of 2km around the application site and a wider study area of 5km. The scope of the assessment was to: determine the presence and impact upon known archaeological and built heritage sites that may be affected by the development; assess the potential for unrecorded archaeological remains; consider potential effects on the setting of heritage assets; and, suggest mitigation measures where necessary. Objectors are concerned about the impact of the development upon heritage assets with particular reference made to Castle Eden Conservation Area, local scheduled monuments and the church within Hart village (Grade I listed Mary Magdalene Church). Hart village and heritage assets therein are, however, within Hartlepool Borough.
163. 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 to the setting of a listed building 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.
164. Design and Conservation Officers advise that when assessing the impacts of wind turbine development within a historic context the key matters for consideration area visual dominance, scale, inter-visibility, vistas and sight lines, movement, sound, light effects and settings. In this context, they are satisfied that the application has

demonstrated that impacts upon Castle Eden Conservation Area, registered historic park and listed buildings within Castle Eden would not be adversely affected by the development. Design and Conservation Officers raise no concerns with regards to the impact of the development upon other heritage assets within the local area including, but not restricted to, the Deserted Medieval Villages at Sheraton and Castle Eden.

165. The main concerns raised by Design and Conservation Officers relate to the potential impacts upon the grouping of Grade II listed buildings and structures at Nesbitt Hall. In particular, they consider that turbines 2 and 3 would adversely affect the relationship between the listed buildings and the landscape to the west, and that presently unrestricted views to the west from Nesbitt Hall would be dominated by these turbines. They consider therefore that there would be unacceptable harm to the setting of these listed buildings and structures. Officers agree that the proposed turbines, particularly nos. 2 and 3, would be prominent in views from Nesbitt Hall and the associated gates, piers, outbuilding and barn.
166. The NPPF defines the setting of a heritage asset as; “the surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral.”
167. The NPPF is clear at paragraph 132 that the significance of an asset can be harmed by inappropriate development within its setting. The English Heritage publication “The Setting of Heritage Assets” provides advice on matters of setting. The extent of the setting of a listed building will vary from asset to asset, it will generally be more extensive than its curtilage and setting can be influenced by not only views but noise, dust, vibration and the like. The English Heritage publication clearly states that “Setting is not a heritage asset, nor a heritage designation. Its importance lies in what it contributes to the significance of a heritage asset.”
168. The proposed turbines would be located approximately 650m to the west of Nesbitt Hall. The proximity and prominence of the turbines in views from and around the listed buildings and structures would be clear. However, officers consider that the placement of the turbines within this landscape to the west of Nesbitt Hall would not have a demonstrably harmful impact upon the setting of the listed buildings/structures at Nesbitt Hall, and the elements of the site and setting that contribute significantly to the value of the heritage assets would be preserved.
169. Archaeology Officers have submitted comments stating that the application includes a comprehensive cultural heritage assessment including geophysical survey. A trial trench evaluation was submitted by the applicant part way through the consideration of the application and this evaluation identified no elements of archaeological interest. Archaeology Officers therefore raise no objections to the development or content of the evaluation and it is considered that there is no evidence of archaeological interest that would warrant the attachment of any conditions, for example regarding a watching brief, on any approval.
170. In conclusion officers consider that the development would preserve the character, appearance and setting of Conservation Areas, preserve the special character and setting of listed buildings with no detrimental impact upon scheduled monuments. No objections are raised with regards to matters of archaeology. No harm to other designated or undesignated heritage assets is considered to occur and as a result no objections to the development on heritage grounds are raised having regards to DELP Policies 1, 22 and 24 and having regards to Part 12 of the NPPF.

## Ecology and Nature Conservation

171. The PPG clearly outlines the specific risks that wind turbines pose in terms of ecology and nature conservation interests. These risks are considered to be the risk of collision between moving turbine blades and birds and/or bats. Other risks include the disturbance and displacement of birds and bats and the drop in air pressure close to the blades (potentially causing lung expansion) in bats.
172. The application is accompanied by an ecology and nature conservation assessment and associated surveys and supporting documentation. The scope of the assessment was to identify all statutory designated sites within 10km of the site with all non-statutory designated sites identified within 5km. The assessment seeks to identify any rare, notable or protected species or habitats present up to 11km from the site, consider the likely significant effects on ecological receptors, consider any necessary mitigation measures to avoid, reduce or compensate effects and identify residual effects taking into account all elements within the scope of the assessment.
173. As previously identified a number of statutory and non-statutory sites of ecological interest lie within relative close proximity to the site. This includes but is not restricted to the following sites which are the closest to the development; sections of coastline designated as a NNR, Local Nature Reserve, RAMSAR site, SAC, SPA and SSSI; the Castle Eden Dene NNR, SAC and SSSI; Hart Bog SSSI (within Hartlepool Borough); Hulam Fen SSSI; and the Hulam Reed Swamp Local Wildlife Site.
174. With regard to designated sites Natural England have raised no objections to the proposed development.
175. It is noted that public concerns are raised with regards to the potential for hydrology to affect nearby SSSIs with Hart Bog referenced (though this is within Hartlepool Borough). The application is accompanied by a geology, hydrology and hydrology assessment and in part the scope of this document was to consider the potential impacts upon SSSIs. This assessment considers that the groundwater regime local to Hulam Fen is unlikely to be affected by the development whilst the Hart Bog ecosystem is dependent upon Bellow Burn located upstream from the development reducing concerns over impact. General drainage matters are discussed in more detail elsewhere in this report.
176. Officers raise objection to the development on the grounds of the out of date nature of some survey data accompanying the application and the degree of survey data submitted.
177. The presence of protected species is a material consideration, in accordance with Circular 06/2005 (Biodiversity and Geological Conservation – Statutory Obligations and their Impact within the Planning System) and Paragraph 119 of the NPPF. In addition under the requirements of the Conservation of Habitats and Species Regulations 2010 (and as amended in 2012) (referred to as the Habitats and Species Regulations hereafter) it is a criminal offence to (amongst other things) deliberately capture, kill, injure or disturb a protected species, unless such works are carried out with the benefit of a licence from Natural England. Regulation 9(3) of the Conservation of Habitats and Species Regulations requires local planning authorities to have regard to the requirements of the Habitats Directive in exercising its functions. Case law has established that local planning authorities must consider whether the applicant might obtain a protected species licence from Natural England. This requires an examination of the derogation provisions.

178. Officers concerns relate to the protected species of bats and breeding birds. One breeding bird survey was carried out in 2011 and two wintering bird surveys in 2007/2008 and 2011/2012. Applicable guidance states that there should be two surveys over two seasons and that a further survey should have been undertaken. Bat surveys were undertaken in 2007/2008 and 2011. The most recent surveys are therefore three years old. Natural England guidance states that surveys should be up to date, preferably from the previous survey season though a time lapse of two years is often acceptable. Ecology Officers note that the bat survey found noctules on site, a species at high risk from wind turbines. An Extended Phase 1 Habitat Survey addendum dating from 2014 has been supplied and it is accepted that the baseline data has essentially not changed since the original survey. However, protected species populations and their movement patterns are dynamic and they have the potential to change year on year.
179. As a result, Ecology Officers consider that survey data relating to bats and breeding birds are not up to date with the further issue of an absence of a bird breeding survey. Without up to date survey data it is considered that an assessment of the impact of the development upon protected species cannot be made and that the survey data is insufficient to demonstrate compliance with DELP Policy 18 and Part 11 of the NPPF. Without up to date information it cannot be determined whether a protected species license from Natural England is likely to be required and therefore whether consideration of the derogation tests is required.
180. Furthermore, 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 2010 (as amended). This would be undertaken by the carrying out of a screening exercise on the planning application using the survey data submitted. Such an appropriate assessment would consist of a robust assessment of the implications of the proposed development upon a European site. In this instance the potentially affected sites would be the Castle Eden Dene SAC, Durham Coast SAC, Northumbria Coast SPA and Teesmouth and Cleveland Coast SPA. With the survey data considered to be out of date an accurate screening on whether such an appropriate assessment under the Habitats and Species Regulations is necessary cannot be undertaken and objection in this regard is also raised.

#### Highways Issues and Public Rights of Way

181. The application is accompanied by an assessment of access, traffic and transportation implications relating to the development. The scope of this assessment was to consider the impacts of construction traffic and abnormal load deliveries to the site, access requirements during the operational phase and impacts and mitigation measures during decommissioning.
182. The site is accessed via Bellows Burn Lane, located directly off the A19. Bellows Burn Lane would be upgraded. The Bellows Burn would be required to be crossed to provide the access for turbine 4. New access tracks to the turbines themselves and an upgrade of the access track at Hulam Farm would also be necessary.
183. It is noted that public concerns over road safety from construction traffic and distraction of motorists on the A19 from the turbines themselves are raised.
184. The Highways Agency has raised no objections to the submitted construction transport management plan which is considered to meet the needs of the Highways Agency in terms of the safe and efficient operation of the network. Conditions are

recommended on any approval in regards to adherence to this management plan and that an abnormal loads routing plan is agreed.

185. The Highway Authority also has no objections to the development considering that submissions within the application including the submitted Construction Traffic Management Plan are acceptable. Should planning permission be granted passing places must be created on Bellows Burn Lane and a condition imposed to ensure this. A condition is also recommended so as to agree the creation of 3 no. new or amended vehicular access points on Bellows Burn Lane. Works shown on the Swept Path Analysis indicates impact on the public highway verge at the A19 southbound/Bellows Burn Lane junction and details of this should be agreed with the Traffic Assets Senior Engineer.
186. No objections from either the Highway Authority or Highways Agency are raised with regards to the potential for drivers to be distracted by the wind turbines either on the A19 or indeed any other road.
187. Officers therefore raise no objections to the development with regards to highway safety and the application is considered to accord with the requirements of DELP Policies 1 and 36 and Part 4 of the NPPF.
188. Public concerns are raised with regards to the impact of the development upon public rights of way and bridledways. This includes concerns over the ability for horses to safely be exercised.
189. Access and Rights of Way Officers do not consider it necessary for turbines to be located beyond fall over distance from a public right of way and such a distance is not a statutory requirement. Most recent guidance advises that turbine rotor blades should not over sweep a public right of way. Turbine 5 could over sweep Sheraton with Hulam Bridleway No. 1 but, an alternative temporary bridleway route for the duration of operation is proposed. This is considered acceptable and could be finalised via condition on any approval. The Ramblers Association state that the Highways Agency and Network Rail support their view that footpaths should be beyond fall over distance. However, no such formal comments have been received within the Highway Agency response and Network Rail has supplied no comments.
190. Officers therefore consider that the development would adequately protect public rights of way and footpaths in accordance with DELP Policy 74.

#### Flood Risk and Hydrology Issues

191. The application includes an assessment of matters surrounding hydrology, flood risk and related issues. This assessment considers the potential for pollutant leakages from the development from construction processes, potential increases in surface water runoff, for instance, as a result of increased areas of hardsurfacing.
192. In order to reduce the potential for pollutant leakages a construction management plan and environment management plan are proposed so as to ensure best construction practices.
193. Construction of a culvert to carry the wind farm site access tracks over Bellow's Burn is required and public concern has been received with regards to the impact of the development on the water table as a result with further concerns raised over groundwater conditions. The applicant proposes a sustainable urban drainage system at the site to handle the discharge of water. A condition on any approval could resolve the final details of such a scheme.



194. The Environment Agency has no objections to the development subject to conditions relating to surface water drainage and mitigation measures with regards to groundwater, hydrology and hydrogeology. No objections are raised to the box culvert design required for the crossing of Bellows Burn.
195. Northumbrian Water raise no comments or objections to the development.
196. As a result officers raise no objections to the development on matters surrounding hydrology and flood risk considering the development compliant with DELP Policy 1 and Parts 10 and 11 of the NPPF.

#### TV and Communication Interference

197. Wind turbines have the potential to disrupt telecommunication links and cause interference to television reception. This risk is increased with larger wind turbines and multiple turbines. Reflection and diffraction of radio waves can occur causing a detrimental impact upon signals.
198. The application is accompanied by an assessment of the impact of the development upon electromagnetic interference and utilities.
199. The Joint Radio Company (JRC) provides a wind farm coordination and advisory service. The JRC has confirmed that the development has the potential to affect a number of telecommunication links. However, no objections are raised to the development subject to the attachment of a condition on any approval requiring a scheme of mitigation to be implemented.
200. The submitted assessment states that a desk top and on site analysis of the impact of the proposed development on television signals and to model the effects of the wind turbines on the quality of the TV reception in the area surrounding the development has been undertaken. This assessment considers that approximately 50 properties could be affected by reception interference. In the event of any approval, however, conditions can be attached to ensure that mitigation measures are implemented and any complaints investigated.
201. No objections are therefore raised by officers with regards to matters of communication interference.

#### Other Issues

202. Public concerns are raised with regards to land stability issues including as a result of coal mining legacy. The Coal Authority has confirmed that the application site does not fall within the Coal Mining Development Referral Area. In addition the application includes a consideration of geological issues including ground instability. This considers that the development site has either no or very low potential to encounter issues of collapsible ground, ground dissolution and shrinking or swelling clay with no or low potential for running sand, no to moderate potential for compressible ground and very low to moderate potential for landslide. No objections are therefore raised and standing advice only applies to the development.
203. The CPRE and objectors are concerned over the impact of the turbines upon the tranquillity of the area. CPRE recognise that the proximity of the area to the A19 does already have an impact upon tranquillity. The degree to which a wind farm development affects the tranquillity of users, for instance of the footpaths and bridleways in the area, is subjective. Officers consider that the general impact of a

wind farm development would not adversely affect the enjoyment of an area to such a degree as to warrant objection to the application.

204. Similarly, public concerns are expressed over the impact of the development upon tourism. Officers would not raise objection in principle to a wind farm at this location due to a potential impact on tourism, however, objections to the visual impact of the development are raised as discussed in more detail elsewhere in the report.
205. Employability Officers have commented on the application seeking to encourage targeted training and employment, potentially secured via planning obligation (S106 legal agreement). The applicant has stated that they are willing to provide a financial contribution towards the provision of apprentices.
206. Public concerns are expressed regarding the impacts upon local businesses due to the disruption during the construction period and operation impacts of the development. Officers consider that the impacts of the development would not have a demonstrably harmful impact upon local businesses during the operational phase with any disruptive activities during construction being undertaken for a limited period.
207. Some public concerns are expressed regarding impacts of the development upon property values. However, this is not a material planning consideration that weight can be attributed to.
208. Similarly concerns over a loss of view are raised within public responses. However, weight cannot be attributed to the loss of a private view.
209. Some objections are raised with regards to the consultation processes with the public. The Local Planning Authority has publicised the application and consulted on the application through the issue of letters, erection of site notices and publication in the press in accordance with statutory requirements. In addition the applicant has stated that they have undertaken public consultation exercises which are detailed within the submitted statement of community involvement.
210. Some public objections raise concern over considered harmful impacts of the development on a local shoot and gamekeepers employment though this is rebutted in counter arguments in comments of support. Ultimately officers consider there is limited evidence that in the event of an approval a harmful impact upon any local shoot would occur and indeed, arguably this is a matter of private interest that officers could only attribute limited weight.
211. Concerns are raised that whilst the application states that the development would be decommissioned in 25 years it would likely remain or be replaced. In the event of an approval a condition would be recommended for attachment regarding decommissioning though this is not to say that a further planning permission could not be separately sought for an extended period or alternative wind energy development.
212. Officers acknowledge that the applicant has stated that their intention would be to provide a Community Fund of £5,000 per MW of installed capacity. Based on the current proposal this would amount to £50,000 per annum over the 25 year life of the wind farm. However, such a contribution is not proposed under a S106 legal agreement and it is not considered that the community fund meets the tests of when it is appropriate for the entering into of such a planning obligation particularly with regards to the contribution directly related to the development. As a result officers cannot attribute weight to the offer in the planning balance.

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## CONCLUSION

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213. The proposed wind turbine would make a positive contribution towards the overall supply of renewable energy to the region. There is very strong and consistent policy support for renewable energy projects and the scheme has significant benefits in this respect. The key consideration in its determination is whether clear policy support outweighs any adverse environmental or social impact.
214. The NPPF explains that all communities have a responsibility to help increase the use and supply of green energy, but this does not mean that the need for renewable energy automatically overrides environmental protections and the planning concerns of local communities. As with other types of development, it is important that the planning concerns of local communities are properly heard in matters that directly affect them.
215. It is considered that the settlement of Hesleden would, be unduly dominated by the visual impact of the development. The height, proximity and visual stacking of the turbines in views from Hesleden would be harmful to residential property, areas of public open space and recreational space and footpaths that are all located within the sections of the village that would be most affected.
216. DTVA have objected to the development on the grounds that the development could affect the safe operation of their radar. Whilst discussions are ongoing between the applicant and DTVA to agree mitigation measures to resolve this radar issue, agreement is not yet reached and objection therefore remains.
217. With regards to matters of ecology, survey data with regards to the protected species of bats and breeding birds is not up to date or adequate to appropriately assess impacts of the development upon the species. In addition, in the absence of up to date survey data an accurate screening on whether an appropriate assessment under the Habitats and Species Regulations to assess implications on the nearby SAC and SPA sites cannot be made.
218. Therefore, whilst the development would deliver a contribution to new renewable and low carbon energy infrastructure, the benefits of this would not outweigh the aforementioned harm and refusal of the application is therefore recommended.

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## RECOMMENDATION

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That the application be **REFUSED** for the following reasons:

1. The Local Planning Authority considers that the proposed wind turbines would result in an unduly dominant and harmful visual impact upon the settlement of Hesleden contrary to the requirements of Policies 1 and 35 of the District of Easington Local Plan and Part 10 of the NPPF.
2. The Local Planning Authority considers that the wind turbines would be detected on the primary radar of Durham Tees Valley Airport, causing additional radar clutter, with a potentially harmful impact on radar operation and aviation safety, contrary to Part 10 of the NPPF and advice contained within the PPG.

3. The Local Planning Authority considers that protected species survey data is neither up to date nor based on sufficient survey work to enable an accurate assessment of the impact of the development on protected species or to inform on the need for an appropriate assessment under the Conservation of Habitats and Species Regulations 2010 (and as amended in 2012). Compliance with Policy 18 of the District of Easington Local Plan and Part 11 of the NPPF has not been demonstrated.

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## **STATEMENT OF PROACTIVE ENGAGEMENT**

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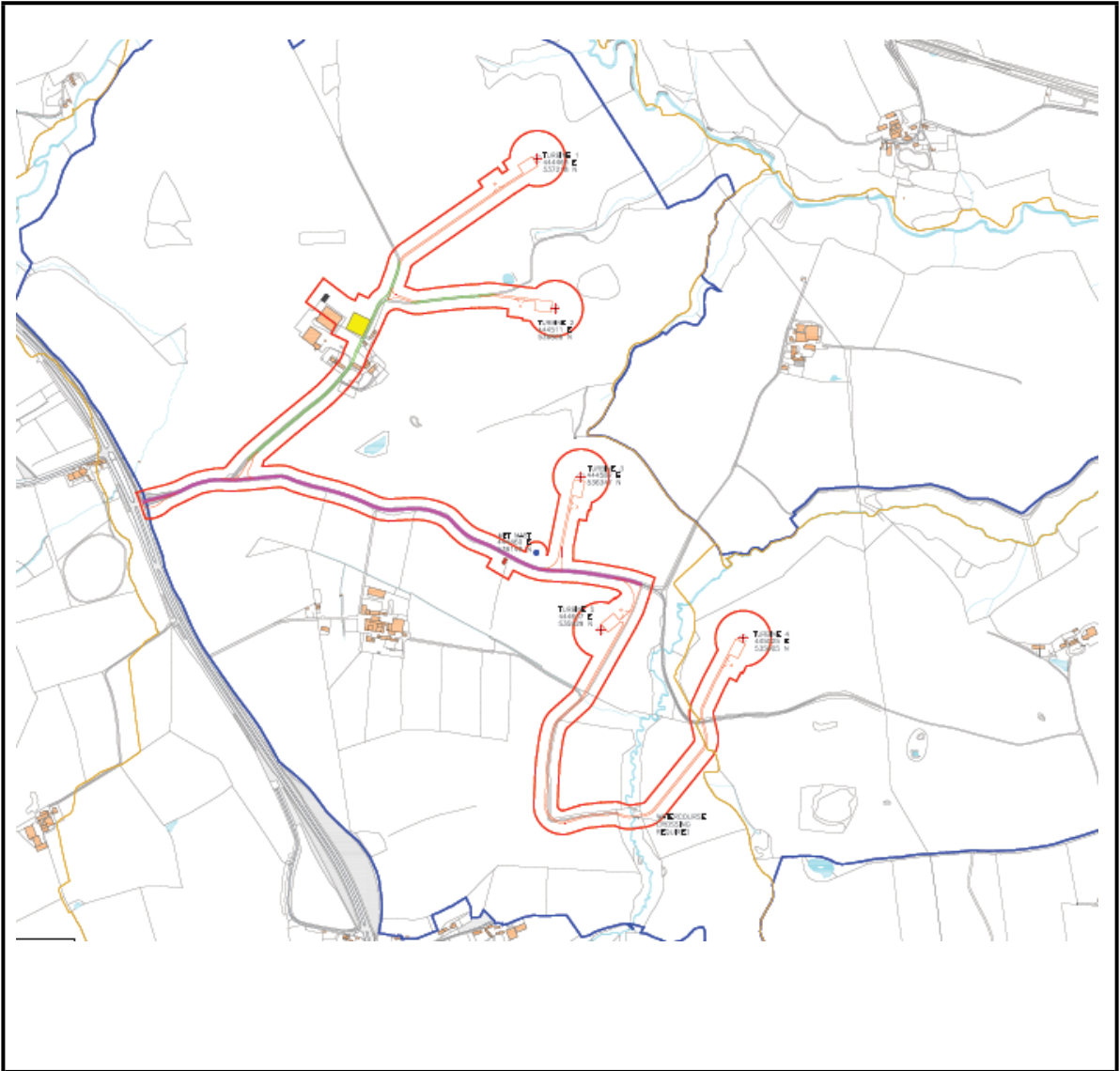
The Local Planning Authority in arriving at its decision to refuse the application has, without prejudice to a fair and objective assessment of the proposals, issues raised and representations received, sought to work with the applicant in a positive and proactive manner with the objective of delivering high quality sustainable development to improve the economic, social and environmental conditions of the area in accordance with the NPPF. (Statement in accordance with Article 31(1) (CC) of the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012.)

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## **BACKGROUND PAPERS**

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- Submitted application form, plans supporting documents and subsequent information provided by the applicant
- The National Planning Policy Framework (2012)
- National Planning Practice Guidance
- District of Easington Local Plan
- The County Durham Plan (Submission Draft)
- Statutory, internal and public consultation responses



**Planning Services**

CMA/5/31

Erection of 5 no. wind turbines with a maximum tip height of 115m and associated buildings and works

Sheraton Hill and Hulam Farms, Sheraton, Hutton Henry, County Durham

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Date

2nd December 2014

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# COMMITTEE REPORT

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## APPLICATION DETAILS

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<b>APPLICATION No:</b>	CMA/5/40
<b>FULL APPLICATION DESCRIPTION:</b>	Erection of 5 no. Wind Turbines (max tip height 115m) and associated infrastructure including crane hard-standings, a substation and control building, transformers, underground cabling, access tracks, and a meteorological mast
<b>NAME OF APPLICANT:</b>	Infinis
<b>ADDRESS:</b>	Land at Wingate Grange Farm situated to the west of Wingate, south east of Wheatley Hill, north of Deaf Hill, on the southern side of the A181
<b>ELECTORAL DIVISION:</b>	Wingate & Trimdon and Thornley
<b>CASE OFFICER:</b>	Chris Shields, Senior Planning Officer 03000261394, <a href="mailto:Chris.Shields@durham.gov.uk">Chris.Shields@durham.gov.uk</a>

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## DESCRIPTION OF THE SITE AND PROPOSALS

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### The Site

1. The application site lies approximately 1.5km to the west of Wingate, 1.3km to the south east of Wheatley Hill and 1.6km to the north of Trimdon Colliery. The A19 dual carriageway is located 2.9km to the east and the A1 motorway is located 7.3km to the west.
2. The site is currently used for arable farming. with an area of forestry located within the northern section of the site, known as Foxhole Wood. Other features within the site boundary include unnamed watercourses, ponds and Wingate Grange Farm. The height of the land ranges from 164m Above Ordnance Datum (AOD) in the north to 126m AOD in the eastern section of the site.
3. The site is bordered to the north by the A181 and by a block of forestry to the east, which separates the application site from the settlement of Wingate. A further block of forestry and other arable fields border the southern boundary of the site. The settlement of Deaf Hill is located approximately 300m south of the southern boundary.
4. Despite its close proximity to nearby settlements, the setting of Wingate Grange Farm remains essentially rural in character. The open rolling landscape of the site is characterised by relatively large fields across which there are unimpeded views over low hedges, with few trees or areas of woodland. This allows industrial buildings on the edges of nearby settlements, and the busy A19, to be clearly visible. A row of

electricity pylons also runs in a north west-south east direction to the east of the farm.

5. The application is located within an Area of High Landscape Value (AHLV), as designated in the District of Easington Local Plan (DELP). There are 3 Conservation Areas within 5km of the site; Castle Eden approximately 2.5km to the east, Trimdon Village approximately 3.5km to the south and Shadforth approximately 4.4km to the north-west. Castle Eden Park, which is on English Heritage's list of parks and gardens of national interest (Grade II), is located approximately 2.5km to the east. The development site contains within it two mounds that have been interpreted as a Neolithic long cairn and a Bronze Age round barrow and there is a scheduled monument (medieval settlement and open field system) approximately 650m to the west at Old Wingate. Shotton Airfield lies approximately 4.3km to the north and Fishburn Airfield lies approximately 6.3km to the south west.
6. Within 3km of the application site lies the Wingate Quarry Site of Special Scientific Interest (SSSI), the Bottoms SSSI, and Town Kelloe Bank SSSI to the west and Castle Eden Dene SSSI and Special Area of Conservation (SAC) to the east. A number of Local Wildlife Sites are located within 2km of the application site. These being Deaf Hill Marsh and Deaf Hill Pond to the south west, Haswell Wood, Hart to Haswell Railway and Wellfield Brick Ponds to the east.
7. Public Footpath No's. 1, 2, 4 and 5 (Wheatley Hill Parish) lie to the west of the site and run north to south between Wheatley Hill and Deaf Hill. Public Footpath No. 18 (Wingate Parish) lies to the south east of the site and runs north to south adjacent to Wingate Grange.

## The Proposal

8. Planning permission is sought for the siting of 5 wind turbines with a maximum blade tip height of 115m for a period of 25 years. The turbines would be positioned on agricultural land associated with Wingate Grange Farm immediately to the west of the farm building group. Associated with the turbines would be crane hard-standings, a substation and control building, transformers, underground cabling, access tracks, and a meteorological mast. The application site has an area of 15.6ha.
9. The proposed turbines would each produce between 2 and 2.5 megawatts (MW) and would therefore provide a total installed capacity of between 10 and 12.5MW. Turbines 1, 2, 3 and 4 would be set out in an approximate square (turbines 2 and 3 to the north and turbines 1 and 4 to the south) and turbine 5 would be located to the west of turbine 4. The final choice of turbine would depend on the technology available at the time of construction, project economics and the desired output from the development. A slight variation in hub height or rotor diameter / blade length could occur, although the final tip height would not exceed 114.5 m.
10. The blades would be manufactured from fibre-reinforced epoxy or equivalent performance materials and the towers would be of tapering or cylindrical tubular steel or steel/concrete construction. It is proposed that the finish and colour of the turbines would be semi-matt and pale grey.
11. The turbines would be installed on reinforced concrete foundations typically measuring 13 to 18 m<sup>2</sup> with a concrete thickness of up to approximately 2m and stone overlay of 1m dressed back with topsoil to allow revegetation. Each turbine would require an area of hard-standing to be built adjacent to the turbine foundation in order to provide a flat, stable base on which to lay down the turbine components



ready for assembly and erection and to site the two cranes necessary to lift the three tower sections, nacelle and rotor into place.

12. The turbines would be of a variable speed type, so that the turbine rotor speed would vary according to the energy available in the wind. The turbines would have a rotational speed of between approximately 7.8 and 15 revolutions per minute (dependent on variations in wind speed), and would generate power in wind speeds between 3 m/s and 24 m/s. At average wind speeds greater than 24 m/s the turbines would shut down. A modern wind turbine produces electricity 70 to 85 % of the time, but it generates different outputs dependent on wind speed. On average over a year, it will generate about 26 to 30 % of the theoretical maximum output power. This is known as the capacity factor.
13. The turbines would be computer-controlled to ensure that each turbine faces directly into the wind at all times during operation to ensure optimum efficiency. The rotors of all five turbines would be configured to rotate in the same direction.
14. Site access for construction and ongoing maintenance would be from an existing field access to the A181 which would be upgraded to an appropriate standard. Access tracks would be constructed to access individual turbine locations. Approximately 2.5km of new on-site access tracks would be required for the development, of which 625m would be an upgrade to the existing farm track.
15. The proposed tracks would have a width of 5m and in order to facilitate two-way traffic movement would have 15m long passing places where required with a total width of 10m. At bends, the tracks would be widened as required depending on the requirements for the delivery vehicles for largest turbine components. The edges of the tracks would be allowed to re-vegetate following construction.
16. Approximately 23,000 m<sup>3</sup> of stone would be required during the construction of the access tracks, turbine bases and other infrastructure. It is expected that the stone would be sourced from local quarries and imported to the site.

#### Grid Connection

17. The development would be connected to the local electricity distribution network. Underground cabling would link the turbines to each other and to the on-site substation/control building. The grid connection would be subject to a separate consenting process under Section 37 of the Electricity Act 1989 if required. Electrical power from the turbine transformers would be transferred to the electricity distribution system through a switchgear unit, housed in the proposed on-site substation. The substation building would be located along the main access track between turbines 2 and 4. The substation would typically comprise of a 19m by 8m single storey building with a pitched roof and would house switchgear and metering, protection and control equipment but the final dimensions would depend upon the equipment to be used for the grid connection. Subject to requirements, the building would house a single toilet facility for visiting maintenance staff. Rainwater would be collected from the roof of the building via a gutter and inlet pipe to fill a header tank. Waste would be held in a closed system and pumped out at regular intervals.

#### Anemometer Mast

18. An anemometer mast would be erected to the west of turbine 5 to aid performance monitoring of the wind turbines and to collect and store meteorological data throughout the operational lifetime of the development. The mast would be of a slender lattice design and would have a maximum height of 70 m.

## Construction

19. Construction of the development would take approximately 9 months, depending upon weather and ground conditions, including 3 months for testing and commissioning. Preliminary works include carrying out a site survey and preparation, construction of site entrance, access tracks and passing places, and carrying out enabling works to sections of the public highway to facilitate turbine delivery. The construction of a contractor compound, crane pads, turbine/mast foundations, site substation and cable laying would follow completion of the access tracks. The turbines and mast would be delivered and erected once the site infrastructure was in place.

## Decommissioning

20. The development has been designed to have an operational life of 25 years and at the end of this period it would need to be decommissioned. Decommissioning of the development would involve the removal of all above ground infrastructure, except for roads, which, although they are likely to be removed, may be left in a useable state if the landowner specifically states, at that time. Demolition of the substation / control building would involve the removal of the equipment followed by demolition of the building. The upstand plinth and the top surface of the turbine foundation bases would be broken out and removed to approximately 1m below ground level and all cabling would be cut out at the same depth. The area would then be reinstated with a final layer of topsoil over the foundations. No stone would be removed from the site during decommissioning. Foundations and cabling below the 1m cut-off point would be left in situ.
21. The application is accompanied by an Environmental Statement (ES). Further details in relation to the proposed Employability Fund were received in July 2014. This report has taken into account the information contained in the ES and amended details and that arising from statutory consultations and other responses.
22. This planning application is being reported to the County Planning Committee because it involves major development.

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## **PLANNING HISTORY**

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23. In 2004 an application was submitted for clay extraction for landfill engineering purposes with reclamation through landfill and landraise over an area of approximately 60 hectares using waste materials and recovery, recycling and transfer of waste materials for a 20 year period. The application was withdrawn in 2005. The proposed development would be located within the same site area as the withdrawn landfill/landraise proposal.

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## **PLANNING POLICY**

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### **NATIONAL POLICY**

24. The Government has consolidated all planning policy statements, guidance notes and many circulars into a single policy statement, the National Planning Policy Framework (NPPF), although the majority of supporting Annexes to the planning policy statements are retained. The overriding message is that new development that is sustainable should go ahead without delay. It defines the role of planning in

achieving sustainable development under three topic headings – economic, social and environmental, each mutually dependant.

25. The presumption in favour of sustainable development set out in the NPPF requires local planning authorities to approach development management decisions positively, utilising twelve 'core planning principles'.
26. In accordance with paragraph 215 of the National Planning Policy Framework, the weight to be attached to relevant saved local plan policy will depend upon the degree of consistency with the NPPF. The greater the consistency, the greater the weight. The relevance of this issue is discussed, where appropriate, in the assessment section of the report. The following elements of the NPPF are considered relevant to this proposal.
27. One of the of the twelve core principles of the NPPF (paragraph 17) supports “the transition to a low carbon future in a changing climate..... and encourages the use of renewable resources (for example, by the development of renewable energy).”
28. The NPPF also states in paragraph 98 that states that “when determining planning applications, local planning authorities should: not require applicants for energy development to demonstrate the overall need for renewable or low carbon energy and also recognise that even small scale projects provide a valuable contribution to cutting greenhouse gas emissions, and, approve the application (unless material considerations indicate otherwise) if its impacts are (or can be) made acceptable.”
29. *NPPF Part 1 – Building a strong, competitive economy.* The Government is committed to securing economic growth in order to create jobs and prosperity, building on the country’s inherent strengths, and to meeting the twin challenges of global competition and a low carbon future.
30. *NPPF Part 4 – Promoting Sustainable Transport.* States that the transport system needs to be balanced in favour of sustainable transport modes, giving people a real choice about how they travel. It is recognised that different policies and measures will be required in different communities and opportunities to maximize sustainable transport solutions which will vary from urban to rural areas. Encouragement should be given to solutions which support reductions in greenhouse gas emissions and reduce congestion.
31. *NPPF Part 10 – Meeting the Challenge of Climate Change, Flooding and Coastal Change – Planning* plays a key role in helping shape places to secure radical reductions in greenhouse gas emissions, minimising vulnerability and providing resilience to the impacts of climate change, and supporting the delivery of renewable and low carbon energy.
32. *NPPF Part 11 – Conserving and Enhancing the Natural Environment –* The planning system should contribute to, and enhance the natural environment by; protecting and enhancing valued landscapes, recognising the benefits of ecosystem services, minimising impacts on biodiversity and providing net gains in biodiversity where possible, preventing new and existing development being put at risk from unacceptable levels of soil, air, water or noise pollution or land instability, and remediating contaminated and unstable land.
33. *NPPF Part 12 – Conserving and Enhancing the Historic Environment.* In determining applications LPAs should take account of; the desirability of sustaining and enhancing the significance of the heritage asset, the positive contribution conservation of heritage assets can make to sustainable communities and economic

viability, and the desirability of new development making a positive contribution to local character.

<http://www.communities.gov.uk/documents/planningandbuilding/pdf/2116950.pdf>

34. 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.

<http://planningguidance.planningportal.gov.uk/>

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

District of Easington Local Plan (DELP) (April 2001)

35. *Policy 1 – General Principles of Development* – states that due regard will be given to the provisions of the development plan in the determination of planning applications. Account will be taken of accordance with the principles of sustainable development together with community and local economy benefits. Accordance with high standards of location, design and layout will also be required.
36. *Policy 3 – Protection of the Countryside* – defines development limits. Development outside settlement boundaries will be considered to be within the countryside. Such development will be considered to be inappropriate unless allowed for by other Local Plan policies.
37. *Policy 7 – Areas of High Landscape Value* – states that the special character, quality and appearance of the landscape within those areas designated as areas of high landscape value (AHLV) will be maintained and enhanced. Any development likely to adversely affect the character, quality or appearance of those AHLV's will only be permitted if it meets a need that outweighs the value of the landscape and there is no alternative location within the County.
38. *Policy 14 – Protection of Special Areas of Conservation.* Development which is likely to adversely affect such a site will only be approved where there is no alternative solution and there are reasons of an over-riding national interest. In cases where a priority habitat or species may be affected development will only be approved where it is necessary for reasons of human health or public safety or beneficial consequences of primary nature conservation importance arise.
39. *Policy 15 – Protection of Sites of Special Scientific Interest and National Nature Reserves.* This policy states that development which is likely to adversely affect a notified site of special scientific interest will only be approved where there is no alternative solution and the development is in the national interest.
40. *Policy 17 – Identification and Protection of Wildlife Corridors.* This policy states that development which would adversely affect a wildlife corridor or a wildlife link will only be approved where compensatory features are provided which would maintain the integrity of the corridor or link.
41. *Policy 18 Species and Habitat Protection* – states that development adversely affecting protected species will only be approved where its benefits clearly outweigh the value of the species or its habitat.
42. *Policy 22 – Preservation and Enhancement of Conservation Areas* – seeks to protect the character, appearance and setting of Conservation Areas.

43. *Policy 24 – Protection of Listed Buildings* – Development which affects the setting of a listed building should not be approved.
44. *Policy 35 – Design and Layout of Development* – requires the consideration of energy conservation and the efficient use of energy within new development proposals, the scale of surroundings, and impact upon neighbouring residential amenity.
45. *Policy 36 – Design for Access and the Means of Travel* – requires good access and encouragement of the use of a choice of transportation modes.
46. *Policy 74 – Footpaths and Other Public Rights of Way* – This policy states that public rights of way will be improved, maintained and protected from development.

#### The County Durham Plan

47. The emerging County Durham Plan was submitted in April 2014 and is currently the subject of an ongoing Examination in Public. In accordance with paragraph 216 of the NPPF, decision-takers may give weight to relevant policies in emerging plans according to: the stage of the emerging plan; the extent to which there are unresolved objections to relevant policies; and, the degree of consistency of the policies in the emerging plan to the policies in the NPPF. Further, the Planning Practice Guidance explains that in limited circumstances permission can be justifiably refused on prematurity grounds: when considering substantial developments that may prejudice the plan-making process and when the plan is at an advanced stage of preparation (i.e. it has been submitted). The following policies contained in the Submission Draft are considered relevant to the determination of the application.
48. *Policy 22 - Wind Turbine Development* sets out the Council's direction of travel in respect of wind energy. This states that planning permission will be granted for the development of wind turbines unless, amongst other things, there would be significant harm to residential amenity, landscape character and important species and habitat. In order to safeguard residential amenity, turbines should be located a minimum separation distance of 6 times the turbine height from a residential property. The Policy also seeks to protect designated heritage assets and their settings, airport radar systems, and sets a clearance distance from public rights of way and the public highway.

*The above represents a summary of those policies considered most relevant in the Development Plan the full text, criteria, and justifications of each may be accessed at:*

<http://www.durham.gov.uk/article/3269/Easington-Local-Plan> (*Easington Local Plan*)

<http://www.durham.gov.uk/cdp> (*County Durham Plan*)

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## **CONSULTATION AND PUBLICITY RESPONSES**

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### **STATUTORY RESPONSES:**

49. *Trimdon Parish Council* – has objected to the proposal due to the cumulative impact of wind turbines in the area. It is accepted that the development is not within the parish boundary but note that is very close by and given the height of the turbines they will be visible from distance.

50. *Northumbrian Water (NWL)* offers comments only upon the impact of development proposals on the NWL assets and its capacity to accommodate and treat anticipated flows arising from such development. It does not offer comment upon aspects of planning applications outside its area of control. On this occasion it offers no comment.
51. *The Environment Agency* – originally objected to the proposal because it involved the use of a non-mains foul drainage system but no assessment of the risks of pollution to the water environment has been provided by the applicant. Following submission of additional information the objection was withdrawn subject to two conditions that require a scheme for provision and management of a 2m buffer zone alongside the watercourse to be submitted and to ensure that the proposed pond is constructed to a depth suitable for Great Crested Newts and allowed to colonise naturally or planted only with locally native plants. The Environment Agency has also provided information to the applicant in respect of flood risk, groundwater and land contamination and Pollution Prevention Guidance during the construction and development phases of the proposed development.
52. *Natural England* – has raised no objections to the proposal and has advised that although the site is adjacent to Wingate Quarry Site of Special Scientific Interest (SSSI) and in close proximity to Town Kelloe Bank SSSI, The Bottoms SSSI and Castle Eden Dene SSSI there is not likely to be an adverse effect on this site as a result of the proposal being carried out in strict accordance with the details of the application as submitted. Further information is provided in relation to bats to ensure that the recommended 50m separate distance between the blade tip and hedgerow can be achieved. Advice is also provided in respect of possible biodiversity enhancements, landscape and advises that advice is sought from the Council's ecological officer.
53. *English Heritage* – has raised no objections to the proposals but has advised that further consideration be made towards the two prehistoric burial monuments (Barrows) within the development area. It is suggested that given the presence of these two monuments on the site the potential for unknown, buried, archaeological remains to be encountered is probably quite high and recommended that the issue must be resolved by the County Archaeological Team.
54. *The Defence Infrastructure Organisation of the Ministry of Defence (MOD)* – initially objected on the grounds that the proposed development would have an unacceptable impact upon the Air Traffic Control (ATC) radar at RAF Leeming, the Air Defence (AD) radar at Remote Radar Head (RRH) Brizlee Wood and the Meteorological Office radar at High Moorsley. The applicant submitted technical proposals to mitigate the unacceptable effects of the development on the ATC radar at RAF Leeming, RRH at Brizlee Wood and Meteorological Office radar at High Moorsley. These proposals have been accepted by the MOD subject to conditions and therefore the objection has been removed.
55. *Durham Tees Valley Airport* – lodged an initial objection to this proposal as there was a concern that the proposed turbine would appear on the airport's radar and could therefore cause confusion to both aircraft flying in the vicinity and air traffic controllers. In order to address the issue the applicant has entered into dialogue with Durham Tees Valley Airport (DTVA) to provide a financial contribution towards a new radar system that would overcome the issue. DTVA has requested 2 conditions be imposed to ensure the financial contribution is agreed prior to the commencement of development.

56. *Newcastle International Airport* – offers no objection to this proposal, having been assessed by the Aerodrome Safeguarding Team and given its location outside of the 30km Safeguarding Zone, a considerable distance from NIA, it is not considered that the proposal would result in any detriment to the safe operations of the airport.
57. *National Air Traffic Services (NATS)* – does not consider the proposed development to conflict with airspace safeguarding criteria.
58. *Highway Authority* – No objection is raised to this proposal subject to conditions requiring sight visibility to be constructed at the junction with A181, a Transport Management Plan (TMP) to be prepared and submitted prior to the commencement of construction works and the off-site highway works to be completed prior to the delivery of the wind turbine nacelles, blades and towers. Officers have advised that the standoff distance from the A181 of 126m is reasonable.
59. *Coal Authority* – has raised no objections to the proposal advising that the site is not located within a Coalfield Development High Risk Area

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

60. *Spatial Policy* – Current and emerging policy does not support the development. The proposals are contrary to paragraphs 118 and 134 of the NPPF and to saved policies 1, 3, 7, 15, 16, 17, and 18 of the District of Easington Local Plan. Whilst limited weight can be given to the Submission Draft County Durham Plan it is prudent to note that the scheme does not accord with the future direction of travel. Emerging Policy 18 (Local Amenity); Policy 22 (Wind Turbine Development); and Policy 43 (Protected Species and Nationally and Locally Protected Sites) would also not support the proposals and they would conflict with the strategic aims of Policy 11 and Policy 30. The ARUP study (which although not policy is a material consideration and is also referenced in the evidence base of the Wind Turbine Development Policy 22 of the County Durham Plan) also indicates that the area is inappropriate for the scale of development proposed. Cumulative impact within the area is also an important issue as there are a number of wind turbine developments in the southern part of the Limestone Plateau and northern part of the Tees Plain. They note that a 'windfarm landscape' would develop.
61. *Design and Conservation* – has raised no objections to the proposal stating that the site is located approximately 2.4km east of the Castle Eden Conservation Area and registered historic park, and the applicant has included a report highlighting a range of designated heritage assets within a 5km radius. This is supported by a number of viewpoint images, including one from the edge of Castle Eden which shows that the structures will be visible on the horizon but this would not harm the way in which that asset is appreciated.
62. *Archaeology* – has raised no objections to the proposal subject to conditions being imposed requiring a Written Scheme of Investigation (WSI) to be produced and submitted. Officers considered the impact of the development upon prehistoric monuments (Barrows) that are located within 500m of the development and concluded that due to the topography of the site, undulating landscape and tree/hedge cover the impact is significantly ameliorated to the point that the construction of the wind turbines would not impact on the setting of these undesignated monuments.
63. *Landscape* – Provide a context for wind farm development within County Durham with discussion on landscape capacity. Detailed advice with regards to the direct physical impacts of the development, impacts on landscape character, the

cumulative visual and landscape impacts, impacts upon designated sites and impacts upon settlements. Several of these key landscape and visual impact issues are considered to be finely balanced for instance the impact upon the Area of High Landscape Value and the cumulative landscape and visual impact of the development with other turbines and ultimately whether these impacts are significantly harmful is a matter of judgment. However, objection regarding the cumulative impact of the development in conjunction with existing wind farms to the north and south.

64. *Access and Rights of Way* – has raised no objections to the proposal stating that it is recommended that the separation distance between path and turbine is ideally no less than the height of the turbine to blade tip. There are no recorded public rights of way directly affected by this proposal. The nearest public right of way being Wheatley Hill Footpath No.5, approximately 250 metres from the nearest structure – the proposed permanent meteorological mast and approximately 470 metres from the nearest proposed turbine.
65. *Ecology* – has objected to the proposal. Officers have commented that bird survey data ranges from 2009 to 2011 therefore as it is at least three years old it is considered to be out of date. The bat surveys (transect data 2010 and AnaBat data 2011) are also considered out of date. No flight line maps were produced to determine where Noctules (and other high risk bat species) were commuting from/to yet turbines are located directly in the area the AnaBats picked up Noctule activity. Natural England, in their Standing Advice advise that 'Ideally surveys should be from the most recent survey season'. The bat and bird surveys need to be updated to provide a current assessment and fully inform this proposal. However, it is accepted that the information provided to date concerning the baseline ground ecology has not changed therefore this is not in need of updating.
66. *Environmental Health and Consumer Protection* – initially raised issues in relation to the noise impact that would be sustained by the property known as 1 Wingate Grange Cottages. The applicant provided a tenancy agreement to demonstrate that this is an involved property, which was accepted. Due to this it was agreed that the higher ETSU-R-97 noise limit of 45dB(A) can be applied to this property. Subject to appropriate noise conditions being applied no objections are raised.
67. *Sustainability* – has no comments to make in relation to the proposal.

#### **PUBLIC RESPONSES:**

68. The proposals were displayed at public exhibitions held by the applicant at venues in Wheatley Hill, Wingate and Trimdon Station on 20, 22 and 23 September 2011 prior to formal submission of the application. The application was advertised by site notice and in the local press as part of the planning procedures. Notification letters were sent to individual properties in the vicinity of the site. In addition the application was publicised on Durham County Council's weekly list. Following the submission of additional information members of the public who had previously commented on the application were reconsulted in July 2014.
69. A total of 169 letters of objection were received from members of the public in response to the initial consultation consisting of 155 standard letters and 14 individual letters. A petition containing 142 signatures has also been submitted. A further 6 individual letters of objection were received following the submission of additional information in July 2014. The issues raised are summarised below:

#### *Principle of the Development*



- The economic and environmental gain of turbines is negligible.
- Wind energy is a means of profiteering without energy benefits.
- The north-east has enough wind turbines.
- Very few jobs are created from wind turbine developments.

#### *Visual and Landscape Impacts*

- Harmful visual impact and intrusion.
- Harmful cumulative impacts with other wind turbines.
- The proposed turbines are too close to settlements.

#### *Heritage Impacts*

- Harmful impact on Castle Eden Conservation Area.
- Harmful impact on Ancient Monuments.

#### *Residential Amenity/Safety Issues*

- Harmful noise impacts from the turbines and construction traffic.
- Concerns regarding shadow flicker
- Impact upon the enjoyment of the countryside
- Potential for amplified modulation to occur.

#### *Highways Issues*

- Concerns over road safety from construction traffic.
- Distraction of motorists on the A181.
- Public rights of way and bridleway affected.

#### *Ecology*

- Harm to ecological assets including specific species and designated sites.
- Horses will be scared.

#### *Aviation*

- The turbines will affect airport radar.

#### *Communications*

- TV and mobile phone signals will be affected by the development.

#### *Other Issues*

- Devaluing of property.
- Loss of views.
- Objection to consultation processes with the public.
- Concerns over land stability due to historical mining and groundwater conditions.

70. A total of 214 standard letters of support were received from members of the public. The letters advocate the benefits the proposal would have in relation to renewable energy generation, contribution toward climate change reduction and community benefit from a commuted sum.

71. 3 individual letters of support were received from the North East Chamber of Commerce, The Employability Trust and East Durham College following the submission of additional information in July 2014 offering support for the community benefit fund that has been targeted at assisting local people with tuition fees at East Durham College.

## **NON-STATUTORY RESPONSES:**

72. *CPRE* – objects to the scheme stating that the application should not be permitted due to the cumulative impact of the development, the impact upon the AHLV, inadequate separation distance from properties and shadow flicker, impact on recreation due to the reduced enjoyment of the area. CPRE also notes the objection from Durham Tees Valley Airport and comments that proposal would potentially result in narrower flight paths which could lead to increased disturbance for people living below those flights paths and the tranquillity of those areas. CPRE considers that the proposed financial contribution would not mitigate the landscape issues. However, if the application is approved then it is requested that conditions be applied to secure a bond for the decommissioning of the turbines and to prevent micro-siting that would result in turbines being brought nearer to houses.
73. *Durham Bird Club* – has not specifically objected to the proposal noting that the site itself is not of considerable ornithological interest and is highly unlikely to have an impact on the important coastal sites which are important for sea and shore birds unlikely to fly much inland. However, the site is some 6km from Hurworth Burn to the south west, a site that is of considerable interest to the bird club and concerns are raised that no assessment has been made in respect of the effect that this proposal, together with other wind farms, would have on it.
74. *British Horse Society* – has raised no objections to the proposal stating that all of the turbines would be located at least at the British Horse Society minimum recommended separation distance from the bridleway and Green Lane, which are the most likely routes for horse riders to use. It is also noted that the proposed access route would not conflict with horse riders.
75. *The Ramblers* – has raised no objections but has requested that assurance is sought to ensure that the turbines 1 and 2 are at a suitable distance from the A181. Also that the guidance in the companion guide to PPS 22 is being followed and that conditions are applied to ensure the safety of users from construction and maintenance operations.
76. *Vodafone* – initially objected to the proposal due to interference from the turbines but the issue was subsequently resolved and the objection withdrawn.

## **APPLICANTS STATEMENT:**

77. Wingate Grange is a well-designed wind farm in an appropriate location that will generate a significant amount of green energy.
78. We disagree with and are disappointed by the officer's recommendation. In the county landscape officer's own judgement, the acceptability of the cumulative effects of the proposal is a matter on which judgements will quite reasonably vary, and one which goes beyond technical analysis. The landscape officer acknowledges that significant cumulative effects wouldn't occur with more distant developments and that cumulative effects are only a particular consideration close to the site. Therefore such effects are limited and do not extend over a broad area.
79. The ecology officer suggests his decision to object is based on Natural England guidance. However neither the County Ecologists nor Natural England objected when originally consulted in 2012. Natural England confirmed in August 2014 that they still have no objection and in doing so are implicit in accepting the continued validity of the survey data now being rejected by DCC. The ecology team made a

recommendation based on Natural England guidance but against the position of Natural England itself. In this context, it is completely reasonable for members to set aside both the landscape officer's and ecology team's advice and approve this proposal.

80. Infinis want to maximise the socio-economic benefits of the proposal for communities immediately around the site; Wingate, Wheatley Hill & Thornley and the Trimdons. We have committed to partnerships with not-for-profit bodies that will both benefit from and maximise the socio-economic benefit of the development to local communities.
- Employability Fund with East Durham College (£62,500 pa),
  - Initiative to help local people into work with East Durham Employability Trust (£30,000 during construction)
  - Subsidise energy costs for the three community centres in Wingate, Wheatley Hill and Trimdon (£63,000).
  - Total benefits: £1.65m over the lifetime of the project.
81. Wingate Grange represents a significant investment to County Durham and the wider north-east. An independent study by the IPPR concluded that in total the wind farm would have an economic impact of £18m into the north-east region during the development, construction and maintenance stage.
- £6.5m directly invested into County Durham
  - £12.2m invested into the wider north-east region.
82. This, coupled with Infinis' commitment to maximise local content on Wingate Grange contracts (set out in our Procurement Guide) provides a significant opportunity for local companies and the local economy to benefit from Wingate Grange.
83. Additionally, Wingate Grange consented will be worth around £162,500 pa to Durham County Council with business rates from wind farms now being kept by the consenting LPA.
84. Not only is Wingate Grange, a suitable and appropriate development, but also one which provides significant economic and community benefit to an area in great need of both. We believe it would be unfair on the people of East Durham for this wind farm to be refused because of any failure of previous developments to deliver the local economic and social needs of the host community.

*The above represents a summary of the comments received on this application. The full written text is available for inspection on the application file which is available to view at County Hall, Durham, DH1 5UQ*

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## **PLANNING CONSIDERATIONS AND ASSESSMENT**

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85. Having regard to the requirements of section 38(6) of the Planning and Compulsory Purchase act 2004, the relevant Development Plan policies, relevant guidance and all other material considerations including representations received it is considered that the main planning issues in this instance relate to the principle of development, landscape impact, residential amenity, archaeology and heritage assets, access and highway safety, nature conservation aviation and radar issues, TV and communication interference, access and rights of way, flood risk and hydrology, economic benefit and other issues.

## Principle of Development

86. The DELP contains no specific saved policy providing guidance on wind energy development. DELP Policy 3 seeks to protect the countryside, identifying the need to safeguard this natural, non-renewable resource. DELP Policy 3 therefore establishes a presumption against development in the countryside except in certain exceptional circumstances. DELP Policy 3 identifies renewable energy development as an example of development that is acceptable in the countryside in principle.
87. One of the twelve core principles of the NPPF (paragraph 17) supports “the transition to a low carbon future in a changing climate..... and encourage the use of renewable resources (for example by the development of renewable energy).”
88. The NPPF also advises at paragraph 98 that when determining planning applications, local planning authorities should not require applicants for energy development to demonstrate the overall need for renewable or low carbon energy and that applications should be approved (unless material considerations indicate otherwise) if its impacts are or can be made acceptable.
89. The Planning Practice Guidance (PPG) includes dedicated guidance with regards to renewable energy and in principle also supports renewable energy development considering that planning has an important role in the delivery of new renewable and low carbon energy infrastructure in locations where the local environmental impact is acceptable.
90. National planning guidance therefore generally supports renewable energy schemes.
91. Whilst only limited weight can be given to the emerging County Durham Plan (CDP) and Policy 22 therein, the policy does not object to the principle of wind turbine development though there is a presumption against some wind farm developments within the AONB, which is not applicable in this instance.
92. It is noted that public opposition to the development includes objection to matters surrounding the need, merit and efficiency of wind energy development. The NPPF advises that applicants need not demonstrate an overall need for renewable energy and there are no renewable energy production ceilings for the north-east. The PPG advises that considering the energy contribution to be made by a proposal can be given weight in decision making particularly when a decision is finely balanced. However, as the energy contribution to reducing greenhouse gases in this instance would be significant, officers do not object in principle to the development in this regard. A point is raised that relatively few jobs emerge from wind energy development. The construction phase of the development would create some employment opportunities, however, irrespective of this; the amount of employment opportunities to emerge from the development is considered not to be a reason to object to the development in principle.
93. Officers therefore raise no objection to the development in principle, however, and the acceptability of the scheme is considered to rest with the assessment of the detailed issues and impacts.
94. In summary, it is clear that national planning policy guidance generally supports renewable energy schemes. Measured against this, and in the absence of any relevant Development Plan policy and the presumption in favour of sustainable development within the NPPF, the proposal is considered acceptable in principle, and a demonstration of need for the turbine is not required. The following sections of this report consider the specific impacts of the proposed development.

## Landscape Impacts

### *Physical Impacts*

95. Aside from the impact of the tall turbine and anemometry mast structures themselves, the associated developments would have a physical impact upon the fabric of the landscape. The submitted Environmental Report summarises the impacts associated with the different elements of the development.
96. The site access, provision of new access tracks and associated sight lines and passing places would require sections of hedgerow/landscape removal. The submitted Environmental Report states that such removal would be kept to the minimum necessary and that new planting would be proposed to mitigate impact. The development would involve a total of 2.5km of new access track. The turbine foundations and crane pads would together with the access tracks create significant amounts of new hard surface development on the land. Cables connecting the turbines to the control buildings would necessitate significant trench excavation. These would be constructed immediately adjacent to access tracks and be approximately 1m in width. Once construction was completed, however, the trenches would all be filled in, limiting the long term impact.
97. Similarly, whilst the construction compound covers a significant area of 5,000m<sup>2</sup> the compound would be a temporary feature. The compound is proposed to be sited central to the proposed turbine locations and would be well screened from the nearest settlements by existing tree belts.
98. The proposed substation is relatively small, driven by functionality and would, again, be well screened by the existing tree belts.
99. In the event of an approval, landscaping conditions could be attached to determine the precise degree of landscaping loss and ensure compensatory planting and the application proposes some mitigation and enhancement principles in this regard.
100. Landscape Officers have considered the physical impacts of the development upon the fabric of the landscape and in general terms consider the impacts to be relatively low.
101. Officers therefore raise no objections to the development purely in terms of the physical impacts of the development upon landscape fabric.

### *Impacts upon Designated Sites*

102. The proposed development is located approximately 2.5km from Castle Eden Park which is on English Heritage's list of parks and gardens of national interest (Grade II). Visual impacts would be generally low due to the heavily wooded character of both the parkland and dene landscapes that make up the designated area, and because of the frequency of hedgerow trees in the timbered farmland between the park and the proposed windfarm the effects are considered to be not significant.
103. The proposed turbines would lie within an area designated in the Easington District Local Plan as The Southern Area of High Landscape Value (AHLV). They would be dominant, at times overbearing, features in the western part of the AHLV and would have a significant adverse effect on the landscape of the Old Wingate Valley. They would be visible in varying degrees from the eastern part of the AHLV but as smaller

features and often seen behind and below a major north-south high voltage line. The effect in those areas would not be significant.

104. It is considered that the proposal would have a significant impact on the character, quality and appearance of the AHLV which would bring them into conflict with saved Policy 7. It should be noted the CDP does not propose such local landscape designations and utilises landscape character assessment as advised by the NPPF, though only limited weight can be attributed to the emerging CDP at the moment. There would be no significant effect on views of Durham Castle and Cathedral World Heritage Site, which is located more than 12km to the west.

#### *Cumulative Landscape Impact*

105. The current situation is there are a number of clusters of operational turbines in the southern part of the Limestone Plateau and northern part of the Tees Plain. To the north of Wingate Grange lie the Haswell Moor, High Haswell and Hare Hill wind farms. To the south-west lies the Trimdon Grange windfarm. To the south lie the Butterwick and Walkway wind farms. To the south-east lies High Volts.
106. There is generally a reasonable degree of separation between the tracts of wind farm landscape associated with individual wind farms or with clustered groups like High Haswell / Haswell Moor and Butterwick / Walkway which read effectively as single developments. The exception to that is the tracts of turbines around Hare Hill and Haswell Moor/ High Haswell which coalesce.
107. The extent of the area in which turbines might be experienced as relatively prominent features would extend eastwards across the Station Town and Castle Eden areas. The experience within the area generally would intensify, with views in which more than one wind farm were visible or relatively prominent becoming more commonplace.
108. The potential zone of dominance of the proposed turbines would coalesce with that of the Hare Hill turbines to the north and the Trimdon Grange turbines to the west, creating a relatively extensive tract of 'wind farm landscape' between Haswell and Trimdon. Again the experience within parts of this area would intensify, with views in which more than one wind farm were relatively prominent or dominant becoming more commonplace.
109. In this area the use of simple distance buffers to model zones of visual influence tends to exaggerate the extent to which this would read as a continuous tract in views of the locality. The openness of the landscape around Haswell Moor, High Haswell and Hare Hill means that there is a high degree of inter-visibility between them and a strong sense of being within a tract of wind farm landscape there. This is strongest in the north of the area, around Ludworth and Haswell Plough. It is weaker to the south around Wheatley hill and Shotton Colliery where turbines in the Haswell complex are often partially concealed by topography.
110. The proposed turbines would not be visible from Ludworth and Haswell Plough and so would not have a direct cumulative effect on the settlements currently most affected by the Haswell complex and Hare Hill. They would be visible from higher ground to the north) where there would be a strong sense of a tract of windfarm landscape extending to the southern horizon. The proposed turbines would be at some distance, and their additional impact relative to the impact of the nearest Haswell Moor turbines would be relatively modest.

111. The proposed turbines would be prominent or dominant features in views from the northerly and easterly parts of Wheatley Hill including views from some residential properties on the settlement edge, community facilities like the cemetery the recreation ground, the more informal recreation area at the eastern edge of the village , and from the B1279 approaching the village. The Hare Hill turbines are already prominent or dominant features in views from the northern parts of Wheatley Hill, from the B1279, and from the footpath network in the countryside north of the village. There would not be a particularly strong sense within the urban fabric in the west of the village of being within a wider tract of 'wind farm landscape', but there would be a greater sense of that in and around the east of the village, generally in successional and sequential views of the Hare Hill and Wingate Grange turbines rather than in a single view.
112. To the south of Wheatley Hill the rolling topography, and in particular the minor ridge running along the A181, combined with woodland, tend to break up the inter-visibility of the northern sites with Trimdon Grange to some degree, and would do so with development at Wingate Grange. The northern wind farms do not have a substantial visual influence, being often screened by topography and vegetation or visible only as small partial features over the northern horizon. Turbines of the Trimdon Grange wind farm are more visible in this area, although generally in quite shallow views and often screened by intervening features. There would not be a particularly strong sense within the urban fabric of the villages (Trimdon Grange, Trimdon Colliery, Deaf Hill) of being within a wider tract of 'wind farm landscape', but there would be a greater sense of that, generally in successional and sequential views of the Trimdon Grange and Wingate Grange turbines from the roads and footpath network serving those communities.
113. The most substantial cumulative effects of the proposals would therefore be generally those arising in respect of the nearest neighbouring wind farms rather than from more distant wind farms. To that extent the effects of a continuous tract of wind farm landscape developing in this area are of less concern than the more immediate cumulative effects with nearby wind farms on the locality. The close proximity of the proposals to Trimdon Grange and Hare Hill wind farms would lead to some significant cumulative effects on nearby communities.
114. The countryside between Wheatley Hill and the Trimdons is attractive and well served by recreational routes including footpath and bridleway links to the surrounding villages and the Green Lane byway. The designation of much of it as an AHLV in the DELP reflects its attractiveness and the importance attached to that in the context of the wider landscape of the East Durham Limestone Plateau which generally has an urban fringe or semi-rural character. Development to date in the wider area has been in relatively unremarkable countryside. This area has somewhat higher value in a local context.
115. The proposals would clearly dominate the area as existing development already dominates the countryside to the north and west. Although it isn't proposed to identify AHLVs in the emerging CDP, the underlying factors influencing the designation in the past remain the same. The domination of this area of local landscape value, in addition to the areas of countryside already affected, will compound the reality for local communities of living within a wind farm landscape where access to tranquil countryside is increasingly limited.
116. Landscape officers consider the cumulative impact of the proposed development in relation to existing wind development would be unacceptable and would have a detrimental impact upon the AHLV in conflict with DELP Policy 7.

## *Landscape Conclusions*

117. Officers therefore raise no objections to the development purely in terms of the physical impacts of the development upon landscape fabric.
118. With regards to impacts upon designated landscapes, the most significant impact would be upon the locally designated AHLV within which the development is sited. Within sections of this landscape the turbines would be dominant features and it is that this impact is harmful upon the AHLV and brings the development into conflict with ELP Policy 7. However, the turbines would not be entirely out of scale with this landscape because of the relatively broad scale of the topography and land cover, reducing the extent to which they might be considered harmful and as a result officers do not object to the turbines purely on the grounds of the impact this locally designated landscape.
119. Landscape officers consider the cumulative impact of the proposed development in relation to existing wind development would be unacceptable and would have a detrimental impact upon the AHLV in conflict DELP Policy 7
120. In conclusion it is considered the proposed development is not acceptable on landscape grounds having regards to DELP Policies 1 and 7 and Parts 10 and 11 of the NPPF.

## Residential Amenity

### *Visual Impact*

121. The submitted application includes a detailed assessment of the visual impacts of the development including a viewpoint assessment from many of these nearest settlements and discussion within the LVIA assessment of views from within each settlement. In general terms Landscape Officers concur with the findings of the LVIA.
122. The proposed turbines would be prominent features from views within many of the nearest settlements. In most instances the impact of the development upon these settlements would be similar to existing relationships in the County where wind turbines are located within relative close proximity to settlements.
123. Officers consider that whilst in many instances views of the turbines from these settlements would be prominent and in instances cumulative impacts with other wind turbines would also occur.
124. Whilst only limited weight can be attributed to the policy at this moment in time, Policy 22 of the emerging County Durham Plan (CDP) requires that turbines are located in excess of six times their height unless it can be demonstrated that the impact would not be overbearing.
125. There are a number of non-involved properties lying within 6 times the tip height of the turbines (690m); the distance range within which there might be potential for the development to have an overbearing effect. The effect on most of these, and some others at slightly greater distance, are assessed within the ES. Warden Lodge, Tanglewood and Bruce Crescent lie between 600m and 690m of the proposed turbines. At present there is substantial tree screening to the north and east of the proposed development that limit the impact upon these properties. Properties at Old Wingate, to the west of the development, would have limited natural screening but the built development itself would provide a degree of shelter, although the turbines



would be visually dominant on the approach to these properties from the west. The LVIA accepts that there are likely to be significant effects on views from the vicinity of houses at Old Wingate

126. Officers would agree with the submitted LVIA that impacts upon these properties would represent a significant change in circumstances and visual impacts from some properties would be significant. However, officers consider that the effect would not be such that the impacts would be unpleasantly overbearing or create an unavoidable presence in main views from these dwellings and curtilages.
127. Officers raise no objections to the proposed development with regards to the visual impact upon individual property having regards to ELP Policies 1 and 35 and Part 10 of the NPPF.

#### Other Impacts upon Residential Amenity

128. Aside from the potential visual intrusions of the development upon residential amenity, other matters such as the potential for shadow flicker, noise and safety must be considered.

#### *Shadow Flicker*

129. Shadow flicker can occur within 130 degrees either side of north and the effect is unlikely to be significant in distances greater than 10 rotor diameters, in the case of the proposed development this would be 920m. The application is accompanied by a shadow flicker assessment which considers that potentially 18 no. dwellings could be affected by shadow flicker. The property that would be most affected based upon the results is Wingate Grange Farm which could theoretically be the subject of shadow flicker impact up to approximately 40 hours per year.
130. Such a period of time is calculated on a theoretical worst case scenario basis using the following assumptions: that the rotor blades would not be turning at all times, that the sun shines in a clear sky every day of the year, and, that there is no tree cover that may prevent windows being affected.
131. Mitigation measures can be devised to control shadow flicker occurring, examples include through the provision of screening measures or alternatively through controls to switch the turbine off in periods where shadow flicker can occur.
132. In the event of any approval officers consider that a condition can be attached so as to require mitigation measures to be implemented to remove the potential for shadow flicker occurrence.
133. Objectors are concerned about the potential for epilepsy and migraines associated with shadow flicker. The submitted shadow flicker report outlines that the frequency of shadow flicker occurrence is significantly less than the frequency at which photosensitive epilepsy is usually triggered. Irrespective the mitigation measures that officers consider could be undertaken would also remove the instances of shadow flicker occurring.
134. No objections with regards to the effect of shadow flicker are therefore raised having regards to ELP Policy 1 and Parts 10 and 11 of the NPPF.

## Noise

135. The National Planning Policy Framework at paragraph 123 requires that LPA's to consider the impact of noise relating to new development giving rise to health and amenity issues for adjacent residents.
136. Planning Practice Guidance commends the use of 'The Assessment and Rating of Noise from Wind Farms' (ETSU-R-97). It describes a framework for the measurement of wind farm noise and gives indicative noise levels calculated to offer a reasonable degree of protection to wind farm neighbours. Among other things, this document states that noise from wind farms should be limited to 5dB (A) above background noise for both day and night-time periods. The now defunct PPS24, former national planning guidance in relation to noise, advises that a change of 3dB (A) is the minimum perceptible to the human ear under normal conditions. Thus it is not intended that with developments there should be no perceptible noise at the nearest properties, rather the 5dB (A) limit is designed to strike a balance between the impact of noise from turbines and the need to ensure satisfactory living conditions for those individuals who might be exposed to it. The ETSU guidance also recommends that both day and night time lower fixed limits can be increased to 45dB(A) where the occupier of the affected property has some financial involvement in the wind farm.
137. A noise assessment has been submitted and is contained in the ES. The document considers the impacts associated with the construction phase and the operation of the turbines themselves. The assessment also considers the potential for cumulative noise impacts with other wind turbines, wind shear, low frequency noise, vibration and amplitude modulation.
138. The submitted noise modelling confirm that the proposed wind turbines would not exceed the relevant ETSU-R-97 noise limits at any of the nearest residential dwellings, subject to the criteria for financially involved properties being employed for Wingate Grange Farm and 1 Wingate Grange Cottages. Environmental Health has raised no objections to the scheme, subject to appropriately worded planning conditions being attached to any grant of planning permission.
139. Amplitude modulation is an area undergoing further research and there is no requirement under ETSU-R-97 to include any correction for amplitude modulation. Furthermore, Environment, Health and Consumer Protection state that the operation of the selected specification of wind turbines will not give rise to any tonal characteristic of noise.
140. It is considered that the development would comply with the noise levels established in the ETSU-R-97 guidelines. Such compliance could be ensured by conditions. It is not considered that any detrimental effect on local residents through noise associated with the proposed wind turbines would be sufficient to refuse planning permission. Officers raise no objections to the development in terms of noise impacts having regards to DELP Policy 1 and Parts 10 and 11 of the NPPF

## Safety

141. The PPG advises that appropriate fall over distance with regards to nearby buildings is the height of the turbine plus 10%. No buildings are located within this distance. No objections have been received from the Highway Authority or Highways Agency on the grounds of the proximity of the development to the road network.

142. With regards to the concerns over ice throw, such matters are not directly referenced within the safety concerns section of the PPG in relation to wind turbines. There is reference within the Highways Agency/Department for Transport publication "The Strategic Road Network and the Delivery of Sustainable Development (2013)". This document advises that wind turbines can be fitted with vibration and/or climate sensitive technology so that the turbine can be shut down if there is the potential for icing. In the event of an approval a condition could be imposed requiring that such technology is utilised.
143. Whilst there have been some high profile instances of turbines being struck by lightning or catching fire, this is considered to be unusual. Wind energy is considered a safe technology and officers have no reason to suspect that the proposed turbines could not be operated safely.

#### Archaeology and Heritage Assets

144. An archaeology and cultural heritage assessment has been submitted and is included in the ES. The assessment considers the potential effects of the development upon baseline conditions and identifies means of mitigating and avoiding effects, as well as any residual effects that may exist post mitigation.
145. The Local Planning Authority has a statutory duty under the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character and appearance of a conservation area and to pay special attention to the desirability of preserving a listed building and its setting. In assessing the proposed development, regard must be had to the statutory duty imposed upon the Local Planning Authority as set out at Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 which states that in considering whether to grant planning permission for 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.
146. English Heritage commented that the assessment did not consider the non-scheduled prehistoric 'barrows' that are within the development area and stated that further investigation of these features should be carried out but advised that the County Archaeological Team are the appropriate authority to assess this. The County Archaeological Team further investigated the location of the barrows and considered that there would not be a direct effect but requested that a Written Scheme of Investigation (WSI) for a programme of archaeological mitigation works be produced. The applicant submitted the results of a geophysical survey which demonstrated that the site has a limited capacity for significant below ground remains and also submitted the WSI. The Archaeological Team has raised no objections to the proposal subject to conditions being imposed requiring the WSI to be implemented and the results published. Accordingly, and subject to such conditions, the scheme would comply with paragraphs 129 and 141 of the NPPF.
147. The Design and Historic Environment Section consider that as the proposed turbine would be some 2.5km to the west, and separated by the raised A19, that there would be no adverse effect on the setting of the Castle Eden conservation area, or listed buildings within the conservation area. The nearest listed buildings to the proposed development are a headstone in Wheatley Hill cemetery, the Church of the Holy Trinity in Wingate and the Colliery Disaster Memorial at Wingate. The proposed development would be clearly visible from Wheatley Hill cemetery but views of the listed headstone would be largely unaffected. The principle elevations of the Church of the Holy Trinity Church are viewed from the west with the proposed development

behind the viewer so the impact would be negligible. The Colliery Disaster Monument is viewed against existing buildings in Wingate and although there may be distant views of the turbines this would not significantly affect the setting. No listed buildings would be directly affected by the proposed development. Accordingly, the scheme would comply with local Plan Policies 22 and 24 and paragraphs 131 and 132 of the NPPF.

### Access and Highway Safety

148. Access to the site would be via an upgraded existing field access to the A181 Road that joins the A19 approximately 2.5km to the east. Although it is possible to reach the site via Wingate it is anticipated that site traffic would use the A181 and A19. The oversize turbine components would arrive by sea to Hartlepool docks and be carried by abnormal load vehicles with a Police escort to the A19 via the A179. It would take a total of 53 abnormal load vehicles to transfer all of the turbine components to the site. Other significant peaks of vehicle activity would be in month 1 for the delivery of stone to the site and this would equate to an average of 54 movements per day and in month 5 when the concrete would arrive over 4 days with 100 movements for each of these days.
149. A Transport Statement has been submitted and is included within the ES. The statement identifies baseline conditions and existing traffic flows and assesses this against the proposed development. The statement also considers highway safety in relation to the baseline data and proposed traffic movements. The proposed route from Hartlepool to the site is assessed and temporary works including removal of guardrails and protection of pedestrian islands and junction splitters are identified. The statement concludes that the surrounding highway infrastructure can accommodate the predicted development traffic with only a slight effect on transport and traffic, which is considered as being not significant in terms of the EIA Regulations.
150. The County Highway Authority have raised no objections to the proposal subject to conditions being imposed to ensure that the proposed visibility splays on the junction with the A181 are constructed, that the proposed Transport Management Plan is submitted and the temporary off-site highway works are completed prior to the commencement of development. It is therefore considered that the proposed development would accord with DELP Policy 36 in terms of access and highway safety.

### Nature Conservation

151. Within 3km of the application site lies the Wingate Quarry Site of Special Scientific Interest (SSSI) approximately 1km to the west, the Bottoms SSSI, and Town Kelloe Bank SSSI to the west and Castle Eden Dene SSSI and Special Area of Conservation (SAC) to the east. A number of Local Wildlife Sites are located within 2km of the application site. These being Deaf Hill Marsh and Deaf Hill Pond to the south west, Haswell Wood, Hart to Haswell Railway and Wellfield Brick Ponds to the east. The application site boundaries are close to the adjacent Wildlife Corridors as identified in the DELP.
152. An ecological assessment has been submitted with the application and is contained in the ES. This includes an extended Phase 1 habitat survey and a breeding bird survey.
153. In regards to designated sites no objections to the development are raised and the application is considered compliant with ELP Policies 14, 15, 16 and 17.

154. Natural England initially raised an issue with the siting of Turbine 4 in relation to the 50m separation distance not being achieved. The applicant submitted further information to demonstrate that the risk to bats in this area is low. Natural England accepted this and withdrew their objection.
155. However, officers do raise objection to the development on the grounds of the out of date nature of some survey data accompanying the application and the degree of survey data submitted.
156. The presence of protected species is a material consideration, in accordance with Circular 06/2005 (Biodiversity and Geological Conservation – Statutory Obligations and their Impact within the Planning System) and Paragraph 119 of the NPPF. In addition under the requirements of the Conservation of Habitats and Species Regulations 2010 (and as amended in 2012) it is a criminal offence to (amongst other things) deliberately capture, kill, injure or disturb a protected species, unless such works are carried out with the benefit of a licence from Natural England. Regulation 9(3) of the Conservation of Habitats and Species Regulations requires local planning authorities to have regard to the requirements of the Habitats Directive in exercising its functions. Case law has established that local planning authorities must consider whether the applicant might obtain a protected species license from Natural England. This requires an examination of the derogation provisions.
157. Officers concerns relate to the protected species of bats and breeding birds. Ecology Officers have stated that bird survey data ranges from 2009 to 2011. Applicable guidance states that there should be two surveys over two seasons and that a further survey should have been undertaken. Bat surveys were undertaken in 2010 and 2011. The most recent surveys are therefore three years old. Natural England guidance states that surveys should be up to date, preferably from the previous survey season though a time lapse of two years is often acceptable. Ecology Officers note that the bat survey found noctules on site, a species at high risk from wind turbines. Ecology Officers have accepted that the baseline data has essentially not changed since the original survey, however, protected species populations and their movement patterns are dynamic and they have the potential to change year on year.
158. As a result, Ecology Officers consider that survey data relating to bats and breeding birds are not up to date with the further issue of an absence of a bird breeding survey. Without up to date survey data it is considered that an appropriate assessment of the impact of the development upon protected species cannot be made and that the survey data is insufficient to demonstrate compliance with DELP Policy 18 and Part 11 of the NPPF. Officers object to the application as a result.
159. With officers raising objection to the development and recommending refusal of the application as a result there is no require for a Habitat Regulations Assessment.

#### Aviation and Radar Issues

160. An aviation and radar assessment has been submitted with the application and is contained in the ES. The assessment considers the potential effects of the development upon Ministry of Defence (MoD) operations and domestic air traffic.
161. The closest MoD installation is the Air Defence Radar at Brizlee Wood (RAF Boulmer), 79 km to the north. The Development is within the vicinity of the sites used by RAF Spadeadam Electronic Warfare Tactics Facility for the siting of Threat

Radars. The RAF Spadeadam ranges are over 83 km west-north-west of the site. The Development site is not within a Tactical Training Area.

162. The closest National Air Traffic Services (NATS) facilities are at Lowther Hill, 166.5 km to the north-west of the Development and Great Dun Fell at 67.3 km (south-west). Both these installations operate a primary surveillance radar (PSR) and a secondary surveillance radar (SSR). Using the NATS self assessment maps, the Development does not lie within an area visible to PSR, SSR Navigation aids and Air-Ground-Air communication stations.
163. Durham Tees Valley Airport (DTVA) is located 24 km south south-west of the development site. A technical aviation assessment undertaken by Osprey has identified that the proposed development is within line of sight of DTVA's primary and secondary surveillance radar (PSR and SSR). However, the development is outside of DTVA's obstacle limitation surface (OLS). The arrangement of a small number of turbines in a compact array minimises the potential area of effect on DTVA's PSR.
164. There are two private airfields in the local area, which are Shotton Airfield located 3.3km to the north-west and Fishburn Airfield located 6.5km to the south-west.
165. DTVA objected to the proposal stating that the scheme would impact on their PSR, as the rotation of the wind turbine blades within the development would be detected by the Airports primary radar creating clutter in the form of twinkling or the formation of tracks on screen. The effect can be distracting and cause confusion when trying to distinguish between real aircraft and false targets. The issue can, however, be overcome with the implementation of a new radar system. The applicant has been in dialogue with DTVA and although an agreement has not been completed the Airport have provided conditions that could be imposed to ensure that a scheme to mitigate the impact of the wind farm in relation to the radar is implemented prior to commencement of development. DTVA have not withdrawn their objection but it is considered that as there is a solution available there is no reason to withhold planning permission.
166. The MoD initially objected on the grounds that the proposed development would have an unacceptable impact upon the Air Traffic Control (ATC) radar at RAF Leeming, the Air Defence (AD) radar at Remote Radar Head (RRH) Brizlee Wood and the Meteorological Office radar at High Moorsley. The applicant provided a technical proposal to the MoD to address the issues and the objection was subsequently removed.
167. NATS considered the proposals and considered that there would not be a conflict with airspace safeguarding.
168. Newcastle Airport raised no objections to the proposal as the site is beyond their consultation zone and would not adversely impact upon its radar.
169. In conclusion it is considered that the proposed development would not have a significant impact upon domestic and military air traffic and radar systems.

#### TV and Communication Interference

170. Wind turbines have the potential to adversely affect telecommunication links through either physical blocking of the transmitted signal or, more commonly, by introducing multipath interference where some of the signal is reflected through different routes. Multi-path interference to television signals can cause 'ghosting' on older analogue

transmissions where an object in the picture appears several times in slightly different positions.

171. Digital television signals are not generally affected by the operation of wind turbines, however, a minimum signal strength is required for digital television to operate effectively. If a property already receiving a weak digital signal experiences additional blocking or reflections from wind turbines, the signal level may drop, causing the television to pixelate or cut out intermittently. Reflections and blocking from other objects (such as trees) close to the aerial can cause similar effects. Simple measures to boost the signal through an improved aerial are usually sufficient to correct the issue.
172. A small number of objectors to the scheme raised the issue of loss of television and mobile phone signal as a result of the turbines. Since the application was submitted the UK has completed the changeover to digital and this would largely mitigate the impact. Any residual impact upon television signal resulting from the development could be resolved post-construction. Vodaphone initially objected to the proposal due to the proposed turbines potentially disrupting a communication link, however, the applicant agreed a solution that was beneficially to Vodaphone and also resolved the issue, resulting in their objection being withdrawn.

#### Access and Rights of Way

173. Public concerns are raised with regards to the impact of the development upon public rights of way and bridleways. This includes concerns over the ability for horses to safely be exercised.
174. The construction and operation of the proposed development would not physically affect any public rights of way.
175. The Access and Rights of Way Team have assessed the proposal and raised no objections as there is a separation distance of at least the height to the tip of the turbine. The Ramblers support this view provided that the turbines closest to the A181 are not within topple distance of the road. The British Horse Society have also raised no objections to the proposal stating that the turbines are all further than minimum recommended distance from the bridleway and that there would be no impact upon users from site traffic.
176. Officers therefore consider that the development would adequately protect public rights of way and footpaths in accordance with DELP Policy 74.

#### Flood Risk and Hydrology Issues

177. The application includes an assessment of matters surrounding hydrology, flood risk and related issues. This assessment considers the potential for pollutant leakages from the development from construction processes, potential increases in surface water runoff, for instance, as a result of increased areas of hardsurfacing.
178. The applicant does not propose any mitigation measures as all identified potential effects have been assessed as being of negligible or minor significance after the implementation of embedded design and construction and good practice.
179. The Environment Agency has been consulted on the application and no objections to the development are raised subject to the attachment of conditions relating to surface water drainage and that the mitigation measures proposed with regards to groundwater, hydrology and hydrogeology matters are implemented.

180. Northumbrian Water raises no comments and no objections to the development.
181. As a result officers raise no objections to the development on matters surrounding hydrology and flood risk considering the development compliant with ELP Policy 1 and Parts 10 and 11 of the NPPF.

#### Economic Benefit

182. The applicant stated in the ES that a voluntary community fund to support local projects would be set up to throughout the operational life of the development. At submission stage it was not clear how much the contribution would be or how it would be spent.
183. In July 2014 the applicant submitted additional information relating to the economic benefits of a planned employability fund to be provided by the wind farm operator including a copy of the Memorandum of Understanding (MoU) that has been agreed with East Durham College. The fund would provide an estimated £62,500 per annum (£1.5m over the 25 year life of the development) to support residents living in the communities of Wingate, Wheatley Hill, Trimdons and Thornley. Individual support allowances would be capped at £2000 per annum to cover tuition fees and £1000 per annum to cover travel, study and hardship. The applicant has offered a unilateral Section 106 agreement to guarantee this contribution and a draft version of this has been submitted.
184. The financial contribution has received support from the North East Chamber of Commerce, The Employability Trust and East Durham College. Objectors to the development do not consider the financial contribution to outweigh the landscape impacts.
185. Whilst the employability fund would provide clear advantages to residents of the targeted communities it would not diminish or mitigate the environmental impacts of the development.

#### Geology and Coal Mining Risk

186. Public concerns are raised with regards to land stability issues as a result of coal mining legacy and the geology of the area. The Coal Authority has confirmed that the application site does not fall within the Coal Mining Development Referral Area. No objections are therefore raised and standing advice only applies to the development. The applicant has also confirmed that detailed ground investigations local to the proposed turbine locations would be carried out prior to construction to confirm the ground conditions in these areas to finalise the foundation design. A degree of micro-siting would be allowed to ensure that any ground anomalies could be avoided.

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## **CONCLUSION**

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187. The proposed wind turbine would make a positive contribution towards the overall supply of renewable energy to the region. There is very strong and consistent policy support for renewable energy projects and the scheme has significant benefits in this respect. The key consideration in its determination is whether clear policy support outweighs any adverse environmental or social impacts.



188. The NPPF explains that all communities have a responsibility to help increase the use and supply of green energy, but this does not mean that the need for renewable energy automatically overrides environmental protections and the planning concerns of local communities. As with other types of development, it is important that the planning concerns of local communities are properly heard in matters that directly affect them.
189. The coalescence of the proposed development with existing wind farms at Haswell Moor, High Haswell, Hare Hill and Trimdon Grange would create a tract of wind development from Haswell to Trimdon. This would result in an unacceptable cumulative impact upon the area, which is designated as AHLV in the DELP.
190. DTVA has objected to the development on the grounds that the development could affect the safe operation of their radar. However, discussions between the applicant and DTVA to agree mitigation measures to resolve this radar issue are at an advancement stage and DTVA have supplied conditions that would address the radar issue. It is therefore considered that impact upon aviation should not be a reason for refusal.
191. With regards to matters of ecology survey data with regards to the protected species of bats and breeding birds is not up to date or adequate to appropriately assess impacts of the development upon the species.
192. Therefore, whilst officers acknowledge that the development would deliver a contribution to new renewable, low carbon energy infrastructure and a financial contribution toward supporting students of East Durham College, the benefits of this do not outweigh the aforementioned harm. As a result, refusal of the application is recommended.

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## **RECOMMENDATION**

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That the application be **REFUSED** for the following reasons;

1. The Local Planning Authority considers that the proposed wind turbines would result in an unacceptable cumulative landscape impact in an Area of High Landscape Value contrary to the requirements of Policies 1 and 7 of the District of Easington Local Plan and Part 10 of the NPPF.
2. The Local Planning Authority considers that protected species survey data is neither up to date nor based on sufficient survey work to enable an assessment of the impact of the development upon protected species to demonstrate compliance with Policy 18 of the District of Easington Local Plan or Part 11 of the NPPF.

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## **STATEMENT OF PROACTIVE ENGAGEMENT**

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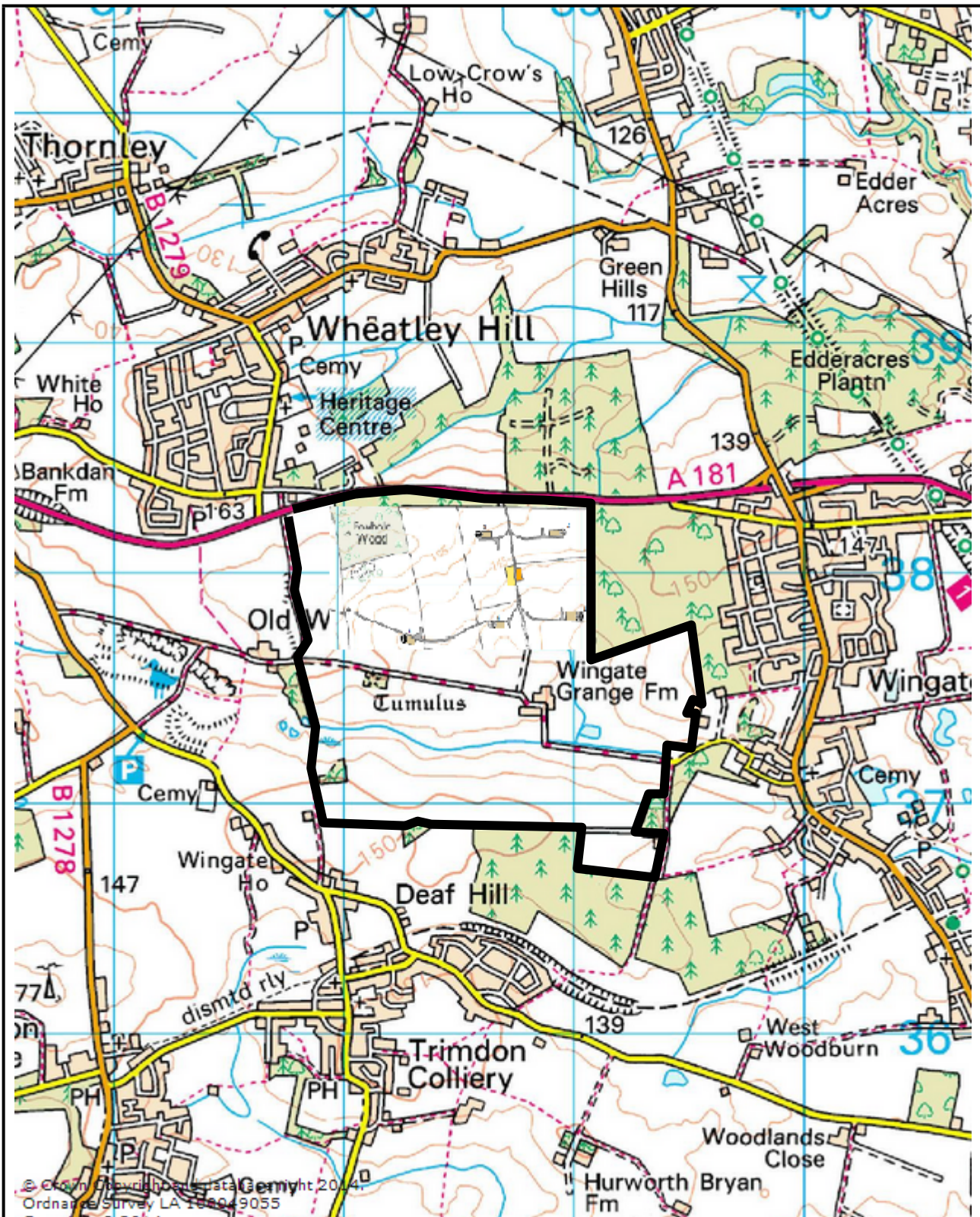
The Local Planning Authority in arriving at the decision to refuse the application has sought to work with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with the planning application. This is evidenced by advising the applicant of objections to the proposal. However, given the nature of the objections, the issues of concern could not be overcome and a positive outcome delivering high quality sustainable development which would improve the economic, social and environmental conditions of the area in accordance with the NPPF could not be achieved. *(Statement in accordance with Article 31(1) (CC) of the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012.*


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## **BACKGROUND PAPERS**

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- Submitted application form, plans, supporting documents and subsequent information submitted by the applicant.
- National Planning Policy Framework (2012)
- National Planning Practice Guidance Notes
- District of Easington Local Plan
- The County Durham Plan (Submission Draft)
- Statutory, internal and public consultation responses.



 <p><b>Durham</b> County Council</p> <p><b>Planning Services</b></p>	<p>CMA/5/40 Erection of 5 no. Wind Turbines (max tip height 115m) and associated infrastructure and a meteorological mast at Land at Wingate Grange Farm</p>	
<p>This map is based upon Ordnance Survey material with the permission of Ordnance Survey on behalf of Her Majesty's Stationary Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceeding. Durham County Council Licence No. 100022202 2005</p>	<p><b>Comments</b></p>	
	<p><b>Date</b> December 2014</p>	<p><b>Scale</b> Not to scale</p>

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# COMMITTEE REPORT

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## APPLICATION DETAILS

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<b>APPLICATION NO:</b>	DM/14/02556/OUT
<b>FULL APPLICATION DESCRIPTION:</b>	Outline application for up to 300 dwellings, including site access, public open space, landscaping and associated infrastructure works
<b>NAME OF APPLICANT:</b>	Gladman Developments Ltd
<b>ADDRESS:</b>	Land to the North of Durham Road, Middlestone Moor, Spennymoor,
<b>ELECTORAL DIVISION:</b>	Spennymoor
<b>CASE OFFICER:</b>	Colin Harding, Senior Planning Officer 03000 263945 <a href="mailto:colin.harding@durham.gov.uk">colin.harding@durham.gov.uk</a>

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## DESCRIPTION OF THE SITE AND PROPOSALS

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### The Site

1. The site lies to the west of Spennymoor, on the edge of Middlestone Moor and comprises a single arable field extending to 13.73 hectares.
2. The site is bounded to the east by a Public Right of Way (Footpath No. 13 (Spennymoor)), beyond which lies the recent Taylor Wimpey development at Lavender Crescent. Immediately to the south runs Grayson Road/Durham Road, this leads to the A688 in westerly direction, and to Spennymoor Town Centre in an easterly direction. Beyond the A688 lie residential properties, mainly terraced in form and with a strong road frontage. To the north lies further agricultural land and Bishops's Close Farm.
3. The site itself is largely flat, although there is an unpronounced gentle downwards slope towards north, as the topography falls away towards the River Wear at Page Bank. There are no designations within close proximity to the site, the closest being Whitworth Park Local Wildlife Site, situated 750m to the north east.

### The Proposals

4. The proposal comprises the development of up to 300 dwellings, with access, open space and associated infrastructure and including the provision of 10% affordable housing, for which outline planning permission is sought. All matters other than access are reserved for later consideration. Access to the site is proposed from Durham Road. An indicative layout indicates that landscaping would be incorporated on the northern, southern and western boundaries of the site, with the north eastern corner potentially providing a location for play facilities and a Sustainable Urban

Drainage Scheme (SUDS). As the application is only in outline form, details of any proposed development proposal are only limited at this time.

5. The application is being presented to the County Planning Committee as it represents major development with a site area of more than 4 hectares.

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## **PLANNING HISTORY**

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6. There is no related planning history at this location.

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## **PLANNING POLICY**

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### **NATIONAL POLICY:**

7. The Government has consolidated all planning policy statements, guidance notes and many circulars into a single policy statement, the National Planning Policy Framework (NPPF). The overriding message is that new development that is sustainable should proceed without delay. It defines the role of planning in achieving sustainable development under three topic headings – economic, social and environmental, each mutually dependant. The presumption in favour of sustainable development set out in the NPPF requires local planning authorities to approach development management decisions positively, utilising twelve ‘core planning principles’.
8. In accordance with paragraph 215 of the National Planning Policy Framework, the weight to be attached to relevant saved local plan policy will depend upon the degree of consistency with the NPPF. The greater the consistency, the greater the weight. The relevance of this issue is discussed, where appropriate, in the assessment section of the report. The following elements of the NPPF are considered relevant to this proposal.
9. *NPPF Part 1 – 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.
10. *NPPF Part 2 – Ensuring the vitality of town centres.* Town centres are recognised as being at the heart of communities, with the pursuit of their viability and vitality as being paramount. Planning applications for main town centre uses should be located in town centres firstly, then in edge of centre locations. Only when these are not available should out of centre locations be considered.
11. *NPPF Part 4 – Promoting sustainable transport.* Transport policies have an important role to play in facilitating sustainable development but also in contributing to wider sustainability and health objectives. Smarter use of technologies can reduce the need to travel. The transport system should be balanced in favour of sustainable transport modes. Encouragement should be given to solutions which support reductions in greenhouse gas emissions and reduce congestion.
12. *NPPF Part 6 – Delivering a wide choice of high quality homes.* To boost significantly the supply of housing, applications should be considered in the context of the presumption in favour of sustainable development. Local Planning Authorities should seek to deliver a wide choice of high quality homes, widen opportunities for home ownership and create inclusive and mixed communities.

13. *NPPF Part 7 – Requiring Good Design.* 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. Planning policies and decisions must aim to ensure developments; function well and add to the overall quality of an area over the lifetime of the development, establish a strong sense of place, create and sustain an appropriate mix of uses, respond to local character and history, create safe and accessible environments and be visually attractive.
  14. *NPPF Part 8 – Promoting Healthy 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, local services and community facilities to enhance the sustainability of community and residential environments. An integrated approach to consider the location of housing, economic uses and services should be adopted.
  15. *NPPF Part 10 – Meeting the challenge of climate change, flooding and coastal change.* Planning plays a key role in helping shape places to secure radical reductions in greenhouse gas emissions, minimising vulnerability and providing resilience to the impacts of climate change, and supporting the delivery of renewable and low carbon energy and associated infrastructure.
  16. *NPPF Part 11 – 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, minimising impacts on biodiversity and providing net gains where possible. Preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability; and remediating and mitigating despoiled, degraded, derelict, contaminated/unstable land.
  17. *NPPF Part 12 – Conserving and enhancing the historic environment.* Local planning authorities should set out in their Local Plan a positive strategy for the conservation and enjoyment of the historic environment. In doing so, they should recognise that heritage assets are an irreplaceable resource and conserve them in a manner appropriate to their significance.
- <http://www.communities.gov.uk/documents/planningandbuilding/pdf/2116950.pdf>
18. 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.

<http://planningguidance.planningportal.gov.uk/> (National Planning Practice Guidance)

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

##### Sedgefield Borough Local Plan (1996) (SBLP)

19. *Policy E1 (Maintenance of Landscape Character)* – sets out that the Council will seek to encourage the maintenance of distinctive landscape areas, resisting proposals that would damage the character or appearance of the River Wear Valley and area of landscape value, requiring the retention of landscape features, hedgerows, woods etc.

20. *Policy E15 (Safeguarding Woodlands, Trees and Hedgerows)*. This policy states that development proposals to retain other areas of woodland, important groups of trees, copses and hedgerows wherever possible and replace trees which are lost.
21. *Policy L1 (Provision of Open Space Including Standards)*. The policy advocates that the Council will work towards provision of 2.4ha of outdoor sports and play space and 2.0ha of parks and amenity space per 1,000 population.
22. *Policy L2 (Open Space in New Housing Development)*. This policy duplicates the open space requirement of policy L1 on major developments. This policy requires 1.8ha for up to 300 new dwellings of informal play space and amenity space.
23. *Policy L9 (Footpaths, Cycleways and Bridleways in the Countryside)*. States that the Council will seek to promote the provision of safe, attractive and convenient network of footpath, cycleway and bridleway routes by maintaining and enhancing the existing rights of way network and taking opportunities to extend it and creating a series of local networks throughout the Borough.
24. *Policy D1 (General Principles for the Layout and Design of New Developments)*. This policy seeks a number of design principles to be applied to new developments these include: a comprehensive approach which takes account of the sites setting, attention to the design detail of buildings and their spatial relationship to open spaces, landscaping and boundary treatments; conservation of energy, safe provision for pedestrian and cyclists.
25. *Policy D2 (Design for People)*. This policy seeks particular attention for the personal safety and security of property, the access of users. It seeks to deliver the infrastructure, services and facilities required to meet the needs of the population of Durham CC, including those that arise from growth and to make all services accessible to all.
26. *Policy D3 (Design for Access)*. This policy requires new development to make satisfactory and safe provision for pedestrians, cyclists, public transport, car and other users.
27. *Policy D5 (Layout of New Housing Development)*. This policy seeks to ensure new housing developments are, safe, attractive, have a clearly defined road hierarchy, make provision for open space, provide for adequate privacy and amenity and have well designed walls and fences.
28. *Policy D6 (Layout and Design of Pedestrian Areas and Public Spaces)*. This policy seeks to ensure a co-ordinated approach to the layout and design of public spaces is achieved.
29. *Policy D8 (Servicing and Community Requirements of New Developments)*. This policy states that proposals will be required to meet the servicing requirements of the development and contribute towards offsetting the costs of the development upon the local community.
30. *Policy D9 (Art in the Environment)*. This policy states that the Council will encourage the incorporation of artistic elements in development schemes.



## EMERGING POLICY:

31. The emerging County Durham Plan was submitted in April 2014 and is currently the subject of an ongoing Examination in Public. In accordance with paragraph 216 of the NPPF, decision-takers may give weight to relevant policies in emerging plans according to: the stage of the emerging plan; the extent to which there are unresolved objections to relevant policies; and, the degree of consistency of the policies in the emerging plan to the policies in the NPPF. Further, the Planning Practice Guidance explains that in limited circumstances permission can be justifiably refused on prematurity grounds: when considering substantial developments that may prejudice the plan-making process and when the plan is at an advanced stage of preparation (i.e. it has been Submitted). To this end, the following policies contained in the Submission Draft are considered relevant to the determination of the application:
32. *Policy 3 – Quantity of new Development.* In order to meet the needs and aspirations of present and future residents at least 31,400 new homes of mixed type, size and tenure are required in the County.
33. *Policy 4 – Distribution of Development.* To reflect the spatial approach the Plan allocates sufficient sites to provide for housing. In Central Durham the Plan allocates 8010 dwellings with 5220 in Durham City and 520 required in the smaller towns and larger villages.
34. *Policy 15 – Development on Unallocated Sites in Built Up Areas.* Supports development on unallocated sites within built up areas, providing that it would not involve the loss of the last community building, does not prejudice the intended use of any adjacent sites and is appropriate in scale, design and location to the character and function of the settlement.
35. *Policy 30 – Housing Land allocations.* In order to meet the housing requirement and distribution set out in Policy 3 and 4 a number of sites are allocated for housing development.
36. *Policy 31 – Addressing Housing Need.* Requires all qualifying new housing to provide a percentage of Affordable Housing which is accessible, affordable and meets the needs of those residents unable to access the open housing market.
37. *Policy 35 – Development in the Countryside.* Planning permission for development in the countryside will only be permitted where it meets certain exceptions such as housing for countryside workers.
38. *Policy 39 – Landscape Character.* Proposals for new development will only be permitted where they would not cause significant harm to the character, quality or distinctiveness of the landscape, or to important features or views, unless the benefits of the development clearly outweigh the impacts.
39. *Policy 49 – Delivering Sustainable Transport –* New developments should accommodate sustainable modes of transport and provide appropriate, well design, permeable and direct routes for all modes of transport and that traffic generated by the development can be safely accommodated on the strategic highway network without causing additional congestion.

*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/media/3400/Sedgefield-local-plan-saved-policies/pdf/SedgefieldLocalPlanSavedPolicies.pdf> (Sedgefield Borough Local Plan) <http://www.durham.gov.uk/pages/Service.aspx?ServiceId=856> (County Durham Plan)*

## CONSULTATION AND PUBLICITY RESPONSES

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### STATUTORY RESPONSES:

40. *Spennymoor Town Council* – Have raised no objections to the proposed development.
41. *Highway Authority* – Raises some concerns, whilst being satisfied that local junctions in Spennymoor and access to the site will operate within design capacity, a number of junctions would operate above capacity. Of these, it is accepted that no mitigation would be required at A688 Green Lane, A688/Bonemill Lane, A688/A689/B6282 and Thinford Roundabout. However, it is likely that mitigation will be required at A688/A689 Durham Road, although this mitigation is already proposed for the Auckland Park and Fieldon Bridge developments. However, it should nevertheless be modelled.
42. Matters relating to access specification are considered to be acceptable. It is noted that the moving of the bus stop will be need to be agreed with Spennymoor Town Council and that the final layout will need to provide car parking provision in accordance with the Council's adopted Car Parking Standards.
43. *Environment Agency* – Raises no objection to the proposal noting that the biodiversity enhancement options proposed with the application are welcomed. The Agency advise that the sewerage undertaker is consulted and be requested to demonstrate that the sewerage and sewage disposal systems serving the development have sufficient capacity to accommodate the additional flows, generated as a result of the development, without causing pollution
44. *Durham Constabulary* – raises no objection, and note that the crime risk assessment for this development is low; however, it is recommended that the Principles of Crime Prevention through Environmental Design (CPTED) and the Police crime prevention initiative of Secured by Design (SBD) are incorporated in the final scheme.
45. *Northumbrian Water* – raises no objections, although notes that the Sewage Treatment Works into which the development would discharge is operating at capacity but is scheduled for upgrade in 2016. As the upgrade is within the 5 year implementation period of approval, it is considered that the development can be supported subject to a condition agreeing means for the disposal of sewage in interim period.
46. *The Coal Authority* – confirms that the application site falls within the defined Development High Risk Area; therefore within the application site and surrounding area there are coal mining features and hazards which need to be considered in relation to the determination of this planning application. The Coal Authority raises no objections, concurring with the recommendations of the submitted Coal Mining Risk Assessment that coal mining legacy potentially poses a risk to the proposed development and that intrusive site investigation works should be undertaken prior to development in order to establish the exact situation.
47. *English Heritage* – Consider that it is not necessary for the application be notified to English Heritage, and consequently do not comment on the application.

## INTERNAL CONSULTEE RESPONSES:

48. *Spatial Policy* - objects to the proposal. The NPPF seeks to contribute to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth. The NPPF also seeks to providing the supply of housing required to meet the needs of present and future generations, whilst protecting and enhancing our natural, built and historic environments (para 6). A core planning principle is to encourage the effective use of land by reusing land that has been previously developed, provided that it is not of high environmental value (para 17). The NPPF requires LPAs to maintain a five-year supply of deliverable sites to ensure choice and competition in the market. Applying these principles, the Council has released sufficient land for housing within Spennymoor to support growth and boost housing supply to meet the needs of present and future generations. The Council's has also recently updated its 5-year housing land supply position and considers that it is able to maintain an adequate supply without any contribution from this particular site.
49. Saved Policy H1 of the SBLP was not saved, and the housing allocations listed in Policy H2 are now largely built out or under construction. Therefore, in principle terms the SBLP leaves somewhat of a void in terms of assessing large scale applications for housing developments within the main towns in the former Sedgfield Borough area. Notwithstanding this, matters of detail relating to the site itself would need to adhere to the design policies (notably D1, D2, D3 D5 & D7), provision of affordable housing (H19), open space (L2 – although superseded by OSNA standards), and provision of footpath and cycleway links (T1).
50. Spennymoor is recognised as a main town within the CDP, although it was not necessary to allocate any land within the settlement to meet the housing needs of the area. Had that not being the case, better candidates than this one are available, and are categorised as green (suitable) within the Council's Strategic Housing Land Availability Assessment (SHLAA). This site is categorised as amber (unsuitable).
51. There are more than enough extant planning permissions in Spennymoor to boost significantly the supply of housing in the local market area. These are sites at Whitworth (circa 500 units), Electrolux (425 units) & Thorns (361 units) at Merrington Lane, DurhamGate (circa 300), Watson Court (circa 100), Hartwell (120) and South View, Middlestone Moor (46 units). These total circa 1,850 units, and then there is also the extant permission at Greyhound stadium (100 units) and the remaining units to be built by Taylor Wimpey at Grayson Road. These sites will deliver the housing strategy over the plan period, and ensure choice and competition in the market. There is simple no requirement for further land to be released for housing at the current time. The consequences of releasing a large greenfield site on the edge of the settlement will have an adverse impact on the delivery of some of these sites, particularly those which involve the effective re-use of brownfield land. As advised in my previous email, the consumer demand for housing in Spennymoor is circa 100 – 120 per annum (as advised by the Home Builders Federation). An additional greenfield release will only lead to slower sales rates at the sites already under construction, or discourage others from coming forward for development. It will not significantly boost the annual output of housing within Spennymoor as the market demand is simply not there.
52. It also important to recognise that the employment land portfolio for Spennymoor has contracted within the town (Merrington Lane permitted for housing under the principles of para 22 of the NPPF), and is consolidated solely at DurhamGate now. The balance between employment and housing needs to be proportionate, and it is

considered that the level of housing which will be built is commensurate with the level of retail and employment provision available.

53. The principle of developing the site as a residential extension to the existing settlement of Spennymoor would not be supported by the existing or emerging development plan. This site has not been identified as a housing allocation within the 'Submission Draft' of the CDP and the proposal therefore conflicts with the and emerging Local Plan (policies 15, 30 & 35) and the provisions of the NPPF.
54. Whilst the NPPF seeks to boost significantly the supply of housing, this land is not a key site which is critical to the delivery of the housing strategy over the plan period, and there is more than enough land within Spennymoor to meet housing needs over the next 5-years and beyond. The NPPF advocates a plan-led system and should additional sites be required for allocation within the CDP, there are suitable/green SHLAA sites which are more sustainable than this application site and which would be prioritised for development.
55. *Landscape* – does not object to the proposed development. They note that the site is located outside the settlement boundary and within the open countryside. The site is relatively level, however its size and the lack of existing boundary treatment make it highly prominent especially from the existing edge of settlement to Durham Road, and to the countryside along the public footpath beside the site.
56. Officers noted that a landscape assessment (LVIA) has been undertaken by the applicant and concludes that the proposed residential development could successfully be assimilated into the local landscape. Whilst officers do not disagree, it is clear that there would initially be significant adverse residual visual impact, but with adequate structural landscape, the visual impact would in time, as trees and planting establish, mitigate the impact on the open countryside. Landscape treatment would need to be high quality, extensive, and adequately defined, and include advanced treatment that could begin to act as a buffer before housing development began.
57. *Aboriculturalist* – raises concerns over the location of one of the proposed accesses and its potential impact upon a proposed woodland buffer strip.
58. *Sustainability* – Raise no objections to the proposed development. From a sustainability perspective the site is determined to have average performance with regards to the economic, social and environmental determinates of Sustainable Development. A condition is suggested in order to secure embedded sustainability.
59. The site is not considered to be within a short walking or driving distance of some services/ facilities, however this is not considered to be an overwhelming issue due to bus transport accessibility meeting minimum requirements for frequency, network and walking distance.
60. *Economic Development (Employability Team)* – note that the Council has an aspirational target of 10% of any labour requirement to be offered as new employment opportunities or training, however, these should be proportionate and reasonable. During the construction phase officers estimate that 12 full time employment job opportunities/apprenticeships could be attributed to the proposal. It is requested that request that TRT is considered and a clause included within the S106 agreement to secure employment and skills training that will assist the local community by improving job prospects and should planning permission be granted.

61. *Access and Public Rights of Way* – Raise no objections, but suggest that a multi user access to the Auckland Way would be advantageous. Officers also considered that any link to Footpath No. 13 on the eastern boundary would be on foot only.
62. *Archaeology* – Raises no objections. It is noted that the submitted desk based assessment is well researched and that it identifies the possibility for a mass grave to be location within or near to the southern boundary of the site. No outstanding significant archaeological anomalies were noted in the geophysical survey and those small anomalies that were identified do not suggest the presence of a mass grave. It is considered appropriate to secure evaluation works prior to the determination of any reserved matters application.
63. *Ecology* – Raise no objections to the proposed development. It is noted from the Ecological Appraisal that there are a number of moderate risk trees (for bat use) present within the northern boundary of the site, however the Design and Access Statement states that these trees, along with a suitable buffer will be retained. Advice is provided with regards to the proposed buffer and the need for details of proposed semi-natural grassland and trees to be provided in any reserved matters application.
64. *Design & Conservation* – Note a number of issues which would have to be addressed at reserved matters stage, including layout, street frontage, townscape and permeability.
65. *Drainage and Coastal Protection* – raise no objections, although the need for a Surface Water Management Plan to be agreed at reserved matters stage is noted, as a maximum surface water run off rate.
66. *School Places Manager* – No objections. The proposed development would be likely to yield in an additional 75 primary school aged pupils. Middlestone Moor Primary School has capacity for an additional 20 pupils therefore two new classrooms would be required. A contribution of £502,150 is requested in order to provide additional classroom accommodation. Sufficient capacity exists for secondary school pupils.
67. Further comments have been received in response to further work carried out by the applicants. These comments highlight the impracticality of pupils from the development site attending schools in Coundon and Byers Green and raising other issues with the methodology.
68. *Environment, Health & Consumer Protection (Air Quality)* - The location of the proposed development is not within or is in close proximity to the declared Air Quality Management Areas in either Durham City or Chester le Street. Further there are not any industrial or other similar sites or sources of air pollution that potentially will give rise to elevated levels of air quality pollutants. It is not considered, therefore, that there would be an adverse impact from any of the air quality pollutants on the residential dwellings located in close proximity to the proposed site. Officers note that the scale of the development may potentially have an indirect impact on local air quality by creating an increase in traffic volume levels on local routes surrounding the site. An air quality assessment has therefore been undertaken to assess the impact on levels of air quality pollutants (nitrogen dioxide and PM10) at existing and the proposed residential dwellings that may arise from vehicle exhaust emissions. A further assessment of the impact of the proposed development on emissions of air quality pollutants should be carried out where it is determined that the traffic composition either in a reduction of speed or in the number of movements of HGVs is likely to occur on the roads in vicinity to the proposed development site. It is noted that there is also potential for dust emissions to arise from the construction phase of the development. Should planning permission be granted then details of a dust

control management plan for the site would be required which should target the identified sources and therefore mitigation measures included to minimise emissions would be required through condition.

69. *Environment, Health & Consumer Protection* – Raises no objections to the proposed development, but recommends that at a noise survey be secured by condition and that construction noise be controlled. Conditions relating to lighting, smoke, and dust are also suggested.

#### **PUBLIC RESPONSES:**

70. The application was advertised in the press, on site and in the locality. In addition letters were sent to neighbouring residents. In response, 8 letters of objection and 1 letter of representation have been received, and the grounds of objection and concern raised are summarised below.

##### *Principle of Development*

- There is a lack of capacity in local facilities in Spennymoor, including school and medical places;
- Existing agricultural land would be lost and the development would be an incursion into the countryside;
- There is no market for the proposed properties;
- There are numerous vacant properties within Spennymoor.
- Existing permitted developments have not been built out.
- There are only limited local employment opportunities in the immediate local area
- Local facilities are not within reasonable walking distance.
- Site is greenfield.

##### *Landscape and Visual Impact*

- Spennymoor and Middlestone Moor would become merged.
- Peaceful setting of the existing Aged Miners Homes and rural setting of wider settlement would be lost.
- Middlestone Moor would have its identity eroded.
- Loss of agricultural land.

##### *Highway Impact*

- A development of this scale would lead to a significant increase traffic and exacerbate existing congestion issues.
- Employment opportunities are not locally accessible, increasing traffic
- Impact of bus stop location upon elderly population
- HGVs and farm traffic currently use footpath 13 to the east of the site and location play area could lead to children crossing this track from elsewhere, increasing the chances of accidents.

##### *Other Issues*

- Impact upon potential archaeological remains
- Durham County Council are simply seeking to increase Council Tax revenues
- Questioning of location of play area in close proximity to a pond
- Proposed open space has the potential to attract youths
- Impact of development upon residential amenity in terms of loss of light, privacy.
- Levels of noise and disturbance during construction

## APPLICANTS STATEMENT:

71. This is a highly sustainable site for residential development and is a natural continuation of Spennymoor which, as explained through the submission would provide significant benefits to the local community, including employment, affordable housing, significant areas of open space and children's play.
72. The Site is located in an accessible location close to the key services and facilities in the town and will provide significant economic support for the vitality and viability of the town of Spennymoor. Gladman have worked proactively with the case officer and consultees and as such there are no technical reasons for refusal of the application.
73. During the determination of our application Gladman have commissioned a detailed critique of the Authority's five year deliverable housing land supply. Our consultants have reviewed the Sites which form the basis of the Council's deliverable supply and have found that under closer scrutiny the Council cannot demonstrate a five year housing land supply (at only 4.3 years).
74. Officers 'claim' that permission on this Site would undermine the delivery of other schemes in Spennymoor. However, these assertions are not in line with national policy to boost significantly the supply of housing nor are these assertions supported by any evidence.
75. It is acknowledged that Spennymoor has recently benefited from development proposals at Durhamgate through public and private sector investment located to the eastern edge of the town and Durhamgate is delivering but Spennymoor is also developing a status as a commuter town and serves a catchment of smaller surrounding settlements, therefore the western area should not be deprived. The Framework identifies positive improvements which the planning system should seek to achieve which includes widening the choice of high quality homes, improving the conditions in which people live, work travel and take leisure and making it easier for jobs to be created in cities, towns and villages. The proposals will complement the housing permitted and under construction at Durhamgate.
76. Consequently, as per paragraph 49 of the Framework Gladman principally consider relevant policies relating to the supply of housing development should not be considered up to date as the Local Planning Authority cannot demonstrate a five year supply of deliverable housing sites.
77. Notwithstanding the absence of common ground on the 5 year supply position, the presumption in favour of sustainable development still applies in situations such as this where the Development Plan is out-of-date. Gladman consider that the determination of this application should be in line with national policy, namely paragraph 14 of the NPPF. The Planning Balance exercise provided as part of the submission demonstrates the limited harm from the Site will not 'significantly and demonstrably' outweigh the benefits of the scheme as outlined in the Framework .
78. Sustainable development is about positive growth – making economic, environmental and social progress for this and future generations. The submission demonstrates that the proposal strongly accords with the three dimensions of sustainable development; economic, social and environmental. It is clear in light of the evidence submitted that this scheme provides a significant amount of benefits meeting all three dimensions of sustainable development.

79. Without the right type of new housing further pressures will be placed on house prices, people will be forced to move further away from the area and new investment and growth could ultimately be stifled!
80. New residential development has a critical role to play in all aspects of social, economic and environmental needs of the area, and as demonstrated this development will contribute to all. The economic benefits of this development are more important than ever in the current economy and should not under any circumstances be overlooked!
81. The Framework identifies positive improvements which the planning system should seek to achieve which includes widening the choice of high quality homes, improving the conditions in which people live, work, travel and take leisure and making it easier for jobs to be created in cities, towns and villages.
82. Spennymoor should not be deprived of deliverable investment in the short term, there is currently no plan in place to allocate any housing to the area. Additional housing is vitally important in safeguarding local services and improving the local economy, it is in reality only large scale developments that can aid this, rather than piecemeal small scale developments and it is on this basis that Gladman seeks to promote a sustainable major development that will support local needs, housing needs and services allowing deliverable growth of Spennymoor in the short term allowing it to continue to thrive and provide for the daily needs of the existing residents.
83. Having identified that the Council's Plan is time expired and relevant housing policies are not up-to-date, and having identified the strong accordance with the presumption in favour of sustainable development Framework and the matters of housing need and land supply, in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, it is appropriate that planning permission should be granted now based on the significant weight of material considerations

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## **PLANNING CONSIDERATIONS AND ASSESSMENT**

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84. Having regard to the requirements of section 38(6) of the Planning and Compulsory Purchase Act 2004, the relevant Development Plan policies, relevant guidance and all other material considerations, including representations received, it is considered that the main planning issues in this instance relate to: the principle of the development, access, traffic and highway safety, landscape and visual impact, affordable housing, impact upon residential amenity, nature conservation, heritage assets and archaeology, public rights of way, flooding and drainage,, coal mining legacy issues other matters
85. It should be noted that this application is in outline form, with only matters of principle and access being considered at this time. Other matters, for example relating to form, design, layout and landscaping are reserved for later consideration and any layout is at this stage, only indicative.

### Principle of Development

86. The main issues in relation to the principle of the proposed development are: the extent to which the proposed development accords with the existing development plan; the extent to which the proposed development accords with the emerging development plan; and, the extent to which the proposed development is consistent with Government guidance in relation to planning for housing and other policy



objectives set out in the NPPF, with particular regard towards delivering a wide choice of high quality homes that widens opportunities for home ownership and helps create sustainable, inclusive and mixed communities.

87. The Sedgefield Borough Local Plan is largely silent with regards to the principle of residential development in this location, with Policies E9 (Protection of the Countryside), Policy E16 (Protection of Agricultural Land), and H1 (Housing Development on Sites in Newton Aycliffe, Spennymoor, Ferryhill and Shildon) having expired in 2007. Policy H2 (Major Housing Sites in Newton Aycliffe, Spennymoor, Ferryhill and Shildon) was saved, but does not identify the application site as an allocation. Policies H8 (Residential Frameworks for Larger Villages), H9 (Housing sites in Large Villages) and H10 (Housing Development in Smaller Villages) also provide locational advice for housing developments, but do not identify Middlestone Moor as a distinct settlement which would be subject to their provisions.
88. Consequently, there is little policy context within the existing Local Plan against which to assess this proposal with regards to the principle of development. In such cases, paragraph 14 of the NPPF states that where the development plan is absent, silent or relevant policies are out-of-date that permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the NPPF policies, or the NPPF specifically indicates that development should be restricted.
89. Paragraph 7 of the NPPF sets out the dimensions of sustainable development, namely economic, social and environmental roles, whilst Paragraph 17 identifies twelve core land use principles, including that planning should be plan led, take account of the character of different area, recognise the intrinsic character and beauty of the countryside and encourage the re-use of brownfield land. Paragraphs 47 – 55 of the NPPF seek to boost significantly the supply of housing to create sustainable, inclusive and mixed communities. To accord with the NPPF new housing development should be located to provide improved access for all to jobs, health, education, shops, leisure and community facilities, open space and recreation, by ensuring that new development is located where everyone can access services or facilities on foot, bicycle or public transport rather than having to rely on access by car. The key matter in applying the NPPF relates to directing development to sustainable locations. Furthermore, the NPPF states that where a Local Planning Authority cannot demonstrate a 5 year housing land supply, that housing policies should not be considered to be up to date.
90. With regards to the 5 year housing land supply issue, the Council's Spatial Policy Team considers that it can demonstrate an adequate supply, as required by the NPPF. The applicant has disputed this by means of a submitted report, however there are a number of points within this report that Officers disagree with or consider to be factually incorrect. Accordingly, it is considered that little weight can be attached to the assertion that a 5 year supply does not exist, and the Spatial Policy Team maintains that there is adequate supply across the County. However, given the silence of the SBLP with regards to the delivery of housing in any event, the engagement or otherwise of paragraph 49 of the NPPF is not considered to be a significant factor in the consideration of this proposal.
91. On a local level, there are no housing allocations in the Spennymoor area proposed in the emerging County Durham Plan (CDP) with commitments being identified at Electrolux (425 units), and the former Greyhound Stadium (100 units). There is a current application for 46 units on a site at South View, Middlestone Moor, which has received a resolution to approve subject to the completion of a Section 106 agreement. Furthermore, there are a significant number of extant planning

permissions for residential development including sites at Whitworth (circa 500 units), Thorns (361 units) at Merrington Lane, DurhamGate (circa 300 units), Watson Court (circa 100 units), and Hartwell (120 units). These total approximately 1,800 dwellings, which, if all delivered would significantly boost the supply of housing in accordance with paragraph 47 of the NPPF and would deliver the housing strategy over the period of the CDP as well as ensuring choice and competition in the market.

92. During the formulation of the Strategic Housing Land Availability Assessment (SHLAA), the development industry itself, in the form of the Home Builders Federation has identified that there is market demand for circa 100 – 120 units per annum in the Spennymoor market area. On the basis of the commitments identified above, this equates, at a local level, to approximately 16 – 20 years supply of housing land.
93. It is considered that the provision of additional sites does not necessarily mean greater output, as market demand within the Spennymoor area remains constant. Instead, the delivery of this proposed site would only serve to further dilute the market, leading to slower build-out rates across various sites already under construction. Some sites with extant permissions are not yet in the control of a housebuilder, and on others the delivery rate is already slow, which is a reflection of the market. Several of these sites are on brownfield sites and represent regeneration initiatives – most notably DurhamGate, Electrolux and Thorns.
94. This is a matter that is considered to be at the heart of assessing the proposed development in light of the planning balance test contained within paragraph 14 of the NPPF, which states that where the development plan is silent, that permission should be granted unless any adverse impacts would significantly and demonstrably outweigh the benefits of the proposed development, when assessed against advice contained within the NPPF. Paragraph 17 of the NPPF sets out a number of core planning principles, amongst them the effective use of previously developed land and that planning should be genuinely plan-led.
95. The interpretation of paragraph 14 has proved to be challenging for decision makers since the publication of the NPPF in 2012, with the main issue being whether an assessment of the sustainability credentials of a proposed development should be carried out before the planning balance is assessed. Recent case law from *Dartford Borough Council v Secretary of State for Communities and Local Government* [2014] states that such an approach is incorrect and that the assessment of the planning balance of benefits and impacts should form part of the intrinsic assessment of the sustainability of a proposed development, and not be carried out as a precursor exercise.
96. To this end, the applicants have submitted a document outlining in their view, the planning balance and concluding that the proposed development is sustainable and would deliver a significant amount of benefits. Officers have considered this document in detail, and whilst agreeing with some of the benefits identified, find others to be of lesser weight, others to be of debatable benefit and that some issues that Officers identify as negative factors have not been identified at all.
97. In terms of the sustainability credentials of the proposed development, it considered to perform to an average degree with regards to the three constituent aspects, namely economic, social and environmentally determinants.
98. In economic terms, the proposal would deliver 123 construction jobs per annum over the construction period, as well as training opportunities. Occupiers of the development are estimated by the applicant to generate annual household

expenditure of £1.5 million within Spennymoor, and £2.8 million in County Durham as a whole, and an additional 300 households would help in supporting local business and services.

99. With regards to social factors, the development would deliver homes to meet the general aspiration of housing delivery within the NPPF, as well as providing a 10% affordable lifetime housing provision, equating to 30 dwellings. The proposal would also include the provision of public open space.
100. Locationally, the site is considered to perform adequately, with access to bus services and within walking distance of a variety of local services, meaning journeys can be made by a variety of means. Environmentally, the development would constitute development of a greenfield site, and the loss of agricultural land, although mitigating landscaping would be provided, which could potentially provide biodiversity habitat also.
101. However, many of the positives which have been identified by the applicant are considered by officers to only be mitigation measures, and do not in themselves, represent an improvement over the current situation. For example, the provision of open space would be to meet a demand created by the occupiers of the development. Similarly, the provision of landscaping would be in order to mitigate the impact of the development upon the wider landscape. Contributions secured for educational purposes would be required only to provide facilities for pupils generated by the development in order to allow the local primary school to continue to operate acceptably following an increase in demand.
102. The development would provide housing, and it is accepted that the applicants do have a good track record for delivering sites once permission has been secured, however, as discussed elsewhere in this report this in itself would not necessarily be considered to be a significant benefit. The provision of affordable housing is welcomed and is without doubt a benefit to the scheme, as are the economic benefits that the scheme would bring.
103. These benefits should however be weighed against any “significant adverse impacts” of the development. Of these, the impact of this development upon the delivery of brownfield sites within Spennymoor with extant permissions is of primary concern, particularly with the development of brownfield sites forming one of the twelve core planning principles identified within paragraph 17 of the NPPF. It is accepted that an excess of permissions in a particular area might not amount to harm in itself, however where it leads to market suppression to the likely detriment of the delivery of existing commitments on brownfield land elsewhere in Spennymoor, then it is considered that significant harm can be demonstrated in this case.
104. Consequently, although the development may be considered to be sustainable in many aspects, these sustainability credentials do not necessarily, in themselves constitute benefits and are not considered to outweigh the identified adverse impacts. Therefore it is considered that there is no presumption in favour of the development in this case, having regards to the provisions of paragraph 14 of the NPPF.
105. It is also considered important to address how much weight can be attributed to the emerging CDP at this stage. Paragraph 216 of the NPPF sets out in detail the weight which can be afforded to relevant policies in emerging plans. Essentially, the more advanced the plan is in its preparation, the greater the weight that may be given. Allied to this, the fewer and less significant the objections to the plan, the greater the

weight that may be given. The CDP is considered to be at an advanced stage as it is currently being publicly examined.

106. Of relevance to this proposal are Policies 15 and 35. However, both policies have unresolved objections which have been debated at the Examination in Public, and consequently only limited weight can be applied to them at this time. This is consistent with recent appeal decisions which have attributed limited weight to emerging Plans in recognition that they could be subject to further amendments. Therefore, whilst some weight can be attached to these Policies, they should not alone be a decisive factor in assessing this application.
107. Policy 15 of the CDP makes provision for development on unallocated sites within built up areas. The CDP provides a definition of a built up area as being land contained within the main body of existing built development of a settlement identified in the Settlement Study. Land on the edge of a settlement can be considered to be part of the built up area where it is physically very well contained by existing built development and its development would not result in coalescence with neighbouring settlements or encroachment into the countryside such that it would cause significant adverse landscape or townscape impact.
108. Given the location of the development site at the edge of the settlement, on land that is only partially contained by existing built development, and where it would not consolidate the existing built form, the site is considered to not form part of the built up area, and the development would instead form an extension of the settlement into the countryside. Consequently, the proposal cannot draw support from Policy 15.
109. As it is considered that the site falls outside of a built up area and therefore is situated within open countryside, it is appropriate to assess the proposal against the provisions of Policy 35.
110. Policy 35 makes provision for development in the countryside where it is in accordance with a proposed allocation, is necessary for rural business purposes, would support local services, enhances environmental or tourism assets or involves the reuse of heritage assets or existing redundant buildings. It is considered that the proposal fails to meet any of these criteria, and consequently is considered to be contrary to this policy.
111. Whilst it is accepted that the CDP should not alone be a factor of decisive weight, it is noted that the SBLP is largely silent on the matter of the principle of this proposed development and therefore carries no weight. With the proposal conflicting with the emerging CDP, there is reliance upon the NPPF to provide justification for this development.
112. As discussed earlier in this report, the presumption in favour of sustainable development contained within Paragraph 49 of the NPPF has not been triggered and an assessment of the site and the proposal in accordance with Paragraph 14 of the NPPF leads to the conclusion that there would be significant and demonstrable adverse impacts in approving the proposal, which outweigh any identified benefits, resulting in no support from the NPPF. Therefore, it is considered that the proposal is unacceptable in principle and contrary to the NPPF and Policies 15 and 35 of the CDP.

#### Access, Traffic and Highway Safety

113. A Transport Assessment (TA) and Travel Plan have been submitted in support of the proposals due to the potential amount of traffic generated by the proposed

development. In assessing such impacts, paragraph 32 of the NPPF states that development should only be refused on transport grounds where the residual cumulative impacts of development are severe. The comprehensive TA submitted with the application has been considered in detail by the Highway Authority. The assessment sets out that the existing local and strategic highway network should be able to accommodate traffic from the development satisfactorily.

114. The Highway Authority largely agrees with the findings of the TA. It is noted that local junctions in Spennymoor and access to the site will operate within design capacity; however a number of junctions would operate above capacity. Of these, it is accepted that no mitigation would be required at A688 Green Lane, A688/Bonemill Lane, A688/A689/B6282 and Thinford Roundabout. However, it is likely that mitigation will be required at A688/A689 Durham Road, although this mitigation is already proposed for the previously approved Auckland Park and Fieldon Bridge developments. However, it should nevertheless be modelled.
115. Whilst it is unfortunate that the required modelling has not been carried out at this time, the Highways Authority accept that it is likely that with adequate mitigation that any residual impacts upon the highway network would not be severe, and that planning permission could not be withheld on this basis. If the application were considered to be otherwise acceptable, a suitable condition could be attached securing additional modelling and junction mitigation.
116. The proposal would require the moving of a bus stop on Durham Road to outside of The Binchester Public House. The Highways Authority note that the bus shelter itself is owned and maintained by Spennymoor Town Council, and any movement of it would have to be agreed with them, however in terms of the provision of a new bus layby, the proposed location of this is considered to be acceptable and would not represent an unreasonable inconvenience to existing or future local residents.
117. Other matters relating to layout and parking provision are reserved for future consideration. The position and specification of the proposed accesses are considered to be acceptable.
118. With regards to these matters therefore, the application is considered to be in accordance with Policies D5 and D8 of the SBLP.

#### Landscape and Visual Impact

119. Part 11 of the NPPF seeks to protect and enhance valued landscapes, whilst SBLP Policy E1 requires that landscape features, such as hedgerows, woods, streams, and buildings fit into the landscape scheme for any development, whilst Policy D1 seeks satisfactory landscaping to be incorporated in the design and layout of the site. This Policy is considered to be consistent with the NPPF and that significant weight can be attached to it. Although only limited weight can only be afforded to Policy 35 of the emerging CDP at the present time, it seeks to protect the countryside from inappropriate development and Policy 39 states that development will only be permitted where it does not cause significant harm to the character, quality or distinctiveness of the landscape.
120. Whilst the site does not benefit from any specific landscape designation or specific protection, it is a large, open site with few vertical elements, which is considered to currently contribute to the setting of Middlestone Moor and the wider Spennymoor area. The application is accompanied by a comprehensive Landscape and Visual Impact Assessment.

121. The Council's Landscape Officer has commented that the site is prominent from Durham Road and Footpath No. 13 (Spennymoor), which border the site to the south and east, and that this visibility is largely due to a lack of hedgerows. It is noted that the site is not visible from north of Bishop's Close Farm, nor the Auckland Way Public Right of Way, nor from Bishop's Close Wood due to the fall in contours. It is further considered that the proposed development will have a significant adverse residual impact.
122. It is possible, in certain circumstances that landscape and visual impact can be adequately mitigated by the use of structural landscaping and in this case it is considered that with appropriate phasing, that a structural landscaping scheme could mitigate any impact to an acceptable degree. However, with the application only being in outline form, such details are reserved for future consideration.
123. Given that it would appear that a suitable landscaping mitigation scheme could be implemented to acceptably offset any wider landscape impact of the development of this site that the proposed development is in accordance with part 11 of the NPPF, Policies E1 and E15 of the SBLP and Policies 35 and 39 of the CDP.

### Affordable Housing

124. In order to widen the choice of high quality homes and widen opportunities for home ownership, paragraph 50 of the NPPF encourages the provision of affordable housing based on evidenced need. The County Durham Strategic Housing Market Assessment (SHMA) update report was completed in July 2013 and supplies the evidence base for 10% affordable housing across the Southern Delivery Area in which the site falls. The requirement reflects an up to date needs assessment and identifies a significant requirement of approximately 154 net affordable units per annum throughout the Southern Delivery Area up to 2016/17. This shortfall is greatest for one/two bedroom properties (65 net per annum), three bedroom properties (61 per annum) and older person accommodation (28 net per annum). On the basis of the SHMA evidence base, Policy 31 of the emerging plan identifies housing schemes of 15 dwellings or 0.5 ha or more, where such an affordable housing provision should apply and that 10% of housing should be appropriate for older people.
125. In this particular case, the application proposes that on the basis of 300 dwellings being constructed, 10% would be affordable or 30 units overall. The proposal would assist in the delivery of a wide choice of homes based on current and future demographics as set out at paragraph 50 of the NPPF. It would also form a benefit of the proposal as outlined elsewhere in the report.
126. As the application is made in outline at this stage, only limited details as to the form that the affordable housing would take are available, and it is noted that the submission indicates that any provision would be subject to viability. At the present time, no evidence has been provided to suggest that the development would become unviable if a 10% affordable housing provision was provided. Accordingly, it is expected that the full 10% provision would be delivered and this could be secured by means of a Section 106 Legal Agreement. Such an agreement would be in accordance with Policy D8 of the SBLP.

### Residential Amenity

127. At present only limited, indicative details are available with regards to layout and design, with the application being in outline form only. However, it is considered that in principle, residential development could be accommodated on the site without

unreasonably impacting upon the level of residential amenity currently enjoyed by residents of properties in close proximity to the site. Certainly, the houses would be visible, particularly to occupiers of Grayson Road, Durham Road and the Taylor Wimpey site currently under development to the east, however adequate separation distances could be achieved, by means of a considerate layout.

128. Some residents have raised concerns over the potential for the proposed public open space to attract groups of youths. There is always a possibility that this might occur, indeed areas of public open space within residential development are designed for public recreation. As no layout is currently available for detailed consideration it is difficult to consider this matter in detail, however at a future stage officers would seek a layout which fully utilised good design principles and designs out crime in accordance with Durham Constabulary advice and SBLP Policies D1, D2, D5, D6, L1 and L2.
129. The potential for increased usage of Footpath No.13, which currently runs along the route of the track serving Bishop's Close Farm is noted, and it is understood that the particular concerns raised relate to the number of children that would be using the path to access the proposed play area at the north eastern corner of the site, and potential conflict with farm vehicles and HGVs using the track. Whilst it is noted that the track is a Public Right of Way and will therefore always be liable to be used by pedestrians, the final position of the play area is not to be agreed as part of this application. It may be the case that a more suitable location could be found elsewhere within the site during the formulation of the final layout. Equally, the concern raised about the play area's proximity to the proposed SUDS pond is also noted, and whilst any SUDS pond would incorporate safety measures, a future examination of the location of play area may be an appropriate course of action.
130. With regards to light pollution, this is a matter which could only be considered in detail at reserved matters stage, once street lighting details are known, however it is considered unlikely that this would be a fundamental issue.
131. Were the application to be approved, conditions relating to working hours during construction could be attached in order to minimise potential disruption.

#### Ecology and Nature Conservation

132. A full ecological appraisal of the development site and surroundings has been submitted and the report concludes that the proposed development will be unlikely to have a negative impact upon the protected species.
133. Ecology officers accept the submitted survey results and identify that there are a number of trees within the site that present a moderate possibility of being utilised by bats. Although no layout has yet been formulated, it would appear that the development could be accommodated without the need to lose these trees and their retention could be conditioned, if considered to be appropriate.
134. The submitted Design and Access Statement also identifies that landscaping buffers would be provided, along with areas of semi-natural greenspace, wetlands, grassland and trees and scrub. These are welcomed, subject to details being provided at reserved matters stage in order to ensure suitability.
135. With regards to the above, it is considered that the development could be satisfactorily accommodated on the site without unreasonable impact upon biodiversity or protected species, subject to appropriate mitigation and timing of works, and is therefore in accordance with paragraphs 109 and 118 of the NPPF.

## Heritage Assets and Archaeology

136. No designated or known non-designated heritage assets are in close proximity to the site and therefore it is considered unlikely that there would be any significant impact upon such assets, in accordance with paragraph 135 of the NPPF.
137. However, paragraph 128 of the NPPF states that where a site includes or has the potential to include heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.
138. In this instance, an archaeological desk based assessment has been submitted, along with the results of a geophysical survey of the site. The desk based assessment identified that the site had at one time been known as “dead man’s field” and could possibly contain a mass grave. Consequently, a geophysical survey of the site was undertaken which returned no significant anomalies that might indicate that a mass grave exists on the site. It did however highlight a number of smaller anomalies that would warrant further investigation.
139. In light of this, the County Archaeologist is satisfied with the work submitted with the application and raises no objection to the proposed development. It is however recommended that further investigative works are secured prior to permission for reserved matters being granted. This could be secured by a suitable condition, if the development was considered to be otherwise acceptable.
140. It is therefore considered that the proposal is in accordance with paragraph 128 of the NPPF, in this regard.

## Public Rights of Way

141. Footpath No. 13 (Spennymoor) bounds the site to the east and runs north towards Bishop’s Close Farm to the north and then on towards the Auckland Way. The Footpath does not form part of the application site, nor would be affected by the development proposal in terms of its usability. The indicative layout does indicate some connectivity with this Public Right of Way from within the site, however this layout is only indicative and this matter can be considered further at a future stage.
142. Aspirationally, the Public Rights of Way Section has raised the desirability of connecting the development to the Auckland Way by means of access over land to the north of the development site. Although this matter has been raised with the applicant, no amended plans have been forthcoming on this matter, however it is accepted that this should not be a matter on which the acceptability of the development should principally turn and would be considered not to put the proposed development into conflict with Policies D1, D2, D3 or L9 of the SBLP, which seek to provide satisfactory and safe provision for pedestrians.

## Flooding and Drainage

143. The application site lies within Flood Zone 1 where residential development is considered appropriate. The main consideration is therefore the prevention of flooding by ensuring the satisfactory storage of/disposal of surface water from the site. The submitted Flood Risk Assessment’s findings and recommendations, as well as surface and foul water drainage proposals, are accepted by Northumbrian Water and the Environment Agency. This is subject to appropriate planning conditions



which restrict the amount and location of foul and surface water discharge, and securing of a detailed drainage scheme.

144. At present the site has no active drainage and instead relies upon natural geology. The proposed development would incorporate positive drainage measures, potentially in the form of a Sustainable Urban Drainage System (SUDS). As a result, water falling on the site would be controlled and directed, as opposed to simply running off the fields, as is the existing case. Consequently, there are considered to not be outstanding concerns with regards to this matter.
145. Northumbrian Water has raised no objection to the proposal in relation to foul drainage, but has noted that the existing sewage treatment works are currently operating at capacity. However, with plans to upgrade the treatment works being in place for 2016, it is considered that subject to a condition restricting occupancy until these works have been carried out, that the development would be acceptable in this regards.
146. The objectives of Part 10 of the NPPF are therefore considered to have been met.

#### Coal Mining Legacy

147. A coal mining risk assessment has been submitted with the application and identifies that the site may be at risk from coal mining legacy issues. The Coal Authority has assessed the submitted report and agree with its findings. It is considered that the recommended mitigation works by means of ground investigation and subsequent remediation works if found to be necessary, can be secured by means of a condition, if the application is considered to be otherwise acceptable.

#### Other Issues

148. The Council's School Organisation Manager has indicated that the development would be likely to generate 75 additional primary school pupils. At present, Middlestone Moor Primary School has a capacity for . Therefore, additional capacity would be required to accommodate all of the pupils generated by this development. On the basis that 55 of 75 pupils could not be provided with a place at the school at present and on the basis of a contribution of £9130 per pupil, a contribution of £502,150 would be required and could be secured by means of a Section 106 Legal Agreement. It is considered that the basis for requiring such a contribution is established in Policy D8 of the SBLP, that seeks to ensure that developers meet the servicing requirements of housing developments and contribute towards the offsetting of the costs imposed by the development upon the local community.
149. The applicants have sought to counter this calculation and provided a report which analyses school capacity in the local area. The report identifies surplus places at a variety of schools. The School Organisation Manager has considered the content of the report and highlights the practicality of pupils from the development attending some of the identified schools, which are in some cases almost 2 miles from the site and located in a separate village. The local authority seeks to provide a place for pupils at their local school wherever possible. Furthermore, the report takes no account for variations in numbers within years groups.
150. Accordingly, the School Organisation Manager maintains the requirement for £502,150 in this instance, if the application is found to be otherwise acceptable.
151. Policy D9 of the SBLP makes provision for the inclusion of public art within development schemes. Although the applicant has not made reference to such

provision within the submission, it is considered that this can be secured by condition and given further consideration in the formulation of the overall layout of the development, in accordance with Policy D9.

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## CONCLUSION

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152. Although some benefits to the scheme have been identified; notably increased economic activity and provision of affordable housing, it is considered that these do not extend so far as to outweigh the adverse impacts that the development would have with regards to the delivery of other brownfield sites with planning permissions for residential development, within the Spennymoor. Paragraph 17 of the NPPF identifies the use of brownfield sites as one of the twelve key core planning principles. In light of this significant and demonstrable adverse impact, it is considered that the proposed development draws no support from Paragraph 14 of the NPPF, and whilst in many respects the site could be considered sustainable, there is no presumption in favour of this proposal, where such identifiable adverse impacts exists.
153. Furthermore, and carrying lesser weight, there is also considered to be conflict with the proposed development and Policies 15 and 35 of the emerging County Durham Plan, whereby the site would be considered to be outside of the existing built up area and constitute development in the countryside which would not meet any of the justification criteria identified within these policies.
154. The development is however, considered to be acceptable in a number of other aspects, although it should be noted that many matters have been reserved for later consideration. Nevertheless, issues of drainage, flood risk and ecology have been considered, and, in principle are found to be acceptable.
155. Careful and thorough consideration was given to the objections and concerns raised by local residents and these have been taken into account and addressed within the body of the report, with some matters of concern being addressed through the process of consideration. Many, although not all of the concerns raised have been substantiated and this is reflected in the conclusions reached on the proposal.
156. Notwithstanding the above, fundamental concerns relating to the principle of development, mean that the proposal is considered to be contrary to the provisions of the emerging County Durham Plan and the NPPF and therefore cannot be supported.

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## RECOMMENDATION

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That the application be **REFUSED** for the following reasons:

1. The Local Planning Authority considers that the delivery of the proposed development would, by means of market dilution, have an unacceptable adverse impact upon the delivery of other housing commitments on preferable brownfield sites elsewhere in the Spennymoor area, contrary to paragraphs 14 and 17 of the National Planning Policy Framework.
2. The Local Planning Authority considers that the proposed development would be located outside of the existing built up area and would represent development in the countryside with no justification, contrary to Policies 15 and 35 of the Submission Draft County Durham Local Plan.

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## **STATEMENT OF PROACTIVE ENGAGEMENT**

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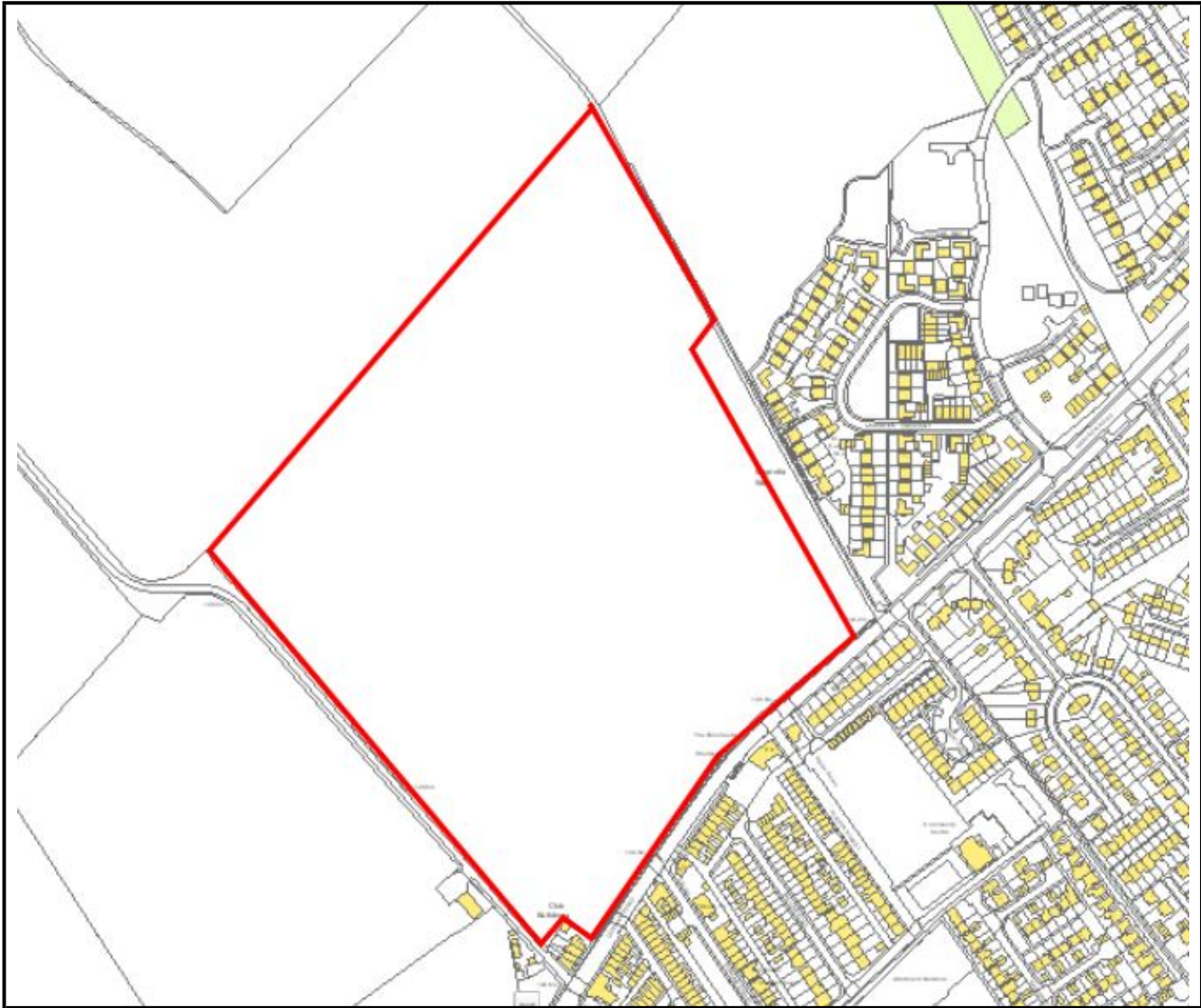
The Local Planning Authority in arriving at the decision to refuse the application has sought to work with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with the planning application. However, in this instance, fundamental matters of principle were unable to be addressed satisfactorily. *(Statement in accordance with Article 31(1)(CC) of the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012.)*

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## **BACKGROUND PAPERS**

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- Submitted application form, plans supporting documents and subsequent information provided by the applicant
- The National Planning Policy Framework (2012)
- National Planning Practice Guidance Notes
- Sedgefield Borough Local Plan 2007
- The County Durham Plan (Submission Draft)
- The County Durham Strategic Housing Land Assessment
- The County Durham Strategic Housing Market Assessment
- Statutory, internal and public consultation responses



**Planning Services**

Outline application for up to 300 dwellings, including site access, public open space, landscaping and associated infrastructure works at Land to the North of Durham Road, Middlestone Moor, Spennymoor  
DM/14/02556/OUT

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**Comments**

**Date** 19<sup>th</sup> November 2014

**Scale** NTS