

DURHAM COUNTY COUNCIL

At a Meeting of **County Planning Committee** held in Council Chamber, County Hall, Durham on **Tuesday 7 December 2021 at 9.30 am**

Present:

Councillor G Richardson (Chair)

Members of the Committee:

Councillors D Boyes, C Hunt, P Jopling, C Martin, B Kellett, P Molloy, A Simpson and S Zair

1 Apologies for Absence

Apologies for absence were received from Councillors A Bell, J Higgins, C Marshall, M McKeon, B Moist, I Roberts, K Shaw and S Wilson.

2 Substitute Members

Councillor B Kellett as substitute Member for Councillor I Roberts.

3 Declarations of Interest

There were no declarations of interest.

4 Minutes of the meetings held on 7 September and 19 October 2021

The minutes of the meetings held on 7 September and 19 October 2021 were confirmed as a correct record and signed by the Chair.

5 Applications to be determined

a DM/21/01500/WAS - Land north of Hitachi Rail Europe Ltd, Millennium Way, Aycliffe Business Park, DL5 6UG

The Committee considered a report of the Principal Planning Officer regarding an application for the construction and operation of a high temperature thermal treatment facility for clinical and hazardous wastes on land north of Hitachi Rail Europe Ltd, Millennium Way, Aycliffe Business Park (for copy see file of Minutes).

The Chair informed the Committee that the two local Members, a representative from Great Aycliffe Town Council and eleven others had registered to speak in objection to the application and one had registered to speak in support of the application. As such he had exercised his Chair's discretion and would allow each objector up to two and a half minutes to speak and the supporter of the application would be afforded up to twenty-eight minutes to speak.

C Teasdale, Principal Planning Officer provided a detailed presentation which included a site location plan, aerial photograph of the site and site photographs.

Christine Walton of Great Aycliffe Town Council addressed the Committee to object to the application.

Since the application was submitted April, the Town Council and ELG Planning Consultants had been reviewing and digesting the information that was originally submitted, along with the additional documents that had been submitted throughout the process. This had been quite an undertaking, however the Town Council knew it was important to understand the planning implications as best it could and ensure that all matters were fully considered in making representations.

A detailed letter of objection was submitted by the Town Council in September raising significant and justified concerns with the proposed development and conflict with the recently adopted Local Plan. The letter made reference to hundreds of comments by members of the local community, including residents, businesses and nearby community uses. It was telling that these were not simply proformas, but individual letters of concern. The local community was overwhelmingly against the proposal.

These concerns remained and Ms Walton summarised them, having regard to the three main objectives of the planning system, namely economic, social and environmental.

Referring to the economic objective, Durham County Council had very recently adopted their new Local Plan, which was prepared over a significant period of time. Now it had been adopted, the aim was for it to provide a degree of certainty to the residents and businesses in Durham as to the location, type and scale of future growth.

As identified in the original consultation response from the Council's Spatial Policy Team, the site and surrounding area was allocated for B1, B2 and B8 uses under strategic Policy 2. The purpose of Policy 2 was to provide opportunities for sustainable economic growth, with Merchant Park

specifically highlighted in the supporting text as being able to deliver further growth and investment within the sector and wider benefits to Newton Aycliffe and County Durham as a whole.

This positive outlook for the Merchant Park site reflected the evidence base that was prepared by the Council to inform the new Local Plan, which identified Merchant Park as the highest scoring site out of a total of 84 sites in the entire County. With a high score, of 29 out of 30, recognising the site's close proximity to existing employment, an available workforce and complementary services and facilities. This development may not help that.

As confirmed in the submitted planning application form and Committee report, the development proposed would provide a total of just 27 jobs, many of which would be specialist, compared with a site area of 2 hectares and a total floor space of 5793 square metres. This broke down to just 1 job per 215 square metres of floorspace on land that was the highest ranking employment site in the entire county. To put this into context, a typical B1 employment use would generate approximately 579 jobs over the same floorspace. This proposal was simply not an efficient use of high quality employment land.

Therefore in terms of the planning system's economic objective, any benefit was very limited and certainly did not meet the aim of the recently adopted Local Plan, which was to deliver further growth and investment and wider benefits to Newton Aycliffe. On the contrary, this development would remove the opportunity to deliver high quality employment opportunities which Durham had tried hard to deliver in the past in this area.

Referring to the social objective, a key aim of the planning system was to provide strong, vibrant and healthy communities, by fostering a well-designed and safe built environment that supported communities' health, social and cultural well-being. This was reflected at a local level in Policy 31, which resisted development where it would result in an unacceptable impact on health and living, or working conditions.

The amount of letters of objection demonstrated that the local community was of the strong opinion, as was the Town Council, that the proposed development would result in significant harm and not make any form of positive contribution to the local community. The Town Council had reviewed the submitted documents and not been able to identify any real benefits to the local community. Even if any could be identified, these would have to be very significant to outweigh the local harm identified and remember only 27 jobs were being created after construction.

Overall, the planning system's social objective was not fulfilled by the development. On the contrary, the weight of local objection raised

demonstrated the long term harm that would be caused to the local community, which was significant in size, and that would have to continue with their day to day lives alongside the ongoing operation of the high temperature incinerator.

Referring to the environment objective was the impact of the proposed development on the environment, most notably air pollution. Whilst reference had been made about elements of the proposed operation being controlled through an Environment Agency Permit regime, the environmental impacts of the development remained absolutely relevant to this planning decision, with planning concerning itself with the management of land uses and the associated impacts of development.

There had been hundreds of concerns raised by residents by the introduction of the incinerator within such close proximity of housing, businesses and community facilities. To have the proposed use in close proximity to where you live or work would not be welcomed. Concerns had been raised in respect of there being very limited research on the long term health impacts of the pollutants generated by the development, leaving a very real risk and health concern for a large number of people.

There was also concern that a significant part of the applicant's justification was the incineration being the only available option as opposed to recycling or alternative treatment options. The waste that needed to be incinerated could come from as far as Scotland although this had been denied. Again, this was not meeting a local need nor improving local living standards. In a location where life expectancy levels were already well below the national average, everything should be done to improve living standards, not harm them.

Overall the development delivered very little in terms of benefits to the local community. In contrast, the proposal would adversely impact on the economic objectives of the plan; the social objectives of the plan; and the environmental objectives of the plan.

The conditions placed on the proposal read as if this is an outline application where many elements could still be changed. Why lose such a valuable employment site and introduce such significant adverse impacts on the local community for no local benefit?

Ms Walton considered that the planning balance was clear, and the application should be refused

Councillor Neville Jones, local Member addressed the Committee to object to the application.

Councillor Jones informed the Committee it was obvious from the list of objectors that there was considerable opposition to the application, not surprisingly with Aycliffe Village lying a short distance to the west, Heighington Village lying to the east and the Chestnuts housing estate and various small farmsteads also very close by.

The plant planned to dispose of medical and hazardous waste by incineration with large HGV's delivering between 6am and 10pm. However, once the business was up and running Councillor Jones expressed concern that there would be a further application to increase the volume of trucks arriving and the original 15 or 20 trucks a days would soon double or even triple. This would add to the constant hum of the plant working as well as light pollution from lit bays, vehicle headlights and there would be actual pollution from vehicle exhaust emissions as well as the unsightly 30m chimney which would be visible for miles around.

Councillor Jones also registered his opposition to the development on the basis that it undermined Policy 60 of the County Durham Plan through directly undermining the strategic goal of waste reduction at source and recycling, it failed to comply with the Climate Act 2008 and the National Planning Policy Framework by increasing direct carbon emissions into the atmosphere, temperature transitions during operation may create plumes of pollutants that would impact on people and wildlife down-wind and the development would create a direct impact on the habitat of a species protected by the Wildlife and Countryside Act, 1981.

County Durham and the north east region was currently giving consideration to multiple incinerators which collectively represented a considerable increase to the incineration capacity of the region. These would all be commercial facilities that would increase competition within the regional and national market for the incineration of waste, so driving down the cost of waste incineration. This came at a time when there was a need to increase levels of reuse and recycling with the purpose of reducing residual waste and promoting recycling. The strategic objective of waste reduction and recycling was directly undermined by developments such as this which made treatment of waste by incineration a cheaper option and as such would be in contradiction to Policy 60 of the County Durham Plan.

The National Planning Policy Framework set out a positive approach to secure radical reductions in greenhouse gas emissions. It was made clear that decisions should be taken in line with the 2008 Climate Change Act, where the intention was to reduce carbon dioxide emissions by 34% by 2020 and 80% by 2050.

This application was contrary to the NPPF requirement, as the facility would incinerate the waste, the bulk of which would be converted directly into CO₂ thus contributing to carbon emissions at a time when these needed to be reduced to tackle the world's climate crisis.

High temperature incineration was an effective means of reducing pollutants from flue gasses, but Councillor Jones concern was that the facility may not always run at high temperature, as it would periodically need to be switched on and off. During the cooling and heating periods plumes of pollutants could be blown downwind and might include particulate matter, metals, acid gases, oxides of nitrogen, carbon monoxide, as well as organics and various other materials present in medical wastes, such as pathogens, cytotoxins, and radioactive diagnostic materials.

The County Durham Plan did not forecast a need for any hazardous or clinical waste incineration capacity within the Plan period. Indeed, the opposite was the case as it was now forecasting a surplus of clinical waste transfer capacity over the Plan period.

Councillor Jones then asked the Committee to consider what was being offered to local residents as a result of the proposed development. The proposed plant was offering only 27 new jobs which was a paltry return for the massive loss of amenity residents would suffer and the possible health risks if the scientists had got their calculations wrong.

Councillor Atkinson, local Member, addressed the Committee to object to the application.

The site description in the Committee report gave the site proximity to residential habitation between 840 metres to Heighington and 1 km to Newton Aycliffe. The distances were important but what was more important which was not mentioned was the workers in the factories within that range and the 30,000 plus people living just beyond.

The report mentioned the 10,500 metric tonnes of waste to be burned every year. It also mentioned that the proposed facility would produce 2,000 tonnes of ash per annum. Councillor Atkinson presumed, therefore, that the flue gases after treatment in the afterburner, would emit the other 8,500 tonnes as exhaust through the 100 foot flue into the atmosphere to join with the clouds, mix with water droplets and pepper spray the thousands of residents with whatever cocktail remained, not to mention hydrate the flora and fauna in the environment with whatever atomic mix it cooled in to.

Councillor Atkinson asked what exactly the proposed plant would be burning. The report referred to clinical waste produced by the industrial and healthcare sector. The industrial point was important, as this could be

absolutely anything. The report also stated that the proposed plant would take liquid waste that required treatment and inject it into the heat treatment process and Councillor Atkinson asked whether this would be before, or if, there was a check to find out whether it was blood, urine samples, beer or water. He asked why use the word liquid rather than being specific. It was words like this, along with spurious planning notifications, that conjured up suspicion within the public.

The report outlined the so-called benefits of the proposal, with the benefit of the creation of 27 full time jobs. However, the report also mentioned that Percy W Stephenson, a large kitchen company and employer within skipping distance of the proposed plant, objected to the application on the grounds it would destroy recruitment and employability prospects. Hitachi Rail, who were on the same site, had concerns that the submitted air quality model did not take into account the Hitachi Rail facility and the potential impact on the 600 plus employees within their site.

The Friends of the Darlington and Stockton Railway had expressed concerns that the application made no reference to Policy 45 of the County Durham Plan or to the Historic Environment Audit of 2016.

Great Aycliffe Town Council, with a full compliment of 30 Town Councillors, 5 of whom were also County Councillors, had objected saying that the development brought no discernible benefits to the community, failed to demonstrate a need and certainly not to a sufficient level to outweigh the significant adverse impacts and complaints.

Heighington Parish Council stated that residents of the nearby estate, The Chestnuts, despite being only 80 metres away, had not been consulted. They also brought into question the suitability and competence of the site operator saying Formax was a young, inexperienced company founded in 2019 with minimal experience in this field. The Parish Council also questioned the financial holdings of Fornax Finco from a statement of capital dated 16 June 2020 being GDP of £1 and added a question about the experience of the Fornax Environmental Director claiming no visible track record of this kind of business.

The report stated that all waste would be tracked through a dedicated tracking system and Councillor Atkinson questioned what this actually told us. He considered it told nothing at all and it was cleverly placed words such as these that invited people to answer their own questions when the applicant should be saying exactly what it did.

There were 286 objections to the application, together with a petition. This was a clear statement of discontent. Residents were concerned by the

questions which could not be answered, namely what was in the emissions and how safe they really were.

Time had its own way of diluting safe working practices with accidental quality errors and regulation oversight and these were the hidden dangers which were feared and risks residents were being asked to ignore.

There was no historical data provided that had measured and stated clearly that these unknowns would not be harmful over the lengthy period this plant would burn. Councillor Atkinson asked how many pregnant mothers, young children, disabled and elderly would be at risk.

Councillor Atkinson also asked what effect the particles would have in the soil once they landed and seeped in. What would be the damage to the biological chromosomes in food grown for sale at market and who would continuously check this? Pouring hazardous waste emissions into the air could only compound the threat faced from climate change.

Too often ordinary people were assured that things were safe when it was not certain and that they should not be concerned, when in fact they should.

The negatives in the residents concerns undoubtedly surmounted the implied benefits for this location. Councillor Atkinson asked that the Committee voted against the recommendation to approve the application.

Councillor Ken Robson, Member for an adjacent ward addressed the Committee to object to the application. There had been a lot of technical detail put into the application, much of which had been dissected by various people who were in attendance to object to the application.

Councillor Robson informed the Committee that he did not want this proposed plant in his back yard. Councillor Robson represented people in Newton Aycliffe and in County Durham and did charity work in the area and not a single person had expressed support for the proposed development. Nobody wanted it for the people of Newton Aycliffe, nor for their families and children. There was nothing in the application that gave the impression the proposed incinerator would be a safe unit, from the management to the financial aspects of it. There were many questions which were left unanswered. Councillor Robson asked why the location had been chosen in the middle of several prominent settlements such as Heighington, Aycliffe Village, Redworth, Shildon, School Aycliffe, Newton Aycliffe, Darlington, Rushyford and Chilton and why not on the coast or in the dales where wind dispersal would break down the emissions.

Nobody in Newton Aycliffe was in favour of the proposed plant, moreover some businesses had shown concern and it may discourage other businesses locating to the area.

The County Council was looking to invest in schools, public walkways and cycle paths to promote healthy living. There were major concerns from local people for the local environment and ecology. It was presumed the height of the emissions stack was an indicator that the focus of the plant was to distribute any waste into the upper skyline to carry away particles from the site. Presumably weather conditions would also determine where the particles would fall to the ground or be inhaled by local residents. It had recently been revealed that Durham County Council was in collaborative talks to build a £2bn incinerator on Teesside which may make this proposed plant unnecessary. Councillor Jones considered that a decision on this application should be refused until further details of talks on the Teesside plant were concluded.

Councillor Eddy Adam, Member for an adjacent ward, addressed the Committee to raise objections to the application in support of the many Newton Aycliffe residents and businesses who had raised real concerns about this application.

Councillor Adam asked I would ask the Committee to consider nearby sensitive receptors. He believed that there had been insufficient consultation or communication with the local community. Nearby residential housing estates "The Chestnuts" was only 840m away and School Aycliffe West Division residents, were just over 1000m away from the proposed development. Yet the Committee and Councillor Adam had received numerous messages and objections from residents who were unaware of this hazardous waste incinerator development site.

The variety of pollutants emitted from this site, had the potential to increase levels of toxins, poisons and increase CO₂ in the air, adversely impacting on these residents, this also included businesses and local educational establishments such as Hitachi, UTC South Durham and Little Cubs Day Nursery.

Councillor Adam referred the Committee to the National Planning Policy Framework. NPPF Part 14 related to meeting the challenge of climate change, the planning system should support the transition to a low carbon future in a changing climate, it should help to shape places in ways that contributed to radical reductions in greenhouse gas emissions. This facility did not radically reduce greenhouse gases but had the potential to significantly increase green-house gases and pollutants into the atmosphere through the process of burning waste and fossil fuels, therefore not meeting this requirement.

The submission made a number of assumptions on emission limits and values. Rather than rely on assumptions, it was important that facts on the plants emissions were provided and the indications were that incineration had an adverse impact on local environments and ecosystems.

A key assumption in the application was that the waste heat would save CO₂ emissions. Gas, a fossil fuel used in this process was not a move away from high carbon forms of heating and burning should be considering electrical heating. Therefore, by using a more carbon intensive form of energy to incinerate these materials would make it difficult for the County's CERP plan to meet Government targets and the County's on climate change.

In summary Councillor Adam was of the view that the proposed development offered more negatives than positives. It would fail to bring any substantial benefits to the local community, had failed to demonstrate the need for the development at this location and did not provide sufficient level of benefits to outweigh the significant adverse effects on the climate and air quality. Councillor Adam recommended that the Committee reject the application.

Councillor Michael Stead, Member for an adjacent ward addressed he Committee to object to the application.

Councillor Stead informed the Committee that it couldn't risk residents in the County losing the opportunity to get hundreds of new jobs and couldn't risk existing jobs either.

Aycliffe's Industrial Park provided jobs for ten thousand residents, many of whom were local residents. Thousands of staff worked at Hitachi, which was right next to the proposed site.

The land being proposed for development should be providing hundreds of jobs, however the incinerator would offer just 27. This would be a pathetic misuse of 2 hectares of prime employment land.

The application risked people's health, took away prime employment land and breached many of the policies in the County Durham Plan including Policy 2.

The County Plan was clear at paragraph 4 point 35 where it stated "This site will see large scale job creation with the Hitachi development having the potential to act as a catalyst for further growth and investment within the sector - and bring wider benefits to Newton Aycliffe and County Durham as a whole."

This application would take a fifth of the available land allocated for thousands of jobs and give just 27 in return. It would put at jeopardy the Hitachi site and future development.

The application also breached County Durham Plan Policy 86, which covered the location of new waste facilities. Policy 86 was very clear. That a new waste facility was not acceptable if it adversely impacted existing strategic employment sites. The policy stated that waste sites were not considered appropriate unless there were no unacceptable adverse impact on the site's specific use.

If the application was approved it would put at risk the industrial park, the jobs already there and the thousands of potential jobs this strategic site had been created for.

Councillor Stead asked the Committee to refuse the application using Policies 2 and 86 and any others considered appropriate. High quality jobs could be brought to this area instead of ruining it for generations to come with a dirty incinerator.

Penny Jackson, local resident, addressed the Committee to object to the application.

Ms Jackson had lived in Newton Aycliffe for 21 Years. Newton Aycliffe was one of Beveridge's 'New Towns', which were proposed to be 'the best of town and country' giving residents who had previously lived in mining communities and other industrial areas a chance to have a garden of their own and to live in a healthy pleasant environment.

Ms Jackson informed the Committee that her grandparents were some of the first residents of Aycliffe and after living in various places in the UK she returned to live there. Like many others she had invested in making a home for her family in an area where she thought they would have a good quality of life and feel safe.

Aycliffe residents had lived for years with the impact of their town Centre being owned and managed by a company based in another part of the country. Empty shops, high rents and a general disinterest in the community had been the legacy left to them.

This was one of many reasons why Ms Jackson was really worried about the Committee giving approval for an incinerator in the area. Giving responsibility for such a potentially dangerous building to a company which had dubious qualifications and motives and no ties to the local area would become a management problem for the Local Authority and the people of

Aycliffe at a time when public resources and services were already at breaking point.

Local businesses had invested in the area to provide employment in retail, manufacturing, and much needed amenities such as nurseries, conference facilities, colleges, restaurants, and leisure facilities. Because of these businesses, Aycliffe was finally beginning to improve in terms of services and employment. Sadly, many businesses had stated they would relocate if the incinerator was approved, as they were concerned about the health of their staff and customers.

In terms of risk, The Greater London Authority commissioned a study into the health impact of waste facilities and found that causal effects of congenital heart defects and genital abnormalities amongst babies born in the surrounding area of these plants could not be ruled out. Research into newer incinerators had also found that it may take several years before evidence could be gathered in relation to cancer, as the minimum induction period for solid tumours was 10 years.

In a social media group, residents had discussed the incinerator and the fact that they did not want it in Aycliffe. However, many people had said that they would not write to the planning department or come to the Committee to object because 'it was a done deal', and the Committee had already made up its mind. Ms Jackson asked that the Committee prove them wrong and show that Aycliffe mattered to Durham Council just as much as Durham City and other areas of the County.

Eileen Brewis, a resident of Heighington Village addressed the Committee to object to the application.

In their Waste Market Analysis, Fornax made no mention of the impact of recycling efforts under the national policy to move waste up the Waste Hierarchy. Ms Brewis argued that the consequences of recycling must be considered in any assessment of waste destined for incineration.

Evidence of the success of this policy could be seen in everyday life. Supermarket chains were now working to achieve reductions in waste.

Members of the Committee may have noticed widespread changes to packaging for example. In addition, they had collection bins for soft plastics which were not accepted by Local Authorities, for example bread and crisp packets, plastic bags, cling film.

It seemed that a tipping point or watershed was being reached, whereby re-use and recycling were considered the norm. In the same way that smoking

in public places, once regarded as perfectly acceptable, was now unthinkable, it seemed that the same pressure was coming to bear on waste.

The NHS was also committed to reducing waste. The Northumbria Healthcare Trust now recycled masks at hospitals in Northumberland and North Tyneside. They had installed a special machine, which melted the masks and other items down for use in new products. Thus, technologies were being developed now which would take waste away from incinerator plants.

The knock-on effect must be to render existing incinerator plants surplus to requirements. Fornax would say that none of that makes a difference to their application, because they would only incinerate materials which legally must be incinerated. The point is that there would be existing incinerators in the region whose feedstocks were reducing, and which would need to find waste from other sources. These existing plants would therefore have the capacity to take the waste destined for Fornax's plant by adapting their processes, if necessary.

In the light of the Spatial Policy Team's statement that there was a need for local incineration capacity which was not built into DCC's plan, Ms Brewis believed there was a very strong case for an urgent review of existing capacity and projections of waste, taking into account the drive to comply with the waste hierarchy. Fornax's application gave a one-sided analysis, crucially avoiding any assessment of the effects of recycling. The Spatial Policy Team considered that the proposed plant would not prejudice movement up the waste hierarchy. Taking a very narrow view, this might be correct. However, given that existing incinerator plants would need to seek other sources of waste to burn as quantities of waste plastics etc reduced, we may well end up in the same situation as Copenhagen where large quantities of recyclable materials were burned in order to keep incinerators fed. This would prejudice movement of waste up the hierarchy, contrary to Policy 60 of the Durham County Plan.

An appeal concerning an application for a new incinerator in Kent was rejected by the Secretary of State because the new plant would conflict with the National Planning Policy for Waste by putting at risk the achievement of revised recycling and composting targets in the Kent Minerals and Waste Local Plan. Ms Brewis asked Durham County Council to do the same.

Carl Robinson addressed the Committee to object to the application. Mr Robinson informed the Committee that he was an Aycliffe Village representative on Great Aycliffe Town Council.

Aycliffe Village lay in the path of the prevailing winds from the proposed incinerator. Aycliffe Village also had a primary school where children

representing the next generation were educated. This made Aycliffe Village a beautiful area but also high risk area for residents.

There had been 27 incidents in the last 20 years in the UK relating to escapes from waste facilities, more than one a year, which was one too many to those exposed to the escape.

At each of the planning application meetings relating to these waste incinerators the relevant councillors were advised to accept the application as the criteria complied with environments permitting regime and the facilities would not have escapes. The resultant escapes made it clear that promises were made by applicants but in reality they were lying. For example in 2002 a fully approved facility in North Shields, operated by Distillex where an estimated 200 litres of toxic methylene chloride fumes leaked from a distillation unit. Residents had to stay indoors and keep windows and doors closed until the gas dispersed out to sea.

This application must be rejected by the Committee as Mr Robinson was sure it did not want to be the authority that authorised a facility to be built and operated that had the possibility to cause catastrophic harm to local residents.

As elected representatives the Committee had a responsibility to the electorate to protect their health, safety and welfare and by approving this application it would be failing to protect the current and future generations of the 30.000 people who were residents of Newton Aycliffe, Heighington, School Aycliffe and Aycliffe Village. These residents were all in the possible fallout area of a toxic escape from the planned incinerator which had happened at 27 other facilities approved as compliant to the environments permitting regime.

David Storry addressed the Committee to object to the application. Mr Storry focussed his objection around the market needs for the proposed incinerator. There had been many figures produced by consultants to try and evidence there was sufficient waste to be dealt with but there was not.

The majority of the waste this plant would be targeting and on which the environmental argument was based was to do with the Northern Consortium which was the group of hospitals that were based in the north east and would generate the waste which in theory would be going to the proposed plant. Less than half the plant's capacity would be generated by the Northern Consortium which did not generate sufficient high temperature incineration waste to get anywhere close to filling the proposed plant. Therefore the waste had to come from other areas of the country to make the economic and operational viability of the plant work, which scuppered the environmental argument of trying to reduce waste miles.

The operators who collected waste would always prioritise taking the waste to their own facilities over a third-party commercial site. Mr Storry had 19 years' experience of working in the clinical waste business and was the commercial director and clinical lead for the Northern Consortium from 2007 until 2015. His figures were not based on assumptions or compliance reports, this was information he dealt with day in, day out. In the last 15 years the Northern Consortium had reduced the amount of waste that went for high temperature incineration by over 30% and Mr Storry could not see how the economic argument of the need for the proposed plant could be justified.

Mr Storry referred the Committee to the case of Eurocare, a company that collected clinical waste from the Northern Consortium. They were an operator that did not have credibility or any experience which resulted in pictures of clinical waste trailers dripping blood into the River Tyne based at Wallsend which the local authority had to deal with. The credibility and relevance of the people who would operate this plant had been massively overlooked.

John Longley addressed the Committee to object to the application. The planning application, starting with filling out the form through to tenuous claims about waste demand for the incinerator and how clean the air would still be during operation was misleading to say the least. For example on the planning application form, in reply to the question 'Will you be using and storing hazardous waste?' the response was no, whereas in fact the applicant would be storing at least 14 days waste all the time, in a storage area three times the size of the actual plant which would use hazardous waste as fuel to produce the energy for the heating system.

The applicant stated they would be providing this energy from waste to supply the adjacent businesses on the industrial estate, however no details of which businesses had agreed to buy this energy had been supplied nor were there any detailed plans for how this will be done, Fornax would not supply the information

The applicant stated there would be no impact on traffic through residential areas. However, the applicant had stated when questioned at a public meeting they have no control over the routes the third party contractors would take.

The applicant had stated the waste would come from a 50-mile radius of the plant whereas they were actively seeking business from Scotland, Humberside and South Yorkshire which was well outside the 50 miles radius. If there was such a demand in the north east then why go further afield?

The applicant had stated that the environment agency, who would police the facility and shut it down if it breached emission values, would be given access to their CEMS live data 24/7 whereas in fact the environment agency had not been asked, nor do they know anything about it, nor would they want 24/7 access as they considered it would be a cyber security risk.

The applicant stated that the environment agency had the power to shut the facility down for breaches of their permit. However, in Croydon for example, there had been twenty serious breaches in a fifteen-month period and no action had been taken against the operator.

All of the applicants claims about the application had been researched and proven wrong and when questions had been asked that were awkward or detrimental then the applicant did not answer them and relied on disingenuous statements.

In concluding, Mr Longley informed the Committee that in 2001 the United Nations Commission on Human Rights stated that everyone has the right to live in a world free from toxic pollution and environmental degradation. People of Newton Aycliffe demanded that right.

Hilda Longley addressed the Committee to object to the application.

Ms Longley informed the Committee that the thought of the incinerator being built at Newton Aycliffe was causing great stress.

Ms Longley was stressed about the outcome of the incinerator, but more fearful as this would not only effect her family, but hundreds and thousands of people around the area of Newton Aycliffe and beyond who would have to live with the 30 metre or higher stack belching out toxins into the environment effecting all living structures in its wake.

Ms Longley informed the Committee that she had been in a situation where she had not been able to breath, and it was frightening. If the incinerator was built the air would not be fresh, the right to breath clean air would be gone if the Committee approved the construction of the incinerator.

Many people young and old would not be able to open the door, window, go for a walk to revitalise their chest and lungs, as the air would be toxic, and if not immediate, over the long term, ill health, mental and physical would follow. It was people's opinion and feelings that the people who worked and lived in the vicinity of the incinerator, the receptors, were been used as research tools as the applicant stated that "Unlike substances, such as nitrogen dioxide, which have shorter, acute effects on the respiratory, dioxins/furans and dioxin like PCBS (Polychlorinated biphenyl) have the potential to cause effects through long term, accumulative exposure. A

lifetime is the conventional period over which such effects are evaluated. A lifetime is evaluated at 70 years”

Ms Longley had asked how this would affect certain people with a respiratory condition but had not received any answers from the applicant. Public Health England still awaited answers to high significance questions regarding population and health.

Many scientist had raised concerns about the health effects of living in the vicinity of an incinerator. Regarding toxins the population was additionally fearful about the number of unknown toxins of nanoparticulates.

Ms Longley asked Committee to reject the application by Fornax and restore the equilibrium of business and the communities of Newton Aycliffe and surrounding areas.

A representation had been received from Keith Noddings in objection to the application. Mr Noddings was unable to attend the meeting and had requested his representation be read out to Committee. Ian Croft, Senior Committee Services Officer read the representation as follows:

Unfortunately, due to work commitments, addressing the committee would not be possible for me, however I would like the following to be read to the committee.

As a resident, with a young family, of The Chestnuts estate, School Aycliffe, I think it is disgusting and shameful that this application is being recommended for approval by DCC.

There are over 700 objections from residents (including the petition). There are numerous businesses objecting to this on grounds either on behalf of their own business or their workers. There are still residents in the area who do not know about the proposed development as demonstrated by the most recent objection reported on the portal only last week. There are only 2 responses in favour, one of which has a vested interest in the planning being approved. Yet DCC conclude this application is beneficial for the local economy/residents despite it being built 840m from School Aycliffe, 1000m from Heighington, metres away from a children's nursery, metres away from a college, metres away from swimming leisure facilities, metres away from primary schools, metres away from farms, all of whom have objected on various grounds. It is creating minimal jobs, increasing traffic levels, which in turn will naturally increase pollution levels, even before you raise arguments over the polluting effects of the incinerator. So much for democracy!

I'd also like to point out that the site and the chimney will be seen, especially at this time of year as you drive on the A6072 towards Heighington and on

School Aycliffe Lane, as you can clearly see the adjacent Hitachi site. It is incorrect to say it will be hidden by existing cover.

The DCC statement regarding property values being affected by a number of factors is indeed correct, but I can provide further clarity on this. Investing in local schools, parks, leisure facilities and amenities, would have a positive effect on house prices, building a hazardous waste incinerator would have a negative effect. The clue is in the title.

On a final point, if the committee have ever walked around the Industrial estate they will know at times the air stinks. This development will not provide any reduction to the air pollution already in existence and will only add to it.

There may well be a market need for this development, but surely the committee can see that this development should not be built so close to all the above for all the reasons local residents and businesses have stated and on that basis this application should be rejected.

Hoping common sense prevails

Simon Greaves of Castellum Consulting addressed the Committee on behalf of the applicant in support of the application.

Work had taken place over the past nine months or so to prepare the comprehensive application which officers had recommended for approval. Mr Greaves outlined the compelling need for the facility, why the location was chosen, what it would achieve when operational, how it would be funded and managed, and the benefits it would bring.

The north east region, centred on County Durham, had a shortage of facilities to process the specialist wastes which were generated in the area, specifically clinical and hazardous materials. These were materials that could not be recycled, and which must, by law, be treated at very high temperatures to ensure their safe destruction. These arose from settings such as hospitals, GP surgeries and care homes.

These materials were collected by specialist waste contractors and taken by road outside of the region, the majority travelling for well in excess of two hours, much of it as far afield as the south coast of England for final disposal. This meant that their disposal attracted a huge carbon footprint from transportation on lorries, and the region was exporting the problem of managing its own wastes.

The application was for a specialist facility where a significant proportion of these wastes could be safely and sustainably treated locally, dramatically

cutting the carbon footprint of the county's waste. The applicant commissioned analysis of the waste market need in the region which had been independently verified and confirmed as accurate by the County Council's Spatial Policy Team which confirmed that there was easily enough to fill the facility.

The site was located on Merchant Park to the south of Newton Aycliffe, immediately north of the Hitachi Rail facility. Constructive and supportive discussions had taken place with the senior team at Hitachi focused on a good working relationship, including in relation to possibility of the low carbon heat network to serve Merchant Park which formed part of the application. The choice of location gave excellent access for the modest vehicle numbers to reach the site from the A1 without passing houses, all along high quality roads. Traffic levels would be substantially lower than the industrial uses for which the site already had planning permission. This had been corroborated by Council highways officers as highlighted within the planning officers report.

Merchant Park was comprehensively visually screened by mature woodland on three sides and by Hitachi to the south. The Council's landscape officers had confirmed that the design and location of the facility was acceptable. All activity would take place inside a purpose designed building of a smaller scale than the Hitachi factory, and which would be finished in colours sympathetic to the location.

The facility would be the subject of an intensive management regime with deliveries being secured through loading docks. All the waste being processed would be within the locked confines of the building itself. None would be processed or stored outside the facility. Treatment of the wastes would take place in an enclosed system using heat between 1000 and 1400 degrees Celsius. This would ensure complete and safe destruction of the materials.

All that would be left after treatment would be an ash that would be either recycled or disposed of safely. Gases from the process would be scrubbed, cleaned, and then emitted, in a safe and constantly monitored manner, from the flue. Running the plant would not raise noise levels at sensitive receptors and no offensive odour would be generated.

Operational regulation of the proposed facility would be carried out by the Environment Agency through an Environmental Permit which it would require to operate the facility. The applicant had held enhanced pre-application discussions with the EA which confirmed that the air quality assessment process had been robust and appropriate. The Agency had confirmed in writing that they did not object to the planning application. Via the

Environmental Permit, the EA would regulate air quality, noise and odour and the applicant intended to provide access to real-time data from the facility.

Planning law stated that planning permission should not seek to duplicate the controls that the EA would provide, and this was helpfully restated within the Committee report. The Council's Environmental and Public Health teams had also confirmed that they had no objection, along with all other statutory consultees.

Although the primary purpose of the facility was the safe disposal of specialist wastes, the applicant was determined to make it as sustainable as possible. As a result, they proposed to recover all waste heat. This would be used to heat and cool the office accommodation, and for cleaning and sterilising containers within the facility. The substantial amount of remaining heat would be made available through a heat network that the applicant would install within the Merchant Park industrial estate.

Legal rights had already been secured with the landowners to facilitate this. This went substantially further than the majority of comparable projects, which generally just offered to make heat available at the boundary of their site. This would facilitate provision of low carbon heat to businesses throughout the estate. In addition, the applicant intended to install a large solar array on the south facing roof.

The development was funded by Gresham House, who were leaders in sustainable infrastructure investment and who managed local authority pension funds. This was an exemplar facility which would form the showpiece in a network of new facilities across the UK to ensure more local and high-quality treatment of specialist wastes.

In conclusion, the facility would provide a high quality safe modern disposal option which dramatically reduced carbon miles through the local treatment of wastes, the provision of high-quality employment opportunities and apprenticeships, and would facilitate educational tours to the facility focused on the sustainable generation of energy. There was a compelling need case for the facility which would operate in a safe and environmentally friendly manner whilst facilitating the delivery of low carbon heat to the surrounding Merchant Park. No statutory objections had been received by the County Council, and the applicant welcomed the recommendation to approve the application made to the Committee.

Councillor Boyes referred to demand for the facility and asked whether any figures were available to demonstrate the level of demand. Simon Greaves replied that part of the application was the needs assessment report within which consideration was given to two sectors, both the healthcare sector and the industrial sector which covered the hazardous waste part of the

application. The applicant was reassured by the evidence within the report that there was ample demand for the facility within a two-hour drive time of the site. Mr Greaves added that the applicant was not in competition with conventional incinerators which handled domestic or commercial waste.

Councillor Martin drew attention to Paragraph 111 in the report which discussed the Environment Agency's concerns about the 30 metre stack height comparative to the size of the building which might reduce the air quality because of air flows and recommended a condition on how the gasses were processed. The Conditions recommended in the report stated that the stack had to be 30 metres in height and Councillor Martin sought confirmation that the stack was definitely going to be 30 metres high and not extended because of the concerns of the Environment Agency. Simon Greaves replied that modelling for the facility took account of the shape and size of the building which included the 30-metre-high stack. The enhanced pre-application discussion with the Environment Agency was to ask them to review the modelling which had taken place and confirm whether it was appropriate. The Environment Agency would finally determine the acceptability of the height of the stack as the facility progressed and if at that stage they disagreed with the acceptability of the height they would not issue a permit unless a higher stack was constructed. In that event the applicant would have to seek further planning consent to raise the stack.

The Principal Planning Officer informed the Committee that she had listened to the representations made and considered that the issues raised had been addressed in the report to Committee. The issue of the suitability of the site in terms of employment land, Policy 2, was addressed in the report and did not preclude this type of development on the site as long as it didn't prejudice other business uses on the site.

Paragraph 380 of the report raised the issue of objectors, including local businesses raising concerns about the environmental impacts of the proposal. All of these issues had been considered and it was concluded that there would not be a prejudicial effect. This had been considered by technical specialist advisers.

Other issues such as ecology had been considered and no objections had been received from statutory consultees. All of the issues raised had been addressed comprehensively in the officer report to Committee.

N Carter, Planning and Development Solicitor reminded the Committee it must determine the application based on planning merits and that the weight of public opposition in itself would not be a reason for refusal. The Committee had heard various concerns expressed about the identity of the operator and this was not a material consideration. Guidance was clear that the Committee must assume regulatory regimes which were in place would

operate satisfactorily which included the environmental permitting regime operated through the Environment Agency. Some objectors had referred to human rights particularly the right to respect for family and private life and the right to peaceful enjoyment of possessions and property. These were both qualified human rights which meant they could be interfered with insofar it was in accordance with domestic legislation and was proportionate. If the Committee was minded to approve the application it could do so without there being any unlawful interference with human rights.

Councillor Martin considered it was difficult to object to the application on environmental grounds because it had to be taken in good faith that the Environment Agency would do its job properly, that the Planning Officers had done their job properly and had done their research. While Councillor Martin did not want to live in a world with incineration waste needed to be dealt with and he was what the solution was currently. Councillor Martin's concern was about the industrial estate and jobs. While he wanted development on industrial estates and more jobs he had to question whether this was an acceptable use of the land. The Planning Officer had referenced the industrial estate was earmarked for uses of B1, B2 and B8 and pointed the incinerator as having a link to B2 as a general industrial use. Councillor Martin referenced the Town and County Planning Use Classes Amendment Regulation 2020 which reorganised some of the use classes and made clear distinctions regarding B2 General Industrial use. It stated that incineration could not be classified as B2. Councillor Martin **moved** that the Committee reject the Planning Officers recommendation for approval on the basis that the incinerator was not a suitable place in the industrial estate under Policy 2, the industrial estate was for classes B1, B2 and B8.

The Principal Planning Officer drew the Committees attention to Paragraph 187 of the report which stated that the proposed use was a sui generis use. It was not stated that the application fell within B1, B2 or B8 but Policy 2 of the County Durham Plan stated that those allocations of B1, B2 and B8 and also said that other uses could be considered as long as they didn't prejudice the allocated employment sites in the rest of the industrial estate. This was considered to be a sui generis use and under the terms of Policy 2 it was considered this would be an acceptable use on this site.

Councillor Martin reiterated his point that the reclassification in the 2020 Regulation stated that B2 excluded incineration and believed his point still stood that the industrial estate had a classification for B1, B2 and B8. Objections and concerns had been received from businesses on the industrial estate, including Hitachi, which stated this facility could harm their business and there was a case for going against Policy 2 in terms of harming the use of the industrial estate.

Garry Gray, Technical Director, Air Quality and Permitting, AECOM informed the Committee that material which had been submitted regarding emissions to air and associated risks to health had been reviewed and the methodologies had been compared to what was normally required by the Environment Agency. AECOM had worked through the calculations and underlying assumptions and Mr Gray conformed that they held up to the standard which was usually expected, they covered the right material and the methods were appropriate and the conclusions were justified by the calculations behind them.

Councillor Boyes recognised that this was a very emotive application and informed the Committee he had listened intently to all representations made. Councillor Boyes did not consider Councillor Martin's grounds for refusal to be a valid planning objection and much of what had been presented to the Committee were not planning issues. The Committee had to put its trust in the Environment Agency and Public Health. There were economic benefits to the proposal and Councillor Boyes moved the Planning Officers recommendation that the application be approved.

The Chair sought further representation from the Committee. None was forthcoming so the Chair sought a seconder for Councillor Martin's motion that the application be refused. Councillor Zair seconded refusal of the application. The Chair sought clarity from Councillor Martin on what grounds he moved the application be refused.

Before Councillor Martin provided such clarification, the Senior Policy Officer was asked to comment. He advised that most waste management uses fell outside of the B2 use class and were sui generis. Policy 2 required such uses not to be prejudicial to other B uses. Hitachi was operational and the proposal would not impact on allocation of other land and would not compromise the strategy to deliver more and better jobs. The proposed use was not materially different from other industrial estate uses and waste uses already in place.

Councillor Martin clarified that he was not objecting to the application for environmental reasons. He was objecting to it because Policy 2 classified the industrial estate for B1, B2 and B8 uses. Under the Town and Country Planning Use Classes Amendment Regulations 2020 which came into force on 1 September 2020 class B could not be used for incinerators.

N Carter advised the Committee that he was not sure that the particular categorisation of this use, whether it was inside or outside of the Class B use classes made any difference. It was not a use the Council said was within any particular use class, which was why it was being considered as a sui generis use.

Upon a vote being taken it was

Resolved:

That the application be refused on the grounds that it is contrary to the allocation of the site in Policy 2 for employment uses and would prejudice the delivery of B uses in the future.

The Committee went into recess for five minutes. Councillor Zair left the meeting.

b DM/20/03722/FPA - Sheraton Hall Farm, Sheraton, Hartlepool, TS27 4RD and DM/21/02333/FPA - Sheraton Hall Farm, Sheraton, Hartlepool, TS27 4RD

The Committee considered a report of the Senior Planning Officer regarding applications for the installation and operation of a Solar Farm together with all associated works, equipment and necessary infrastructure and construction of underground electricity cables, and associated infrastructure to connect to the proposed Sheraton Hall Solar Farm at Sheraton Hall Farm, Sheraton, Hartlepool (for copy see file of Minutes).

C Shields, Senior Planning Officer provided a detailed presentation which included a site location plan, aerial photograph of the site, site layout of the Solar Farm and cable route and site photographs.

Mr Richard Irvine, Chair of Sheraton and Hulam Parish Meeting addressed the Committee to object to the application on behalf of the Parish Meeting. Mr Irvine informed the Committee he was representing the residents of Sheraton village and the outlying communities.

Mr Irvine provided the Committee with an understanding of the problems that the community already faced.

In 1964 Durham County Council gave permission for the A19 Trunk road to plough its way straight through the centre of the village, instead of taking the eastern by-pass route, around the outskirts, and across the very fields into which today, this applicant was seeking to place hundreds of solar panels. This one act alone robbed houses of their front gardens, robbed communities at each side of the new dual carriageway road with the ability to mix and communicate freely, robbed children of their freedom to roam, provided noise levels which had gradually increased to excruciating levels over the intervening years, and provided traffic chaos for its residents on a scale which was hard for anyone to imagine, not to mention the dangerously high toxic levels of lead pollution which the community had to endure no more than a few yards from its front doorsteps. Added to this was the fact that as

the years moved on the local services were severely curtailed. The milkman, who was a regular everyday visitor, stopped his milk deliveries as it became too unsafe to manoeuvre in the village, followed by the newspaper delivery agent, who stopped their deliveries for the same reason, and then on top of that the local bus service through the village was discontinued, as it was considered too dangerous to pick up passengers and then to re-join the A19 traffic.

County Council officials visited Mr Irvine a few months ago at his request as Chair of the Parish Meeting to discuss what improvements could be made to the village in the way of general maintenance. The officials could not commit to sending any of its workforce to the village to undertake any work, on the grounds of it being too dangerous to work at such close proximity to the A19 dual carriageway.

Residents only release from the chaos of having three thousand heavy trucks and cars an hour, at peak times, ploughing through the village was to seek refuge away from the village itself in exercise walks down the lane to the west of the village and between the village and the B1280. This facility had been made more important in the last 24 months during the pandemic.

Residents were now faced with the possibility that this tranquil rural setting, which had provided solace and sanity, with unbroken views of stunning countryside, and with wildlife encounters that many in town areas could only dream of, was going to be devastated, by the installation of hundreds upon hundreds of solar panels, turning the entire area into one of an industrial wasteland.

It was important that the Committee considered what was happening around Sheraton Village. There was, within a 5-mile radius of the village, no fewer than 41 wind generating turbines and numerous associated power lines and within two miles a recently approved solar farm at Hulam covering 200 acres and costing in excess of £20m. Within one mile of the village was Hartmoor Power Station with its £24m conversion, Worset Lane Solar Farm a further cost of £20m, and in addition new housing developments on the outskirts of Hartlepool costing £50m. This was well over a £114m all within a 2–3-mile radius of Sheraton, either under construction or granted permission to proceed.

To now put forward a further scheme for an additional 77 hectares of Solar Panels around the village was more than any small community could reasonably be expected to tolerate.

Residents of Sheraton were not anti-solar as many of them understood the need for alternative sources of power and the reduction of carbon footprint, but what they objected to was the choice of a beautiful rural setting, which

surrounded a vibrant community like Sheraton, with what at the end of the day could only be adequately described as an industrial invasion when there were many sites within the industrial heartland of Teesside that would be far more suited to this type of activity, and raise far fewer objections than this scheme had.

Mr Irvine placed the scheme into perspective. When completed the proposed scheme would cover all 115 football pitches in the Premier League, the Championship League, and League 1 of the National Leagues. That was some level of saturation and was on top of a scheme covering almost 200 acres already agreed upon, in the Parish of Sheraton with Hulam, at Hulam itself.

It was noted that the proposed scheme had a small number of supporters, but many more objectors. However 95% of supporters resided well outside of the Sheraton community and in some cases 30 miles away. The overwhelming majority of Sheraton residents did not want to see any part of this scheme developed.

Many of the village residents were now retired and chose Sheraton Village as their final dwelling to see out their final years and as such valued their leisure time in retirement, valued their village, valued their community spirit, but most of all valued their countryside and the pleasure derived from their surroundings. No number of amendments to this scheme by the applicant would placate the worries and fears residents had.

Durham County Council in their Durham Landscape Strategy clearly stated when it deals with the subject of understanding and conserving the diversity of the Durham County landscape, that 'Diversification of the rural economy is critical to the future of rural communities but brings its own challenges in terms of the scale and types of development appropriate to rural landscapes. The most sustainable forms of diversification are likely to be those which are closely associated with farming and forestry and which do not detract from the rural character of the countryside. It went on to point out that one of its main objectives was 'To encourage sustainable forms of farm diversification that respect the character of local landscapes.'

This scheme, in its entirety, did not respect the character of the landscape, in fact, just the opposite. It turned it into an outlook of complete industrial development and showed no respect whatsoever to either individual or wild animals living within its boundaries. Mr Irvine felt sure that had the applicant put forward a plan to cover the entire area with forestry, there would be very few within the community who would object and, what's more, look at the benefits that that would create for the climate.

The landscape report clearly stated at point 111, that landscape officers had stated that, given the undulating character of parts of the site and its immediate environs, the solar panels, as notable man-made structures with an industrial appearance, would not readily assimilate into the open countryside context and it was considered that there would still be residual landscape harm to the character, quality and distinctiveness of the landscape as a consequence of the fragmented nature of the development and visual prominence of parts of the site, particularly the central section of the site which could not be adequately mitigated.

While studies had been carried out in relation to this application on the effects on wildlife habitat, birds, traffic flow, glint and glare and environmental impact, no study had been carried out on the effect that the scheme would have on the residents of Sheraton Village.

Mr Irvine then looked at the plight of those families that live on the outskirts of the village.

The Rixown Kennels community, which was situated on the corner of the B1280 and Hurworth Burn Lane had until now enjoyed unbroken views in all directions, as had the residents of East Grange Farm and the surrounding properties. Both dwellings would, if this application was allowed, be faced with solar panels either all around the property in the case of Rixown residents or be faced with looking onto a bankside which was covered from top to bottom with solar panels. No amount of tree and shrub planting would placate the owners of these properties, as the level of undulation of the land made it impossible to adequately reduce the visual impact on them.

With reference to the occupants at Rixown, there was major concern surrounding this application. These properties gained their running water from a deep well which was sunk into the fields where this development was to take place and should there be any damage to these panels then dangerous chemicals stored within the panels could very easily seep into the water course. These risks were enormous and had to be given a high level of priority during the Committee's deliberations. Despite the fact that these concerns had been raised with the applicant nothing had been done to placate the concerns of these residents on this issue.

Referring to East Grange Farm and the nearby West Grange Farm the applicant had done nothing in the way of amendments to understand or diminish the concerns of these homesteads in the subject of glint and glare from the panels and in the case of East Grange Farm did not even include them in the original visual impact considerations. Whilst that initial omission had now been rectified there were no amendments or considerations to their plight.

The applicant had stated that they had consulted fully with the local community. Mr Irvine informed the Committee that this was not the way residents saw it. The communication with residents had been nothing short of woeful, partly due to Covid restrictions, but many of the individual questions which had been asked directly of the applicant remained unanswered. In the area of the applicants attempt to amend the scheme in order to placate concerns, the amendments that were applied were only to an area known locally as the "Wet Lands" and were, without doubt, sacrificial areas included within the first application. These fields were always going to be far too wet and unstable to support the infrastructure required to assemble these panels on, and always had been. To remove them from the second application and then suggest that they had attempted to placate the residents' concerns was simply misleading.

National Planning Practice Guidance notes issued in 2014 stated that when considering 'Large scale ground mounted Solar PV developments' that the considerations would include 'the effective use of land by focusing large scale solar farms on previously developed and non-agricultural land, provided that it is not of high environmental value'.

There was adequate previously developed land that was 'non agricultural' in the region that was not of high environmental value and would be far better suited to this type of development than the beautiful rolling countryside surrounding Sheraton village.

The applicant had recently pointed out that a major part of their consideration of the land at Sheraton was because of the close proximity of the Hart Moor power station to the scheme, which meant that the costs in linking to the National Grid were significantly reduced. This was not an adequate or acceptable reason for placing this solar scheme in Sheraton Village, and defacing the countryside and there were many alternative sites that would be far more suitable to this type of scheme.

Guidance notes for Local Planning Authorities stated that when dealing with solar applications, the authority should approve small scale renewable developments, provided their impact could be made acceptable.

Local residents would argue that this was most certainly not a small-scale development. In fact it would appear to be one of the largest developments of its kind in the country, and when the cumulative effect of the already approved Hulam scheme was taken into consideration, its impact on the visual enjoyment of the area could never be made acceptable.

The entire proposed scheme was to be surrounded by 3 metre high post and wire fencing, with CCTV cameras positioned at various points, very similar to that around prisons. Couple this to the fact that there would be hundreds of

3 metre high panels within the fields, no fewer than 7 substations, 14 transformers with 14 invertors alongside, a substation alongside the B1280 with a monitoring building, a spare parts building and adjoined toilets this would appear industrial.

This scheme was described as a temporary structure with a total life of 40 years, and the applicant went to great lengths to explain how the entire system would be de-commissioned in years to come. 95% of the residents of Sheraton would never see this scheme de-commissioned and would have to live with the inconvenience of this visual blot on the landscape, not to mention the impact that it would have in de-valuing their property, for the rest of their lives.

On a further point, it was highly likely that technological developments would leave solar PV systems way behind in terms of energy production in future years, as further developments in renewable energy came to the fore, and there was great concern that the decommissioning process could very easily leave this land in an unusable state for years to come. The panels were constructed with some of the most dangerous materials known to man, and as already mentioned, residents were extremely concerned that if these panels were to break down and leak, these dangerous chemicals would make their way into the watercourse.

Last week it was announced that a further hydrogen power production plant was to be built on the redundant Redcar steel works site, and Rolls Royce were shortly to develop mini nuclear power stations which would be capable of producing infinitely more power from a small station than this proposal ever would and produce it 24 hours a day, 365 days a year. This would be the future of power development in the country in the not-too-distant future, and not solar farms, which spoiled the landscape and were at best only partly efficient and not particularly cost effective.

Mr Irvine urged the Committee to strongly consider the devastating effect this scheme would have on rural life and to reject the application.

Councillor Rob Crute, local Member, addressed the Committee in opposition to the application.

Councillor Crute informed the Committee he wished to make it clear thT he was not opposed to solar generated power. However he was opposed to any form of development in the wrong location or where it had an unacceptable impact on local residents and the settled community, which was the case in this particular application.

Councillor Crute informed the Committee he would refer to a number of general points raised by residents from Sheraton, and then link them to the

relevant material planning policies. Following his comments some of the residents themselves would like make further representations in more detail on the location and visual impact of the development, focussing specifically on problems associated with glint and glare coming from the development:

The first point related to energy generation. The applicant stated in their application that the proposed solar installation would generate enough electricity to power 9,444 typical homes and save approximately 9,771 tonnes in CO₂ emissions per annum. However there was no evidence to back this up. The loss of so much agricultural land or the disposal of the panels had not been taken into account to balance this assessment. The fields at the proposed site already provided vital energy in the form of food. The DCC Local Plan referred to sustainability of food production and losing another 160 acres to solar went against this commitment.

There were a couple of unanswered questions arising from this point, would each panel be in place for 40 years or would they be replaced and has this been taken into consideration, and would the solar installation provide this electricity 365 days per year, or was the applicant relying on the diesel generated back-up engines at Hart? What was the real source of the energy in this context?

In the past couple of months over 20 energy companies had gone out of business. Given this, how could there be any certainty that the applicant would exist in 20 or 40 years time. The scrap market was volatile and these panels may become worthless. Government strategy was already moving to smaller scale nuclear facilities, making this type of electricity provision potentially redundant, thus the company, even if it still existed, would not be in a position to fund the decommissioning. Councillor Crute requested that as a condition an assessment of the cost of decommissioning should be made prior to any construction and funds supplied by the applicant in the form of a bond to cover the full costs of decommissioning to protect DCC and the landowner/s from liability should the panels be left to rust in the fields.

If the panels did not produce energy for a set period of time Councillor Crute asked whether it would be stipulated that that they were removed.

The land proposed for development was privately owned. DCC's own policy was that priority for solar developments should be given to brown field sites and land that was Council owned. There were currently another three similar applications within County Durham, all of which were on privately owned land. Provision already existed within the Town and Country Planning Act 1990 to compulsorily purchase land for the public good. Given the scale and momentum of these applications, the position of any further applications should balance the needs of developers, landowners and the general public. Schemes such as this, if done fairly, on Council owned, on brown field sites

could generate substantial sums to level up deprived areas within County Durham.

The proposal must be seen within the wider context of over 400 acres of agricultural land already lost to solar generation at nearby Hulam and Hart. There would undoubtedly be a substantial cumulative effect when development was completed. The Council for the Protection of Rural England did not object to the solar installations at Hulam or Hart but had submitted objections to this scheme because the landscape was different and the countryside would be damaged. The network was surrounded by miles of 3 metre fencing and all the infrastructure that went with it. Taken as a whole, this development would completely industrialise this beautiful, unspoilt countryside. The community at large must be protected from this and all future thoughtless developments. Therefore, in terms of the applicant's application for cabling, Councillor Crute asked that if any of the proposal was granted, strict stipulations regarding the size and capacity of the cabling infrastructure were considered.

Residents in Sheraton felt that the applicant had not properly engaged with the community. Councillor Crute had been informed by residents that they had ignored emails and basically run roughshod over people's genuine concerns. To make matters worse, residents felt that the proposal offered no benefit to the community whatsoever. Sheraton was a small community of mostly older people who entered into discussion willingly and with open minds. Demographically the community was vulnerable because of the age of residents, most of whom would not live to see the projected end of the scheme in 40 years' time. They were vulnerable because they did not enjoy equitable access to amenities such as broadband, shops or even streetlights and they were mostly on their own when it came to crime. For the people living here, the countryside was the only amenity and to effectively consign residents to living in the middle of a solar power station was grossly unfair. The applicant was doing this at this location simply because they could.

County Hall was currently positioned on land that was flat and well screened. If a scheme like this would not be good enough in the centre of Durham City then it was not good enough in this location either.

Councillor Crute referenced the points raised to planning policies, namely NPPF 15 – conserving and enhancing the natural environment, Policy 14 – the best and most versatile agricultural land and soil resources, Policy 31 – amenity and pollution and Policy 39 – landscape. Councillor Crute drew attention to County Durham Plan Policy 39 which stated that proposals for new development will be permitted where they would not cause unacceptable harm to the character, quality or distinctiveness of the landscape or to important features or views. Proposals will be expected to

incorporate appropriate measures to mitigate adverse landscape and visual effects. Development affecting areas of high landscape value will only be permitted where it conserves and where appropriate enhances the special qualities of the landscape unless the benefits of the development in that location clearly outweigh the harm.

Finally Councillor Crute drew the attention of members to the statutory responses in the report. Sheraton with Hulam Parish raised concerns with regard to the proposed solar farm, classification of the proposed land, landscape and visual impact, glare, effects on wildlife, security, land drainage and flooding.

As for the public responses, 19 letters of objection had been received raising the issues of landscape harm, loss of open countryside, visual impacts, health risks associated with panels and contamination, nearby heritage assets, flood risk and water quality.

The Council for the Protection of Rural England objected to the application noting that the site would be highly visible from a number of locations and views are available into the parts of the site within the Area of High Landscape Value.

Concern had also been raised regarding the proximity to the Hulam solar farm site and it was considered that the sequential cumulative impact was an important factor. The application was not in an appropriate location, from a visual point of view, and CPRE consider that it would have a detrimental environmental impact, whatever the social or economic impacts may be.

In closing his representation, Councillor Crute drew the Committee's attention to the images he had circulated last week which illustrated the devastating impact that natural elements could have on developments of this nature. For comparative purposes the proposed solar farm at Sheraton was in a more exposed and elevated location and the potential consequences of constructing a solar farm at this location were there for all to see. Councillor Crute urged Committee members to take these comments into consideration before they came to a decision on the application. He hoped he had provided sufficient evidence, both in planning policy terms and on behalf of residents in Sheraton, to guide the Committee towards refusing the application on the grounds set out here and elsewhere by other organisations and members of the local community.

Richard McCabe addressed the Committee to object to the application.

Residents of Sheraton were shocked to learn of the proposal to house nearly 200 acres of solar panels on neighbouring fields in Sheraton.

The aggressive scale of the presentation would have a hugely damaging effect on the countryside for years to come and would blight the prime gateway route into Hartlepool in a serious way. While cheap and green energy generation and new investment was welcomed it should not be at the cost of a valued amenity, the countryside.

It was not fair that Sheraton should be shouldering the load of so many major developments close by, with this one alone being close to £20m, when there were plenty of more suitable locations elsewhere on backland, scrub, disused industrial quarries and airfields. Prime five star rural amenity land of great scenic value should be the very last choice.

Mr McCabe asked whether this scheme was a proper use of rural land, was it well suited, was it correct, was it apt and was it right for this location.

Developments close to Sheraton Village in recent months, to which residents had not made objection included Hulam Solar, Worset Lane Solar, Hartmore housing and Hart Power Station at a total value circa £100m, plus 4 giant wind turbines, all within 1 mile of Sheraton.

This application failed on the applicants own stipulations, namely that sites should be flat, this site was undulating, concealed behind trees and hedges, this site required much screening, away from historic monuments.

In conclusion residents of Sheraton Village refused to be collateral damage in this misplaced and badly conceived planning application. This scheme in its present form was wildly excessive and badly located and Mr McCabe asked the Committee to refuse the application.

Judith Booth, resident of Sheraton Grange Farm which was one of the homes adversely affected by the proposed development addressed the Committee to object to the application.

Ms Booth agreed with all that had been presented by other speakers and believed the application was contrary to policy. The development would result in the loss of 150 acres of food production and this went against the county's commitment to sustainability in food production.

The land was not flat. PV3 was on the side of a hill and screening would be impossible. The development would industrialise the landscape and would not conserve or enhance. This was a valued landscape which must be protected and enhanced in accordance with NPPF. The Council's own landscape report recognised this harm.

There would be cumulative, sequential damage to the whole area. The Independent Newspaper raised this cumulative harm in August 2021 under

the heading “Sun City”. CPRE did not object to Hulam but they did object here.

The countryside at this location was the only amenity. Local people would be further harmed in their own homes and gardens through unacceptable glint and glare impact.

Health and safety concerns had not been addressed. The applicant had ignored residents about water, ignored emails and no health and safety impact assessment had been done.

There were no benefits to the residents, or the wider community and Ms Booth urged the Committee to reject the application.

Nicol Perryman addressed the Committee to object to the application. Ms Perryman informed the Committee that she grew up at Sheraton West Grange Farm was representing her family and nearest neighbours. She was a Chartered Planner and had spent around half of her career as a renewable energy consultant.

As such, it pained her to have to object to this application because she supported the principle of solar development, but the landscape and amenity harm arising from the Hurworth Burn Road field in particular, which was 12 hectares of the 77 proposed, lead to valid material considerations that could not be outweighed by any benefits.

Due to the topography of this hillside, with a height differential of 17 metres, the landscape officer had identified landscape harm that she had stated could not be adequately mitigated for. Photographs demonstrating this field’s visual prominence were displayed for the Committee.

It was important to consider that at no point had the Council’s landscape officer stated that she has no objection. She had identified that the proposals would be prominent and visually intrusive from the areas in the photographs displayed and would lead to significant alterations and residual landscape harm. The inability to screen this significant harm, alongside part of the site being within the Area of Higher Landscape Value, meant that not only could the proposals not preserve and enhance, there were no appropriate measures to mitigate the basic adverse effects on this valued landscape, all of which was contrary to Policy 39 and Section 15 of the NPPF.

Ms Perryman had provided the Case Officer with her professional view on the shortcomings in the glint and glare assessment throughout and the report was now at version three, but it remained unsatisfactory. Members of the Committee needed to be aware of the following matters of fact:

- A highly impacted receptor, which required mitigation, receives 30 hours per year of solar reflections. The assessment confirmed that Sheraton Grange Farm breached this threefold and could receive over 93 hours of “yellow glare” per year. This had the potential to cause a temporary after image. Whilst the Environmental Health Team had no objection to the first version of the assessment, this was because the report completely overlooked the properties at Sheraton Grange Farm and excluded them from the assessment, whilst also downplaying other effects. As such, no properties received a high impact in this report. The Environmental Health Team had provided no follow-up comments.
- The council’s independent reviewer was not provided with the entire assessment and therefore made factually incorrect statements, such as, “It is likely that the Landscape Plan sufficiently closes out the impacts, but this was not received for review”
- The mounting systems had not been taken into consideration, which was contrary to the new Draft National Policy Statement EN-3.
- The applicant would say that panels were designed to absorb and not reflect, and that an anti-reflective coating was sufficient mitigation in the absence of screening, but it was not. The assessment had already factored this in. The company whose modelling software was used in the assessment cautioned users that “The oft-repeated claim that PV panels reflect less than 5% of sunlight only holds true when the panels directly face the sun. For fixed-mount panels, this claim only applies during a few minutes of the day, at most.”
- The most recent version of the report claimed that all of the properties receiving a high impact could tolerate this effect because it was no more distracting than the sun when it sat low in the sky. This was contrary to their own methodology and entirely unevidenced given the times of day these effects would actually occur, not to mention that this response was insulting to the environmental protections that this Council’s residential amenity policies sought to respect.

Glint and glare was a material planning consideration by virtue of national planning policy and Members had a legal obligation to consider this seriously. The applicant had failed to appreciate the topography of this part of the site and therefore had not recognised that the high impacts identified cannot be mitigated through screening or any other method. This would therefore lead to an unacceptable impact on living conditions, which was contrary to Policy 31.

In summary, the proposals were contrary to Policies 39 and 31 of the County Durham Plan and Section 15 of the NPPF and Ms Perryman requested that Members endorse the material planning issues and policy conflicts raised today and refuse the application.

Richard Turner of Lightsourcebp addressed the Committee in support of the application. Mr Turner informed the Committee that he was an Environmental Planner at Lightsourcebp.

Mr Turner asked the Committee to support the planning application for a solar farm at Sheraton Hall Farm which would produce competitively priced dependable clean energy for businesses and communities.

Lightsourcebp was a global market leader in the development, identification and long-term management of solar projects and smart energy solutions. The site, which had been carefully selected, was not positioned within or adjacent to any designated landscapes or areas designated for ecological sensitivity nor was it an area at a high risk of flooding. It had good connection to the grid network which was essential for any renewable energy project and was entirely comprised of lower grade agricultural land.

Council officers had provided a comprehensive assessment of the application, which was recommended for approval. Mr Turner highlighted key benefits:

- The project would help the Council achieve its vitally important renewable energy targets. These were supported by Policy 33 of the Development Plan and the Council's Climate Emergency Response Action Plan.
- The development would avoid 9,700 tonnes of carbon emissions every year which was a substantial reduction, the equivalent of taking over 5,300 family sized cars off the roads.
- Contributing towards the government's net zero commitments and obligations in the recently published Net Zero Strategy which brought forwards key targets so that by 2035 all electricity would need to come from low carbon sources.
- The development would provide over 2,510 linear metres of new hedgerow and 6,571 square metres of woodland planting. In addition to this biodiversity benefits across the site would secure at least a 22% biodiversity net gain.

The proposal represented a substantial investment into the area, supporting the important ambition to level up the region. The solar installation design would allow livestock to graze, retaining the lands agricultural use.

The Todd family who farmed the land at Sheraton Hall had said that farming faced an uncertain and challenging future. For them, diversifying with Lightsourcebp would provide the business with the security it desperately needed. The family was also very pleased the land would retain its agricultural link with the grazing of sheep and at the end of the term the land would return to its original agricultural use.

There were no statutory objections and the Council's landscape and ecology officers had not objected to the proposal. Lightsourcebp believed it had engaged extensively and had invited key elected stakeholders, all households and businesses within a 1-kilometre radius to an engagement event which was also advertised in the local media. Due to Covid 19 the event was held online and 13 people attended. A site meeting was then held in person to discuss the project in more detail and listen to the feedback. Eleven residents attended, as well as the Ward Councillors. Following the feedback from the community and the Council Lightsourcebp learned that the walk from Sheraton Village along West Lane had become very important for the local community, particularly during Covid 19. Lightsourcebp therefore removed approximately 50 acres from the project, including all of the land to the north of the lane. This would not have been included in the planning application had it not originally been intended to be developed, it was a genuine removal of the land to address the feedback.

Lightsourcebp had also listened to the feedback from those who travelled the local roads. The project had been set back to retain the original agricultural use on its road frontage and a landscape buffer between the road and the solar farm would reduce the visibility of the project.

Lightsourcebp was mindful that the Council had received representations, some of which were in opposition and some of which were in support.

In preparing the application Lightsourcebp had worked proactively with the Council's officers. This included extensive pre-application work to identify key issues and seek to avoid areas of high landscape sensitivity.

In February 2019 Durham County Council declared a Climate Emergency and when David Attenborough addressed COP26 last month he said 'Ultimately the Climate Emergency comes down to a single number, the concentration of carbon in our atmosphere. We now have to stop the number from rising and put it in reverse. We must fix our sights on keeping one and a half degrees within reach. A new industrial revolution powered by millions of sustainable innovations is essential and is indeed already beginning'.

Lightsourcebp firmly believed that the delivery of solar, alongside other smart energy solutions, was one such innovation that would play a future role in the delivery of global energy and the green revolution.

Before summing up Mr Turner responded to some of the points which had been raised. In terms of decommissioning, there was a proposed condition for the plant to be removed after 40 years and a decommissioning plan. As planning permission ran with the land Lightsourcebp also had a bond in place with the landowner so there were sufficient funds should Lightsourcebp no

longer exist at the end of this period. While the site area was of a size of the number of football pitches which had been quoted, this was the site area, the panels themselves were only 2-3% of the site area, the vast majority of which was open grassland with additional planting. Referring to the proposed fencing this would be 2 metres high and would be traditional timber post and wire fencing which bore no similarity to prison fencing.

Proximity of the substation was an important part of any energy project to make it viable.

The application represented a real opportunity to help significantly reduce carbon emissions and to help tackle climate change on lower grade agricultural land. There were no statutory objections and there was much support. The project had been tailored to reflect community feedback and was in accordance with the Local Plan and current government policy on how to achieve net zero.

Councillor Jopling asked whether the Council was in agreement with the estimation of glint and glare which had been mentioned by an objector. Councillor Jopling also expressed concern about the natural watercourse and possible seepage of toxins into it. The Senior Planning Officer replied that the objectors had a view on the glint and glare assessment to which the applicant had a contrary view. AECOM had assessed glint and glare and found no deficiencies in the conclusion to this. Although they found some points in the methodology which could have been done differently they did not disagree with the conclusion that it would be acceptable. Referring to the watercourse, no advice had been received from Environmental Health or Contaminated Land that this would be an issue. Solar panels were on land throughout the country and there was no government advice they should not be built.

Councillor Boyes noted that the application was a small part of a bigger scheme and asked how what the Committee decided would determine what would happen in Hartlepool Borough Council, whether their Planning Committee had considered the application and whether there was any consultation between the two Council's. The Senior Planning Officer replied that the solar farm was entirely within County Durham and only part of the cable route was within Hartlepool Borough Council who had not yet made a decision on the application.

Councillor Kellett referred to Paragraph 180 in the report which stated that while it was accepted the solar farm would have an impact on the landscape and the area of higher landscape value, it was considered that the harm would not be unacceptable. This was a subjective judgement and most local residents considered this damage to be unacceptable. There was an area of higher landscape value which should be protected. While solar energy

production was needed, this was the wrong location for the proposed solar farm. Councillor Kellett asked how unacceptable was defined. The Senior Planning Officer replied that the advice had been received from the Council's Landscape Team who had stated there would be harm but added this would not be unacceptable.

As a farmer, Councillor Richardson challenged the issue that this was low grade agricultural land as well as the statistics referred to by the applicant. Glint and glare was another area which was subjective.

Councillor Boyes referred to Paragraph 158 of the NPPF which stated that when determining planning applications for renewable and low carbon development, local planning authorities should not require applicants to demonstrate the overall need for renewable or low carbon energy, and recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions. Councillor Boyes asked what weight the landscape value carried when compared to the NPPF. The Senior Planning Officer replied that there was a lot of weight attributed to renewable energy projects and the advice received was that the harm to the countryside was not unacceptable.

Councillor Hunt informed the Committee that she was not against solar power, but following the Committee's site visit yesterday she moved to refuse the application which she considered would have a detrimental effect on the landscape.

Councillor Martin did not doubt that there would be losses to visual amenity and impact on the countryside but he believed the Planning Officers had reached the correct decision in recommending the application for approval. He noted the point made regarding Paragraph 158 of the NPPF and considered what made the application acceptable was the renewable energy aspect of it. Councillor Martin moved that the application should be approved.

Councillor Molloy seconded Councillor Hunt's motion to refuse the application. He believed the environmental issue needed to be considered as well as the impact on agricultural land. While he was not against solar power he believed legislation should be introduced by government to mandate solar panels on new build properties. Councillor Molloy had sympathy with local residents regarding the size of the proposed development. The loss of agricultural land for food production could lead to increased imports of food which would increase the carbon footprint.

The Planning and Development Solicitor sought clarity on Councillor Hunt's reasons for refusing the application. He understood Councillor Hunt had concerns about the landscape and visual impact of the scheme and assumed

that her position was that the benefits of the scheme did not outweigh the landscape and visual harm. Councillor Hunt confirmed this was her position, adding that the land was agricultural land as well.

Upon a vote being taken it was

Resolved:

That application DM/20/03722/FPA be refused on the grounds of visual impact and amenity.

The Planning and Development Solicitor explained that there were two applications to be considered, one for the solar farm and infrastructure and a separate application for the underground power cabling. Having made a decision on the first application, Members would now need to reach a decision upon this second application.

Councillor Boyes considered that the Committee had only discussed the solar farm application and had not discussed the application for underground cabling. The Planning and Development Solicitor explained the way in which the officer's report was written was that both applications were dealt with together but with two separate recommendations and there were potentially different impacts from the two different applications. The Planning and Development Solicitor sought the views of Councillor Hunt on the cabling application.

Councillor Jopling found it difficult that the Committee was being asked to determine an application for cabling which would be redundant following the refusal of the solar farm application and asked whether this application should be deferred. The Planning and Development Solicitor advised this was a live application which needed to be determined.

Councillor Martin reminded the Committee it would need credible planning reasons for refusal of the application and encouraged the Committee to vote to approve the cabling application to avoid further appeals costs should the applicant appeal the solar farm decision.

Councillor Hunt moved that the application be refused on the grounds that the site was not suitable for a solar farm. This was seconded by Councillor Molloy.

The Planning and Development Solicitor expressed concern at the reason for refusal. The application was for cabling which would be entirely underground and he was struggling to understand what would be a sustainable reason for refusal.

Councillor Molloy assumed the cable would be for no other use except for that associated with the solar farm. The Committee had refused the application for the solar farm and therefore common sense dictated that there was no requirement for the cable.

Councillor Jopling agreed with Councillors Hunt and Molloy and asked whether the Council would lose the solar farm refusal decision at appeal should the applicant appeal the decision.

The Planning and Development Solicitor advised the Committee it needed to be clear there were two separate applications to be determined. The Committee had already taken a vote on the solar farm application. In order to operate the solar farm permission on both applications was required, however the Committee needed to make a decision on the application for the cabling and the reasons stated for refusal of the solar farm application did not relate to the cable application, which would be underground and have no visual impact. The Planning and Development Solicitor advised the Committee he could see no planning reason for refusal of the cable application but as it was for the Committee to determine the application any reason for rejection needed to come from the Committee. The Planning and Development Solicitor informed the Committee he could only advise on how sustainable any reason was and the Committee was able to reject this advice if it was so minded.

Councillor Molloy asked whether a decision on the cable application could be deferred until it was known whether the applicant was appealing the solar farm decision. The Planning and Development Solicitor advised that deferral was usually to allow further information to be provided but if it wished the Committee could defer making a decision. Councillor Boyes asked whether a reason for deferral would be needed. While the situation was anomalous, the Committee could not reject the cable application without valid planning reasons.

Councillor Crute referred to Paragraph 19 of the Committee report which stated that the two applications were intrinsically linked and suggested that if the solar farm had been refused then the cable application could not be sustained and could be refused on the grounds of sustainability.

The Planning and Development Solicitor informed the Committee it was for reasons of pragmatics that the two applications were being dealt with under the same report and this was the reason for Paragraph 19 stating what it did. The Senior Planning Officer further advised that the cable application had not been called to Committee but had been included as part of the development.

Councillor Boyes considered the application could not be rejected on planning grounds, adding that if the Committee rejected the application it

would be against the advice given by the Planning and Development Solicitor.

The Chair summed up that there was a motion from Councillor Hunt to refuse the application, seconded by Councillor Molloy. Councillor Martin sought advice whether the Committee could refuse an application without having any grounds for refusal. The Planning and Development Solicitor advised the Committee it would need grounds for refusal before the motion was put to the vote. He advised the Committee could put forward need as a reason for refusal but did not consider this would be sustainable on appeal.

Upon a vote being taken it was

Resolved:

That application DM/21/02333/FPA be refused on the grounds of need.

Councillors Martin and Simpson left the meeting.

c DM/21/02816/FPA - Land west, north And east of Whinfield Farm, Brafferton, DL1 3LE

The Committee considered a report of the Principal Planning Officer regarding an application for the installation of a solar photovoltaic array/solar farm with associated infrastructure on land west, north and east of Whinfield Farm Brafferton (for copy file of Minutes).

C Teasdale, Principal Planning Officer provided a detailed presentation which included a site location plan, aerial photograph of the site, site layout and site photographs.

Chris Sowerbutts of Lightrock Power addressed the Committee in support of the application. Mr Sowerbutts thanked the planning officer for the diligent and professional manner she had dealt with the application process. The process had been so diligent, and the Committee report was so thorough that Mr Sowerbutts did not have a great deal to add.

Mr Sowerbutts founded Lightrock Power with a focus on designing solar power farms to be wildlife friendly because there was a real opportunity for solar to do so. Their partnership with the RSPB enabled them to go above and beyond industry best practice, for example this proposal achieved a 62% biodiversity net gain where the recently passed Environment Act sought to achieve 10%. This had been a project which clicked from the start with a lot of people supporting solar energy if it was in the right location. This was such a location, as evidenced by the lack of objectors. From community to county stakeholders, everyone had been supportive and encouraging from the outset and it was testament to the people of County Durham that it was

attractive to make this kind of investment where it was sensitively located. County Durham was already recognised as among the leaders of local authorities seeking to address the Climate Emergency through its Climate Emergency Response Plan and there was cross-party support for efforts to address the crisis at every level of government. The proposal contributed the efforts of the community to address one of the greatest challenges of our time. There were no objections from statutory stakeholders, there was a supportive local community and a recommendation for approval from the planning officer.

Councillor Jopling considered this was an application she could support. It met the challenge of climate change and targets for 2050 and would save 12,600 tonnes of CO₂ a year. Councillor Jopling moved approval of the application.

Councillor Hunt agreed with Councillor Jopling and seconded approval of the application.

Upon a vote being taken it was

Resolved:

That the application be approved subject to the Conditions contained within the report.