

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	DM/22/00120/FPA
FULL APPLICATION DESCRIPTION:	Installation of an energy storage facility, including battery containers, power conversion units, transformers, substation, grid connection infrastructure, vehicular access and associated works.
NAME OF APPLICANT:	Renewable Energy Systems Ltd
ADDRESS:	Land South Of Spennymoor Electricity Substation (south), Thinford Lane, Thinford, DH6 5JX
ELECTORAL DIVISION:	Ferryhill
CASE OFFICER:	Chris Shields Senior Planning Officer 03000 261394 chris.shields@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

Site

1. The site of the proposed development occupies an area of 4.6 hectares (ha) comprised of an agricultural field, with some hedges and vegetation present adjacent to the site boundaries. Thinford Lane (A688) runs in an east to west direction to the north of the site. The site would be accessed from the C37 Road to the east via East Howle. The edge of the settlement of Spennymoor is positioned approximately 750m west of the site boundary. An existing substation is positioned adjacent to the site boundary to the south of Thinford Lane and an additional substation is located to the north of Thinford Lane.
2. The site does not lie in an area covered by any national or local landscape designations. An Area of Higher Landscape Value (AHLV) is located approximately 1.1km to the south east.
3. The site is not located within or adjacent to any ecological designations. The Carrs Site of Special Scientific Interest (SSSI) is positioned approximately 1.2km south east of the southern site boundary. Thrislington Plantation SSSI, Special Area of Conservation (SAC) and National Nature Reserve (NNR) cover the same area and are positioned approximately 2.5km south-east of the southern site boundary. Additional SSSIs are located beyond 3km of the site boundary. Cow Plantation Local Nature Reserve (LNR) is located within Spennymoor approximately 2.9km west of the western site boundary, Ferryhill Carrs LNR and Local Wildlife Site (LWS) is positioned approximately 1.2km south of the southern site boundary and Coxhoe Quarry LNR is located approximately 2.5km north-east of the site.

4. The site is entirely within Flood Zone 1 and also entirely within a minor Groundwater Vulnerability area. The site is within Mineral Safeguarding Area for surface mined coal and is within a mixture of Low Risk and High Risk Coalfield Development Areas. The site also lies within the safeguarding area for the High Moorsley Meteorological Station
5. No designated or non-designated heritage assets are located within the site. The Grade II Listed Manor House including Cottage, Piers and Statue, Grade II Listed Gateway and Wall Attached South of Manor House, Grade II Listed East Howle and Crossings War Memorial, Grade II Listed War Memorial and Grade II Listed Walton Memorial are located approximately 1.2km to the south of the site in Ferryhill. The Grade II Listed Pigeon-Cote Circa 50m north-west of Brandon Farmhouse is located approximately 1.7km east of the eastern site boundary. The Grade II Listed 53, The Green, Grade II Listed West Cornforth War Memorial, Grade II Listed Church of the Holy Trinity and Grade II Listed Walls, Piers, Gates and Railings east of Church of the Holy Trinity are all located approximately 1.8km to the east in Cornforth.
6. There are no public rights of way within the site boundary. Footpath No. 4 (Ferryhill Parish) is located approximately 190m to the west of the site, Footpath No. 9 (Ferryhill Parish) is located approximately 180m to the south and Footpath No. 3 (Ferryhill Parish) is located to the immediate east of the site boundary. Access to the development would need to cross Footpath No. 3 close to East Howle.
7. The nearest residential properties to the proposed development are East Howle Farm and East Howl travellers site approximately 300m to the south east, Cooksons Green approximately 350m to the east and Red Hall Farm approximately 630m to the south west. Metal Bridge is located approximately 1km to the east, Spennymoor is located approximately 1km to the west and Ferryhill is located approximately 1km to the south.

Proposal

8. The proposed development comprises the installation of an energy storage facility, including battery containers, power conversion units, transformers, substation, grid connection infrastructure, vehicular access and associated works.
9. The development would consist of 48 battery storage containers, each measuring 13.7m by 2.4m with a height of 2.9m. Heating, ventilation and air condition units are located at the end of each container. The development would have 36 power conversion systems and transformers with each measuring 9.5m by 5.6m with a height of 2.3m. There would be a single containerised substation measuring 16m by 4m with a height of 4.5m and a single auxiliary transformer measuring 1.9m by 1.9m with a height of 2.1m. There would be 2 grid compliance units, each measuring 4m by 2.8m with a height of 2.7m
10. The installation would require supporting infrastructure including gravel maintenance tracks and security systems. The cabling that links the batteries to the substation would be connected via a network of shallow trenches which would be backfilled. The site would be set within a 3m high palisade fence. An inner acoustic fence would also be provided to reduce noise impact from the development. CCTV cameras will be positioned to cover the site access points in order to provide security to the site and prevent unauthorised access by members of the public. Infrared (non-visible) security lighting would also be provided to support the CCTV equipment. The proposal would also include additional native tree planting and native hedgerows.
11. The construction phase of the development would last for approximately 12 months. Working hours for construction are proposed to be 0800 to 1800 hours Monday to Friday and 0800 to 1300 hours on Saturdays. There would be no work undertaken on

Sundays or Bank Holidays. HGV deliveries to the site would average approximately 10 movements per day during the construction period (5 in and 5 out) with a total of approximately 1400 deliveries to the site during the construction period.

12. Once operational the site would operate 24 hours per day and would be unmanned and controlled remotely. There would be approximately one routine visit to the site per month (12 times per year).
13. The application is being reported to Planning Committee as it is a major development with a site area greater than 1 hectare

PLANNING HISTORY

14. No previous planning applications have been submitted on the application site.

PLANNING POLICY

NATIONAL POLICY

15. A revised National Planning Policy Framework (NPPF) was published in July 2021. The overriding message continues to be that new development that is sustainable should go ahead without delay. It defines the role of planning in achieving sustainable development under three overarching objectives – economic, social and environmental, which are interdependent and need to be pursued in mutually supportive ways.
16. In accordance with Paragraph 219 of the National Planning Policy Framework, existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with the Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given). The relevance of this issue is discussed, where appropriate, in the assessment section of the report. The following elements of the NPPF are considered relevant to this proposal.
17. *NPPF - Part 2 Achieving Sustainable Development* - The purpose of the planning system is to contribute to the achievement of sustainable development and therefore at the heart of the NPPF is a presumption in favour of sustainable development. It defines the role of planning in achieving sustainable development under three overarching objectives - economic, social and environmental, which are interdependent and need to be pursued in mutually supportive ways. The application of the presumption in favour of sustainable development for plan-making and decision-taking is outlined.
18. *NPPF - Part 6 Building a Strong, Competitive Economy* - The Government is committed to securing economic growth in order to create jobs and prosperity, building on the country's inherent strengths, and to meeting the twin challenges of global competition and a low carbon future.
19. *NPPF - Part 8 Promoting Healthy and Safe Communities* - The planning system can play an important role in facilitating social interaction and creating healthy, inclusive and safe communities. Local Planning Authorities should plan positively for the

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

20. *NPPF - Part 9 Promoting Sustainable Transport* - Encouragement should be given to solutions which support reductions in greenhouse gas emissions and reduce congestion.
21. *NPPF - Part 14 Meeting the Challenge of Climate Change, Flooding and Coastal Change* - The planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.
22. *NPPF - 15 Conserving and Enhancing the Natural Environment* - The Planning System should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, site of biodiversity or geological conservation interests, recognising the wider benefits of ecosystems, minimising the impacts on biodiversity, preventing both new and existing development from contributing to or being put at unacceptable risk from pollution and land stability and remediating contaminated or other degraded land where appropriate.
23. *NPPF - Part 16 Conserving and Enhancing the Historic Environment* - Heritage assets range from sites and buildings of local historic value to those of the highest significance, such as World Heritage Sites which are internationally recognised to be of Outstanding Universal Value. These assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations.

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

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

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

25. Other material considerations include EN:1 Overarching National Policy Statement for Energy (published in July 2011) and EN-3 National Policy Statement for Renewable Energy Infrastructure (published in July 2011). Both National Policy Statements are currently under review and the Draft Overarching National Policy Statement for Energy (EN-1) (September 2021) and Draft National Policy Statement for Renewable Energy Infrastructure (EN-3) (September 2021) are currently out for consultation. Draft EN-3 states that electricity generation from renewable sources of energy is an essential element of the transition to net zero). EN-3 reflects the important role that renewable will play in developing a low carbon economy and meeting the Government's targets of net zero

LOCAL PLAN POLICY:

The County Durham Plan (October 2020)

26. *Policy 10 – Development in the Countryside* – States that development in the countryside will not be permitted unless allowed for by specific policies within the Plan or within an adopted neighbourhood plan relating to the application site or where the proposed development relates to the stated exceptions.
27. *Policy 14 – Best and Most Versatile Agricultural Land and Soil Resources* – States that development of the best and most versatile agricultural land, will be permitted where it is demonstrated that the benefits of the development outweigh the harm, taking into account economic and other benefits. Development proposals relating to previously undeveloped land must demonstrate that soil resources will be managed and conserved in a viable condition and used sustainably in line with accepted best practice.
28. *Policy 21 – Delivering Sustainable Transport* – Requires planning applications to address the transport implications of the proposed development. All development shall deliver sustainable transport by delivering, accommodating and facilitating investment in sustainable modes of transport; providing appropriate, well designed, permeable and direct routes for all modes of transport; ensuring that any vehicular traffic generated by new development can be safely accommodated; creating new or improvements to existing routes and assessing potential increase in risk resulting from new development in vicinity of level crossings.
29. *Policy 25 – Developer Contributions* – advises that any mitigation necessary to make the development acceptable in planning terms will be secured through appropriate planning conditions or planning obligations. Planning conditions will be imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects. Planning obligations must be directly related to the development and fairly and reasonably related in scale and kind to the development.
30. *Policy 26 – Green Infrastructure* – States that development will be expected to maintain and protect, and where appropriate improve, the County's green infrastructure network. Advice is provided on the circumstances in which existing green infrastructure may be lost to development, the requirements of new provision within development proposals and advice in regard to public rights of way.
31. *Policy 27 – Utilities, Telecommunications and Other Broadcast Infrastructure* – States that proposals will be permitted for new or extensions to existing energy generation, utility transmission facilities, telecommunication masts or other broadcast and broadband equipment which facilitate the electronic transfer of data where it can be demonstrated that the scheme will not cause significant adverse impacts or that its benefits outweigh any adverse negative effects.
32. *Policy 28 – Safeguarded Areas* – Within safeguarded areas development will be subject to consultation with the relevant authority and will be permitted within the defined consultation zones of the Major Hazard Sites and Major Hazard Pipelines, where it can be demonstrated that it would not prejudice current or future public safety. The Policy also requires that development would not prejudice the safety of air traffic and air traffic services, that there would be no unacceptable adverse impacts upon the operation of High Moorsely Meteorological Officer radar and the operation of Fishburn Airfield, Shotton Airfield and Peterlee Parachute Drop Zone Safeguarding Areas.

33. *Policy 31 – Amenity and Pollution* - Sets out that development will be permitted where it can be demonstrated that there will be no unacceptable impact, either individually or cumulatively, on health, living or working conditions or the natural environment and that the development can be effectively integrated with any existing business and community facilities. Development will not be permitted where inappropriate odours, noise, vibration and other sources of pollution cannot be suitably mitigated against, as well as where light pollution is not suitably minimised to an acceptable level.
34. *Policy 32 – Despoiled, Degraded, Derelict, Contaminated and Unstable Land* – requires that where development involves such land, any necessary mitigation measures to make the site safe for local communities and the environment are undertaken prior to the construction or occupation of the proposed development and that all necessary assessments are undertaken by a suitably qualified person.
35. *Policy 35 – Water Management* – Requires all development proposals to consider the effect of the proposed development on flood risk, both on-site and off-site, commensurate with the scale and impact of the development and taking into account the predicted impacts of climate change for the lifetime of the proposal. All new development must ensure there is no net increase in surface water runoff for the lifetime of the development.
36. *Policy 39 – Landscape* – States that proposals for new development will only be permitted where they would not cause unacceptable harm to the character, quality or distinctiveness of the landscape, or to important features or views. Proposals are expected to incorporate appropriate mitigation measures where adverse landscape and visual impacts occur. Development affecting Areas of Higher landscape Value will only be permitted where it conserves and enhances the special qualities of the landscape, unless the benefits of the development clearly outweigh its impacts. Development proposals should have regard to the County Durham Landscape Character Assessment and County Durham Landscape Strategy and contribute, where possible, to the conservation or enhancement of the local landscape.
37. *Policy 40 – Trees, Woodlands and Hedges* – States that proposals for new development will not be permitted that would result in the loss of, or damage to, trees, hedges or woodland of high landscape, amenity or biodiversity value unless the benefits of the scheme clearly outweigh the harm. Proposals for new development will be expected to retain existing trees and hedges. Where trees are lost, suitable replacement planting, including appropriate provision for maintenance and management, will be required within the site or the locality.
38. *Policy 41 – Biodiversity and Geodiversity* – Restricts development that would result in significant harm to biodiversity or geodiversity and cannot be mitigated or compensated. The retention and enhancement of existing biodiversity assets and features is required as well as biodiversity net gains. Proposals are expected to protect geological features and have regard to Geodiversity Action Plans and the Durham Geodiversity Audit and where appropriate promote public access, appreciation and interpretation of geodiversity. Development proposals which are likely to result in the loss or deterioration of irreplaceable habitat(s) will not be permitted unless there are wholly exceptional reasons and a suitable compensation strategy exists.
39. *Policy 43 – Protected Species and Nationally and Locally Protected Sites* – States that development proposals that would adversely impact upon nationally protected sites will only be permitted where the benefits clearly outweigh the impacts whilst adverse impacts. Appropriate mitigation or, as a last resort, compensation must be provided where adverse impacts are expected. In relation to protected species and their habitats, all development likely to have an adverse impact on the species' abilities to

survive and maintain their distribution will not be permitted unless appropriate mitigation is provided, or the proposal meets licensing criteria in relation to European protected species.

40. *Policy 44 – Historic Environment* – Requires development proposals to contribute positively to the built and historic environment. Development should seek opportunities to enhance and where appropriate better reveal the significance and understanding of heritage assets.
41. *Policy 56 – Safeguarding Mineral Resources* – states that planning permission will not be granted for non-mineral development that would lead to the sterilisation of mineral resources within a Mineral Safeguarding Area. This is unless it can be demonstrated that the mineral in the location concerned is no longer of any current or potential value, provision can be made for the mineral to be extracted satisfactorily prior to the non-minerals development taking place without unacceptable adverse impact, the non-minerals development is of a temporary nature that does not inhibit extraction or there is an overriding need for the non-minerals development which outweighs the need to safeguard the mineral or it constitutes exempt development as set out in the Plan. Unless the proposal is exempt development or temporary in nature, all planning applications for non-mineral development within a Mineral Safeguarding Area must be accompanied by a Mineral Assessment of the effect of the proposed development on the mineral resource beneath or adjacent to the site of the proposed development.

NEIGHBOURHOOD PLAN:

42. There is no Neighbourhood Plan for this area.

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

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

43. *Ferryhill Town Council* – has objected to the proposal. This application was considered in conjunction with the proposed solar farm to the north (DM/21/02990/FPA) which has since been refused planning permission. Concerns have been raised in respect of landscape impact, harm to wildlife, loss of agricultural land and noise impact. It has been suggested that land to the north of the existing substation would be a preferable site.
44. *Highway Authority* – has raised no objections to the proposals. Officers note that during operation the development would generate a negligible level of vehicle movements but anticipate levels of construction traffic to be significant. On this basis officers have recommended a condition requiring routes for construction to be agreed as part of a Construction Management Plan by condition.
45. *Environment Agency* – initially objected to the development due to the proposed drainage system. The applicant has since confirmed that foul drainage from the site would be disposed of to a cesspit. The Environment Agency has advised that a cesspit is the least desirable option in the foul drainage hierarchy but have not objected to this proposal. The Environment Agency has also provided advice in respect of flood warning and emergency response but has not requested any conditions in respect of this.

46. *Lead Local Flood Authority (Drainage and Coastal Protection)* – initially raised concerns in respect of surface water management. Further details were subsequently provided, which were considered to be acceptable. Officers have advised that consent to connect to a watercourse should be obtained from the Local Authority should be obtained prior to the commencement of the development. This requirement would be added to any planning permission as an informative.
47. *The Coal Authority* – initially objected to the development as a Coal Mining Risk Assessment did not appear to accompany the application. Following submission of the Coal Mining Risk Assessment the Coal Authority were reconsulted and raised no objections subject to conditions to carry out intrusive site investigation works and establish if there is a requirement for any remedial works.
48. *Northumbrian Water Limited* – has stated that they have no comments to make as no connections to the public sewerage network are proposed.

INTERNAL CONSULTEE RESPONSES:

49. *Archaeology* – has raised no objections to the proposals. The application is accompanied by a geophysical assessment which has shown low archaeological potential for most of the site, but this needs to be tested and confirmed by trial trenching. Officers have agreed that the trial trenching works could be carried out prior to commencement of the development and conditions are recommended to secure this.
50. *Design and Conservation* – has raised no objections to the proposals. Officers have noted that Section 6.3 of the submitted planning statement addresses the potential impact of this proposal on built heritage when considering the distance of the proposal from any assets and the proposed mitigation. The conclusions that there will be little to no impact are considered reasonable.
51. *Ecology* – has raised no objections to the proposals. Officers initially raised concerns regarding the deliverability of Biodiversity Net Gain (BNG) from the site. Amendments to the landscaping scheme, Biodiversity Monitoring and Management Plan (BMMP) and Biodiversity Metric have subsequently been submitted taking into recommendations from Ecology officers. Following this, Ecology officers requested that the mitigation measures set out at Section 7 of the Ecological Assessment, extent and type of habitats to be created and BMMP be secured. It is recommended that this be delivered through a Section 39 (Wildlife and Countryside Act) agreement.
52. *Environmental, Health and Consumer Protection (Air Quality)* – has raised no objections in relation to the proposed development. Officers initially requested further information in relation to dust management. Further information was provided in the form of a dust risk assessment, updated Transport Assessment and Construction and Environmental Management Plan. The additional information was found to be acceptable.
53. *Environmental, Health and Consumer Protection (Contaminated Land)* – has raised no objections to the proposals. Officers have advised that the site is located in close proximity to a number of sites of potential land contamination, however, given the nature of the use and location of the buildings there is unlikely to be an adverse impact and no conditions are recommended. An informative is recommended to inform the developer of the correct action if unexpected contamination is discovered during the construction period. Officers have also noted that the site is partially within a High Risk Coalfield Development Area. The Coal Authority have been consulted separately on this matter.

54. *Environment, Health and Consumer Protection (Nuisance Action)* – has raised no objections to the proposals. The submission of a Construction and Environmental Management Plan is noted, and a request is made that this is secured by condition.
55. *Landscape* – Officers have not specifically objected to the proposals but have stated that the development would cause harm to the character, quality and distinctiveness of the local landscape and to important views from high ground to the south in Ferryhill. While some of the harm in local views could be mitigated to some degree in the medium term, the effects in views from high ground would retain some residual harm. Officers have stated that the proposals would conflict with CDP Policies 10 and 39 unless the benefits of the development are considered to outweigh the harm.
56. Following revisions to the development Landscape officers commented that changes made to the landscaping plan were welcomed but reiterated that there remains residual harm in views from high ground to the south. Officers also note the commitment from the applicant to install green battery enclosures to mitigate some of the harm.
57. *Public Rights of Way* - has raised no objections to the proposals. Officers initially raised concerns about the potential impact to Footpath No.3 (Ferryhill Parish) both physically due to the crossing point for construction traffic and also in respect of noise and visual impact during construction and operation. Amendments to the proposal in respect of additional screening and noise attenuation have sought to reduce the operational impacts and management of construction traffic would form part of Construction Management Plan. Officers are satisfied with this approach.
58. *Spatial Policy* – has raised no objections to the proposed battery storage facility. Officers identified the key planning policies and their current status relevant to the consideration of this proposal. Comments also highlight any policy related material considerations relevant to the consideration of this proposal in terms of national policy, guidance and locally derived evidence bases. Key determining factors will be the environmental and economic benefits of the proposals balanced against potential harm to the countryside, landscape and agricultural land.

PUBLIC RESPONSES:

59. The application has been advertised in the local press and by site notice as part of planning procedures. In addition, neighbour notification letters were sent to 393 neighbouring properties.
60. 24 letters of objection have been received from local residents. The issues raised are set out as follows:
61. Objectors have raised amenity concerns regarding the construction and operation of the proposed development, particularly in relation to noise, dust and light pollution. It has been suggested that the noise assessment is inadequate and should have been carried out over a longer period of time.
62. Access and traffic has been raised as concern as residents consider the surrounding road network to already be very busy and additional traffic or traffic controls would not be welcome. It has been stated that the area around the site is an accident hotspot.
63. Objectors have stated that the development would result in the loss of greenfield, agricultural land and that it should be located elsewhere on allocated industrial or brownfield land.

64. It has been stated by residents that the site would result in harm to the landscape that would not be mitigated by the proposed tree screening as the site would remain visible from Ferryhill.
65. Concerns have been raised by objectors regarding the potential risk of fire or explosion from the proposed batteries and it has been suggested that they are located further away from residential properties.
66. 1 letter of support has been received from Spennymoor Town Football Club which states that energy storage systems, as proposed in this application, are going to be an essential part of the electricity network system if the UK is to get to net zero. Fossil fuels must be phased out as soon as possible and energy storage means that there can be more electricity from wind and solar. Wind and solar aren't just clean and zero carbon, they are the cheapest electricity generation available
67. *The Council for the Protection of Rural England (CPRE)* – object to the battery storage facility. They have commented that it does not constitute renewable energy or essential infrastructure and therefore does not fall within Policy 10 and should be refused. Concerns are also raised in respect of landscape impact and the potential for fire or explosion to occur.

The above is not intended to repeat every point made and represents a summary of the comments received on this application. The full written text is available for inspection on the application file which can be viewed at: <https://publicaccess.durham.gov.uk/>

APPLICANTS STATEMENT:

68. RES is the world's largest independent renewable energy company with 40 years' experience developing, constructing and operating renewable energy assets.
69. Our electricity system is in a transitional period to manage the increasingly complex supply and demand needs of the 21st Century; increased deployment of renewable energy generation is needed, however, electricity is generated intermittently depending on weather conditions. This can cause problems for the national grid network. Energy storage systems are therefore acknowledged as an essential part of the future electricity system as they work by storing energy at times when generation exceeds demand and then releasing electricity back to the network when demand exceeds generation. This keeps the grid network balanced and ultimately, the lights on.
70. Energy storage systems have a unique locational requirement to be positioned as close as possible to its point of connection to the national grid network. This proposal has therefore been located directly adjacent to the existing Spennymoor Electrical Substation to ensure that the system is as efficient as possible. Its proximity also minimises environmental impacts by preventing the need for additional overhead/underground cabling. The site is located outside of any local or national environmental designations and is located away from residential properties.
71. An extensive landscaping plan is proposed which includes the planting of new native woodland, species-rich grassland and the creation of a pond. This will provide a plentiful source of food and shelter for a range of species meaning that the proposal will provide a 25% net gain for biodiversity.
72. The extensive woodland planting will also significantly reduce the visual impact of the development, ensuring that any views are limited and localised in nature. We've also taken account of feedback from the local community and statutory consultees and the

battery containers will be finished in a non-reflective, visually recessive colour, further reducing visual impact.

73. The proposed Spennymoor energy storage system would occupy only 4.2 hectares of land, some of which is already existing access track, yet it would provide significant benefits including:
- Playing an essential role in balancing the generation and demand on the national grid network, without which we may see widescale blackouts.
 - Solving the problem of intermittent generation from renewable energy systems like wind and solar, enabling their continued development across the UK.
 - Improving the UK's energy security Protecting against volatile global energy prices.
 - Contributing approximately £150,000 a year to local services via business rates.
 - Contributing to the future and long-term viability of the farm.
 - Providing a biodiversity net gain of 25%.
74. The development draws support from Durham County Council's adopted Local Development Plan given its objectives relating to sustainability and a transition to a low carbon future, and more recently its declaration to achieve net zero by 2030.
75. In conclusion, it is considered the significant benefits of the development would outweigh the limited impacts and planning permission be granted.

PLANNING CONSIDERATIONS AND ASSESSMENT

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

Principle of Development

77. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF is a material planning consideration. The County Durham Plan (CDP) is the statutory development plan and is the starting point for determining applications as set out in the Planning Act and reinforced at Paragraph 12 of the NPPF. The CDP was adopted in October 2020 and provides the policy framework for the County up until 2035.
78. Paragraph 11 of the NPPF establishes a presumption in favour of sustainable development. For decision taking this means:
- c) approving development proposals that accord with an up-to-date development plan without delay; or

- d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out of date, granting permission unless:
 - i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed, or
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the Policies in this Framework taken as a whole.

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

Key policies for determination

- 80. The key policy for the determination of this application is CDP Policy 27 relating to utilities. This Policy supports proposals for new or extensions to existing energy generation and utility transmission facilities where it can be demonstrated that the scheme will not cause significant adverse impacts or that its benefits outweigh any adverse negative effects.
- 81. The opening paragraph of CDP Policy 10 states that development in the countryside will not be permitted unless allowed for by specific policies in the Plan, relevant policies within an adopted neighbourhood plan relating to the application site or where the proposal relates to one or more exceptions set out within the policy. Criteria e) of Policy 10 relates to infrastructure development and is permissive towards development necessary to support essential infrastructure where the need can be demonstrated for that location. Supporting text in CDP paragraph 5.76 states that new infrastructure will also be supported, especially where this will bring about wider economic and social benefits. It is therefore considered that the development would constitute an exception to CDP Policy 10 and the acceptability criteria are engaged.
- 82. CDP Policy 10 states that new development in the countryside must not give rise to unacceptable harm to the heritage, biodiversity, geodiversity, intrinsic character, beauty or tranquillity of the countryside either individually or cumulatively, which cannot be adequately mitigated or compensated for, result in the merging or coalescence of neighbouring settlements, contribute to ribbon development, impact adversely upon the setting, townscape qualities, including important vistas, or form of a settlement which cannot be adequately mitigated or compensated for, be solely reliant upon, or in the case of an existing use, significantly intensify accessibility by unsustainable modes of transport. New development in countryside locations that is not well served by public transport must exploit any opportunities to make a location more sustainable including improving the scope for access on foot, by cycle or by public transport, be prejudicial to highway, water or railway safety; and impact adversely upon residential or general amenity. Development must also minimise vulnerability and provide resilience to impacts arising from climate change, including but not limited to, flooding; and where applicable, maximise the effective use of previously developed (brownfield) land providing it is not of high environmental value.
- 83. The potential impacts of the development are considered in the sections below.

Landscape

84. Paragraph 174 of the NPPF states that decisions should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes in a manner commensurate with their statutory status or identified quality in the development plan.
85. CDP Policy 10 states that development in the countryside must not give rise to unacceptable harm intrinsic character, beauty or tranquillity of the countryside either individually or cumulatively, which cannot be adequately mitigated or compensated for and must not result in the merging or coalescence of neighbouring settlements.
86. CDP Policy 39 states that proposals for new development will be permitted where they would not cause unacceptable harm to the character, quality or distinctiveness of the landscape, or to important features or views. Proposals will be expected to incorporate appropriate measures to mitigate adverse landscape and visual effects. Development affecting Areas of Higher Landscape Value will only be permitted where it conserves, and where appropriate enhances, the special qualities of the landscape, unless the benefits of development in that location clearly outweigh the harm.
87. CDP Policy 40 states that proposals for new development will not be permitted that would result in the loss of, or damage to, trees of high landscape, amenity or biodiversity value unless the benefits of the proposal clearly outweigh the harm. Where development would involve the loss of ancient or veteran trees it will be refused unless there are wholly exceptional reasons, and a suitable compensation strategy exists. Proposals for new development will not be permitted that would result in the loss of hedges of high landscape, heritage, amenity or biodiversity value unless the benefits of the proposal clearly outweigh the harm. Proposals for new development will not be permitted that would result in the loss of, or damage to, woodland unless the benefits of the proposal clearly outweigh the impact and suitable replacement woodland planting, either within or beyond the site boundary, can be undertaken.
88. The site lies in the Wear Lowlands County Character Area which forms part of the larger Tyne & Wear Lowlands National Character Area (NCA 14). It lies in the Eastern Valley Terraces Broad Character Area which belongs to the Lowland Valley Terraces Broad Landscape Type. The site is made up of open, undulating arable farmland bounded by mature vegetation surrounding the adjacent Spennymoor Substation to the north, a low clipped thorn hedge to the east, with the other boundaries undefined). The site forms part of a wider tract of open farmland of a similar character. Although the local landscape contains a number of strategic overhead powerlines and electricity substations which, together with the busy A688, give it a slight urban fringe quality, it is still essentially rural in character.
89. The site does not lie in an area covered by any national or local landscape designations. An Area of Higher Landscape Value (AHLV) is located approximately 1.1km to the south east.
90. The site occupies low lying gently undulating farmland falling eastwards to the shallow valley of the Coxhoe Beck from a high point at the southwest of the site. Due to the nature of the topography views of the locality are generally shallow. Receptors in near views include the footpaths that pass the site to the east and west and scattered isolated properties

91. The site is overlooked from the higher ground of the Limestone Escarpment including the Limestone Escarpment Ridge to the south. Receptors in that area include properties on the settlement edge of Ferryhill, minor roads (C37) and the plethora of footpaths on the north facing slope, north of Ferryhill.
92. Landscape officers have stated that the development would entail a notable incursion into open countryside. While the wider landscape has a settled character with a number of detractive elements, including busy highways, energy infrastructure and built form including amazon warehouse, this leaves the rural dimension to its character relatively fragile and susceptible to further impacts.
93. Despite the influence of the existing energy infrastructure, at the level of the site and its immediate surroundings, the proposals would involve a transformative change from open arable farmland to an energy storage facility dominated by features of a notably man-made/industrial character.
94. The effects would be notable in views from the immediate locality which includes footpaths No. 3 and 4 (Ferryhill Parish) that pass the site to the east and west from where there would be shallow views of the site. From footpath No. 3 views would be intermittent and limited in places by existing hedgerow vegetation (less so in winter) although views would still be afforded through sporadic sparser sections, and through gaps. The visibility of the development from this footpath, and therefore its effects on the character of the local landscape, would be reduced over time by a combination of tailored management of existing vegetation and the planting of new trees on the proposed bunds which would help integrate the proposals with the surrounding area and would be effective in a few years. From footpath No. 4 the proposal would be viewed across an open arable field. At the time of development and for several years afterwards (the length of time depending on the quality and performance of the planting) the proposal would remain notable.
95. The transformative effect on landscape character would however be strongly evident from the higher ground of the Limestone Escarpment Ridge due to the topography of the site, which slopes south-east towards the escarpment. Receptors in that area include properties on the settlement edge of Ferryhill and the plethora of footpaths (No. 1, 2, 3, 4 and 5 (Ferryhill Parish)) on the north facing slope, north of Ferryhill. In these views, whilst across a settled landscape which takes in existing infrastructure and built form, including the large Amazon warehouse, the development would be conspicuous and the effect on character would be evident. Photomontages supplied as part of the application indicate that the effects in views from high ground, whilst reduced to some degree after 15years, would not be adequately mitigated against.
96. The effects of development would be less apparent in the landscape from where views are typically shallow (A167 and Thinford Lane) and development would be largely screened by intervening topography and vegetation
97. A landscaping scheme has been submitted with the application and has seen revisions throughout the consideration of the application. Planting would be provided to improve screening with native woodland planting on the south, east and western sides.
98. The proposals would cause some harm to the intrinsic character and beauty of the countryside. Whilst the proposals incorporate measures which would mitigate the harm to some degree in the medium term there would be notable longer term residual harm and particularly in respect of valued views from high ground to the south. It is therefore considered that there would be limited but not unacceptable harm to the intrinsic character and beauty of the countryside, in accordance with CDP Policy 10.

99. It is noted that Landscape officers consider the proposals would cause harm to the character and quality of the landscape, however, it is considered that this harm is primarily drawn from specific viewpoints to the south of the site and is less significant in closer proximity and from different directions. To assist in mitigating this harm the applicant has proposed additional woodland planting in accordance with the requirements of CDP Policy 40. The applicant has also agreed to a condition limiting the colour of the containerised units to a shade of green to help assimilate with the surrounding landscape. Notwithstanding this, it is considered that the proposal would be in conflict with CDP Policy 39 and Part 15 of the NPPF.

Access and Traffic

100. Paragraph 110 of the NPPF states that safe and suitable access should be achieved for all users. In addition, Paragraph 111 of the NPPF states that development should only be refused on transport grounds where the residual cumulative impacts on development are severe. CDP Policy 21 states that the transport implications of development must be addressed as part of any planning application, where relevant this could include through Transport Assessments, Transport Statements and Travel Plans.
101. The site would be accessed from the C37 Road to the east via East Howle. A new private access track would be created from East Howle into the site.
102. A Transport Statement (TS) has been submitted in support of the application. The TS has identified that the construction period for the development would be approximately 12 months with the number of HGV deliveries being 10 per day (5 in and 5 out). There would be a total of approximately 1400 deliveries to the site during the 12 month construction period. During the operational period the site would only need to be visited 12 times per annum by a car or van.
103. The Highways Authority have considered the proposal and find the access arrangements for both the construction and operational periods to be acceptable. Officers have requested that the Construction Management Plan be secured by condition.
104. Whilst the proposed development would generate a degree of construction traffic for the 12 month construction period it would be not be unacceptable in this location due to appropriate access and existing highway capacity. Following construction, the development would be automated and would only be attended for monitoring and maintenance purposes. No objection is raised by the Council as Highways Authority subject to appropriate conditions. It is considered that the proposals have been appropriately assessed through a Transport Statement and would not result in harm to the safety of the local or strategic highway network and would not cause an unacceptable increase in congestion or air pollution. Subject to the condition set out the development would not conflict with CDP Policy 21 and Part 9 of the NPPF.

Residential Amenity

105. Paragraph 174 of the NPPF states that planning decisions should contribute to and enhance the natural and local environment by preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of air or noise pollution. Development should, wherever possible, help to improve local environmental conditions such as air quality and water quality. Paragraph 185 of the NPPF states that planning decisions should ensure that new development is appropriate for its location taking into account the likely effects of pollution on health, living conditions and the natural environment,

as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. Paragraph 186 of the NPPF advises that planning decisions should sustain and contribute towards compliance with relevant limit values or national objectives for pollutants. Opportunities to improve air quality or mitigate impacts should be identified, such as through traffic and travel management, and green infrastructure provision and enhancement. Paragraph 187 of the NPPF advises that planning decisions should ensure that new development can be integrated effectively with existing businesses and community facilities (such as places of worship, pubs, music venues and sports clubs).

106. CDP Policy 31 sets out that development will be permitted where it can be demonstrated that there will be no unacceptable impact, either individually or cumulatively, on health, living or working conditions or the natural environment and that can be integrated effectively with any existing business and community facilities. Development will not be permitted where inappropriate odours, noise, vibration and other sources of pollution cannot be suitably mitigated against, as well as where light pollution is not suitably minimised. Permission will not be granted for locating of sensitive land uses near to potentially polluting development. Similarly, potentially polluting development will not be permitted near sensitive uses unless the effects can be mitigated. CDP Policy 10 states that new development in the countryside must not impact adversely upon residential or general amenity.
107. The nearest residential properties to the proposed development are East Howle Farm and East Howl travellers site approximately 300m to the south east, Cooksons Green approximately 350m to the east and Red Hall Farm approximately 630m to the south west. Metal Bridge is located approximately 1km to the east, Spennymoor is located approximately 1km to the west and Ferryhill is located approximately 1km to the south.
108. Objections have been received from 24 local residents, Ferryhill Town Council and CPRE. Objectors have raised amenity concerns regarding the construction and operation of the proposed development, particularly in relation to noise, dust and light pollution. It has been suggested that the noise assessment is inadequate and should have been carried out over a longer period of time.
109. Landscape impact has been assessed in the section above, but it is acknowledged that those people living near to the site experience landscape harm as a constant rather than passing impact. Whilst the development would have a transformative impact the site would be viewed against the existing substation in views from the south and additional planting is proposed to lessen the visual impact. Given the existing screening and limited impact to residential properties it is considered that the visual impact of the site in terms of amenity would not be unacceptable.
110. An Assessment of Acoustic Impact was submitted in support of the application. This provides baseline data including background noise assessment for the site. Predicted noise levels for the proposed development have then been considered against existing background levels at the nearest noise sensitive properties. This has demonstrated that during daytime operation there would no increase at any of the nearest properties but there would be an exceedance of background levels by 1-3dB during night time operation at 4 properties. Discussions with the Councils Environmental Health team during the consideration of the application concluded that, given the very low night time background levels for the site, an exceedance of 3dB would be acceptable in this case.
111. The proposed development has very limited potential to create any dust or light pollution impacts. The heating and ventilation systems for the batteries have the potential to create noise but this is mitigated by attenuation measures on the plant and

by the surrounding acoustic fencing. Environmental Health and Consumer Protection officers have considered the proposals and raise no objections in respect of potential noise nuisance or air pollution. Officers note that the construction phase is the only time where noise may be an issue and have requested that hours of operation be conditioned. In accordance with standard practice, it is proposed that through condition a Construction Management Plan is submitted to ensure that dust, noise, lighting, access, routing and community liaison amongst other matters.

112. It is considered that the proposed development would not create an unacceptable impact on health, living or working conditions or the natural environment. The proposals would not result in unacceptable noise, dust, vibration or light pollution and, subject to the imposition of the conditions recommended above, it is considered that the proposals would provide an acceptable standard of residential amenity in accordance with CDP Policies 10 and 31 and Part 15 of the NPPF.

Land Stability and Contamination

113. Part 15 of the NPPF (Paragraphs 120, 174, 183 and 184) requires the planning system to consider remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land where appropriate. Noting that where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner. CDP Policy 32 requires that where development involves such land, any necessary mitigation measures to make the site safe for local communities and the environment are undertaken prior to the construction or occupation of the proposed development and that all necessary assessments are undertaken by a suitably qualified person.
114. The site is within a mixture of Low Risk and High Risk Coalfield Development Areas. A Coal Mining Risk Assessment has been submitted in support of the application, which considers legacy mining issues in relation to the proposed development. The assessment advises that intrusive investigation works be carried out prior to the development being carried out. The Coal Authority have been consulted on the application and raise no objection agreeing with the conclusions of the submitted risk assessment. Conditions are recommended to ensure the intrusive investigation and any remediation works are carried out.
115. Environmental Health and Consumer Protection officers have considered the proposals and raise no objections in respect of land contamination. No conditions have been recommended but an informative has been suggested to provide advice to the applicant in the event any unexpected contamination is found during construction works.
116. It is considered that the proposed development would be suitable for the proposed use and would not result in unacceptable risks which would adversely impact on the environment, human health and the amenity of local communities and it is considered that the proposals would provide an acceptable standard of residential amenity in accordance with CDP Policies 32 and Part 15 of the NPPF.

Flooding and Drainage

117. Part 14 of the NPPF directs Local Planning Authorities to guard against flooding and the damage it causes. Protection of the water environment is a material planning consideration and development proposals, including waste development, should ensure that new development does not harm the water environment. Paragraph 174 of the NPPF advises that planning decisions should contribute to and enhance the natural and local environment by preventing new and existing development from

contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of water pollution. Development should, wherever possible, help to improve local environmental conditions such as water quality.

118. Paragraph 167 of the NPPF states that when determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment. Development should only be allowed in areas at risk of flooding where, in the light of this assessment it can be demonstrated that it incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate, and any residual risk can be safely managed.
119. CDP Policy 35 requires all development proposals to consider the effect of the proposed development on flood risk, both on-site and off-site, commensurate with the scale and impact of the development and taking into account the predicted impacts of climate change for the lifetime of the proposal. All new development must ensure there is no net increase in surface water runoff for the lifetime of the development. Amongst its advice, the policy advocates the use of SuDS and aims to protect the quality of water. CDP Policy 10 states that new development in the countryside must minimise vulnerability and provide resilience to impacts arising from climate change, including but not limited to, flooding.
120. The application is accompanied by a Flood Risk Screening and Drainage Management Plan, which includes a flood risk assessment (FRA). The FRA identifies that the application site is located entirely within Flood Zone 1 and is deemed to be at low risk of flooding. A sustainable drainage strategy, involving the implementation of SuDS in the form of a swale to the west of the site, is proposed for managing the disposal of surface water runoff from the proposed development on the site. The runoff rate would be restricted to the pre-development level, which is 11.15 litres per second. Permanent and temporary foul drainage would be discharged into a sealed cesspit and emptied when required.
121. Drainage and Coastal Protection officers have considered the submitted details and raised no objections but have advised that a discharge consent would be required. An informative would be included as part of any planning permission to remind the applicant of the need to obtain this consent. The Environment Agency has advised that a cesspit is least favourable means of managing foul sewerage but has raised no objections to the proposals. Northumbrian Water has made no comments on the development as it would not connect to their network. It is therefore considered that the proposed development would not lead to increased flood risk, both on and off site, and through the use of SUDs would ensure there is no net increase in surface water runoff for the lifetime of the development. It is therefore considered that the proposals would not conflict with CDP Policies 10 and 35 and Part 14 of the NPPF.

Ecology

122. Paragraph 180 of the NPPF sets out the Government's commitment to halt the overall decline in biodiversity by minimising impacts and providing net gains where possible and stating that development should be refused if significant harm to biodiversity cannot be avoided, mitigated or, as a last resort, compensated for. CDP Policy 41 reflects this guidance by stating that proposals for new development will not be permitted if significant harm to biodiversity or geodiversity resulting from the development cannot be avoided, or appropriately mitigated, or, as a last resort, compensated for. CDP Policy 43 states that development proposals that would adversely impact upon nationally protected sites will only be permitted where the

benefits clearly outweigh the impacts whilst adverse impacts upon locally designated sites will only be permitted where the benefits outweigh the adverse impacts.

123. The presence of protected species is a material consideration in planning decisions as they are a protected species under the Wildlife and Countryside Act 1981 and the European Union Habitats Directive and the Conservation of Habitats and Species Regulations 2017 (as amended). The Habitats Directive prohibits the deterioration, destruction or disturbance of breeding sites or resting places of protected species. Natural England has the statutory responsibility under the regulations to deal with any licence applications but there is also a duty on planning authorities when deciding whether to grant planning permission for a development which could harm a European Protected Species to apply three tests contained in the Regulations in order to determine whether a licence is likely to be granted. These state that the activity must be for imperative reasons of overriding public interest or for public health and safety, there must be no satisfactory alternative, and that the favourable conservation status of the species must be maintained. Brexit does not change the Council's responsibilities under the law.
124. Objectors to the proposal have raised concerns the development would be harmful to local wildlife.
125. An Ecological Impact Assessment has been provided with the application. The assessment provides a baseline study of the site including the proximity of designated sites, habitats and constraints within the site and includes an Extended Phase 1 habitat survey habitat condition survey, species scoping survey, Great Crested Newt survey, eDNA survey and a late breeding bird survey. The potential impacts to protected species has been considered, including birds, bats, badger, otter, water vole, amphibians and reptiles.
126. The assessment concludes that a total of 14 habitat types were noted during the Phase 1 habitat survey. The main impacts during the construction phase include the direct loss of habitat under the development footprint and indirect loss of habitat due to noise and vibration disturbance, dust and water pollution. The loss of these primarily intensive agricultural habitat areas is assessed to be of negligible significance to nature conservation interest within the local area.
127. Mitigation measures have been suggested as part of the application including new native woodland creation, species rich grassland, hibernacula and bird, mammal and invertebrate houses/boxes which would see the potential of the site to support local wildlife increase. The development is therefore likely to lead to a positive effect on a number of protected or priority species during the operational phase.
128. The applicant has also supported a biodiversity net gain assessment with supporting metric, which confirms that the development would deliver 24.68% habitat units and 70.51% hedgerow units. A biodiversity management plan has also been submitted in support of the application.
129. Ecology officers have considered the proposals and raised no objections subject to appropriate long term management of the site. It is recommended that the biodiversity enhancement would be secured through a Section 39 Agreement under the Wildlife and Countryside Act 1981. Section 39 of the Wildlife and Countryside Act 1981 enables local authorities to enter into management agreements with the owner of land for its conservation (and for other related purposes) and is regarded as a suitable mechanism for securing long term land management in relation to biodiversity net gain.

130. The proposed development would provide biodiversity enhancement to the site and, whilst there may be temporary displacement of wildlife during the construction process, the net increase in biodiversity value would adequately mitigate any residual harm. It is considered that the proposed development would not impact upon any nationally or locally protected sites or species. Suitable mitigation would be secured through Section 39 agreement. It is therefore considered that the proposals would not conflict with CDP Policies 25, 41 and 43 and Part 15 of the NPPF in respect of avoiding and mitigating harm to biodiversity.

Recreational Amenity

131. Part 8 of the NPPF seeks to promote healthy communities with a key reference being towards the protection and enhancement of public rights of way and access. CDP Policy 26 states that development will be expected to maintain or improve the permeability of the built environment and access to the countryside for pedestrians, cyclists and horse riders. Proposals that would result in the loss of, or deterioration in the quality of, existing Public Rights of Way (PROWs) will not be permitted unless equivalent alternative provision of a suitable standard is made. Where diversions are required, new routes should be direct, convenient and attractive, and must not have a detrimental impact on environmental or heritage assets.
132. There are no public rights of way within the site boundary. Footpath No. 4 (Ferryhill Parish) is located approximately 190m to the west of the site, Footpath No. 9 (Ferryhill Parish) is located approximately 180m to the south and Footpath No. 3 (Ferryhill Parish) is located to the immediate east of the site boundary. Access to the development would need to cross Footpath No. 3 close to East Howle.
133. Access and Rights of Way officers have considered the proposals and raised no objections. Officers did raise some concerns regarding construction traffic crossing Footpath No. 3 and amenity impacts from noise and visual impact to footpaths surrounding the site. However, confirmation was provided that the site would be subject to a Construction Management Plan which would include signage and management of traffic crossing the footpath and that noise and visual impact from the site would be controlled and mitigated through planting and acoustic shielding.
134. Subject to the submitted landscaping plan being implemented it is considered that the proposed development would not result in the loss of deterioration in quality of existing public rights of way in accordance with CDP Policy 26 and Part 8 of the NPPF.

Cultural Heritage

135. In assessing the proposed development regard must be had to the statutory duty imposed on the Local Planning Authority under the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character and appearance of a conservation area. In addition, the Planning (Listed Buildings and Conservation Areas) Act 1990 also imposes a statutory duty that, when considering whether to grant planning permission for a development which affects a listed building or its setting, the decision maker shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
136. Part 16 of the NPPF requires clear and convincing justification if development proposals would lead to any harm to, or loss of, the significance of a designated heritage asset. CDP Policy 44 seeks to ensure that developments should contribute positively to the built and historic environment and seek opportunities to enhance and,

where appropriate, better reveal the significance and understanding of heritage assets.

137. No designated or non-designated heritage assets are located within the site. The Grade II Listed Manor House including Cottage, Piers and Statue, Grade II Listed Gateway and Wall Attached South of Manor House, Grade II Listed East Howle and Crossings War Memorial, Grade II Listed War Memorial and Grade II Listed Walton Memorial are located approximately 1.2km to the south of the site in Ferryhill. The Grade II Listed Pigeon-Cote Circa 50m north-west of Brandon Farmhouse is located approximately 1.7km east of the eastern site boundary. The Grade II Listed 53, The Green, Grade II Listed West Cornforth War Memorial, Grade II Listed Church of the Holy Trinity and Grade II Listed Walls, Piers, Gates and Railings east of Church of the Holy Trinity are all located approximately 1.8km to the east in Cornforth.
138. A Heritage and Archaeology section has been included within the Planning Statement submitted in support of the application. This assessment provides a brief consideration of designated heritage assets in the vicinity of the site and notes that a geophysical survey of the site has been carried out. The assessment concludes that it is not anticipated that the project would have any material effect on any designated heritage assets or, where relevant, their settings due to distance and the proposed landscaping and planting works. The geophysical survey indicates that the majority of the site is devoid of archaeology apart from former field boundaries, however, the disturbed ground to the south east that forms part of the site access may include remains of wagonway sidings and possible structural remains associated with the former East Howle Colliery.
139. Design and Conservation officers have considered the proposal and heritage assessments and agree with the conclusions that the development would have no harm to the significance of designated heritage assets. Archaeology officers have raised no objections to the proposals subject to further site investigation through trial trenching. Officers have agreed that the trial trenching works could be carried out prior to commencement of the development and conditions are recommended to secure this.
140. Subject to the imposition of conditions requiring further trial trenching and evaluation it is considered that the proposed development would not conflict with CDP Policy 44 and would cause no harm to heritage assets in accordance with Part 16 of the NPPF and Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Agricultural Land

141. Paragraph 174 of the NPPF seeks to protect best and most versatile land. CDP Policy 14 states that development of the best and most versatile agricultural land will be permitted where it is demonstrated that the benefits of the development outweigh the harm, taking into account economic and other benefits.
142. The proposed development would occupy approximately 4.2 hectares of agricultural land. An Agricultural Land Classification (ALC) assessment has been carried out for the site. The study area covers an area of 9.3 hectares, including a buffer around the application area. The assessment includes a desktop study and fieldwork analysis with the conclusion that 0.7 hectares of the development area is Grade 3a (best and most versatile) and the remaining 3.5 hectares are classed as Grade 3b. In this case 82% of the site is not comprised of best and most versatile land.

143. Objectors have stated that the development would result in the loss of greenfield, agricultural land and that it should be located elsewhere on allocated industrial or brownfield land.
144. Although the impact to best and most versatile land is small the test set out in CDP Policy is still engaged and an analysis of the benefits of the development compared to the loss of agricultural land should be considered.
145. The application site, as a whole, is used on rotation for production of barley for cattle feed and oil seed rape for biofuel production. A specific income value for the crops is not provided as this fluctuates and would, in addition, be difficult to quantify for the specific area classed as best and most versatile.
146. The proposed development would provide the landowner with a significantly increased income allowing for further investment in the agriculture business. The development would play an important role in balancing the generation and demand on the national grid network and would, in turn, allow for more renewable energy generation systems like wind and solar to be developed as the storage solution solves the problem of intermittent generation. The development would also provide additional energy security for the UK with less reliance upon imported energy.
147. The development would provide biodiversity net gain through additional planting and habitat creation. Finally, the development would be subject to business rates equating to approximately £150,000 per annum.
148. Although the development would remove a small portion of land from arable use it is considered that the benefits of the development as set out above would outweigh this loss. The proposed would therefore not conflict with CDP Policy 14 or Part 15 of the NPPF in this respect.

Cumulative Impact

149. Paragraph 185 of the NPPF advises that planning decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. CDP Policy 31 sets out that development will be permitted where it can be demonstrated that there will be no unacceptable impact, either individually or cumulatively, on health, living or working conditions or the natural environment.
150. The application site is currently comprised of an agricultural field. On the periphery of the site there are electrical substations to the immediate north and across the A688 to the north west and in the wider context there are the settlements of Hett, Spennymoor, Metal Bridge and Ferryhill. Significant development has occurred in recent years at Thinford to the west and Tursdale to the east, in particular the development of the Integra 61 site has created a significant landscape and use change for the area. Development is currently under way for a battery storage development to the north west of the site adjacent to the existing substation.
151. The proposed development would cumulatively add to the amount of energy infrastructure in the surrounding area which could lead to potentially significant cumulative effects arising from the existing substations and recently approved Battery Storage (DM/16/02869/FPA) facility. The level of cumulative impact and overall perceptions of the change in the character of the landscape has the potential to be notable especially in the short-medium term until any landscape proposals became

established, although there is likely to be residual harm. These effects are likely to be particularly felt along Thinford Lane (A688) where would be some inter-visibility and/or sequential views of this developments and in wider views such as the Limestone Escarpment Ridge to the south on the edge of Ferryhill where there is likely to be some intervisibility between existing and proposed. During the construction period it is likely that visual harm would be greater and temporary impacts of additional noise and traffic would be more prominent. However, construction work at Integra 61 is focused on the north of the site, away from the proposed development and much of the approved major development in the Thinford area is likely to be completed in the coming months, minimising the potential cumulative impact from construction.

152. As described above, the proposed development would be viewed in the context of other energy developments and large-scale commercial developments. However, the proposed containerised units would be of a modest height themselves and the associated screening would bring benefits to the site, as well as limiting intervisibility between developments. It is therefore considered that whilst there would be a cumulative impact, this would not be unacceptable or overbearing. It is therefore considered that the proposal would not conflict with CDP Policy 31 and Part 15 of the NPPF.

Other Matters

153. Paragraph 45 of the NPPF states that Local planning authorities should consult the appropriate bodies when considering applications for the siting of, or changes to, major hazard sites, installations or pipelines, or for development around them. CDP Policy 28 requires that within safeguarded areas development will be subject to consultation with the relevant authority and will be permitted where it can be demonstrated that it would unacceptably adversely affect public safety, air traffic safety, the operation of High Moorsely Meteorological Officer radar. Of relevance to this development is criteria c) which states that development will be permitted within the defined safeguarding area around the High Moorsely Meteorological Office radar site where it can be demonstrated that there will be no unacceptable adverse impact upon the operation of the site. The Policy goes on to say that when considering relevant planning applications within the defined safeguarded areas the Council will ensure that developers always consider both potential individual and cumulative impacts. Where demonstrated to be necessary mitigation will always be sought to either remove or reduce the potential impact upon each safeguarded area to acceptable levels.
154. To check compliance with CDP Policy 28 the requirements of the safeguarding map which has been provided only require consultation if any building, structure or works exceeded 45.7m above ground level. In the case of this development all of the structures are below 6m in height so there is no requirement for consultation and no conflict with the Policy.
155. CDP Policy 56 states that planning permission will not be granted for non-mineral development that would lead to the sterilisation of mineral resources within a Mineral Safeguarding Area. This is unless it can be demonstrated that the mineral in the location concerned is no longer of any current or potential value, provision can be made for the mineral to be extracted satisfactorily prior to the non-minerals development taking place without unacceptable adverse impact, the non-minerals development is of a temporary nature that does not inhibit extraction or there is an overriding need for the non-minerals development which outweighs the need to safeguard the mineral or it constitutes exempt development as set out in the CDP.

156. The development lies above a mineral safeguarding area for surface mined coal. However, as the proposed development is comprised of demountable structures / containers the mineral reserve would not be permanently sterilised and could be extracted at a future date. It is therefore considered that the proposed development would not conflict with CDP Policy 56.
157. Concerns have been raised by objectors regarding the potential risk of fire or explosion from the proposed batteries and it has been suggested that they are located further away from residential properties. There is no current guidance or policy to indicate that battery storage facilities are a fire or explosion risk, or that they should be given a standoff distance from any sensitive receptors. It is for the site operator to ensure that the development is managed appropriately and the planning process should not unnecessarily restrict development.

Public Sector Equality Duty

158. Section 149 of the Equality Act 2010 requires public authorities when exercising their functions to have due regard to the need to i) the need to eliminate discrimination, harassment, victimisation and any other prohibited conduct, ii) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it and iii) foster good relations between persons who share a relevant protected characteristic and persons who do not share that characteristic.
159. In this instance, officers have assessed all relevant factors and do not consider that there are any equality impacts identified.

CONCLUSION

160. Although there would be residual landscape harm in conflict with CDP Policies 10 and 39 it is considered that the benefits of the proposal outweigh this harm. The proposed battery storage facility would provide grid balancing to reduce dependence upon fossil fuel power stations and to provide support for renewable energy developments. Further benefits of the scheme include biodiversity net gain and additional planting for the site and direct employment to the construction industry. Officers consider that the proposed development would accord with CDP Policy 27.
161. Although changes have been made to the proposed development during the course of consideration of the application, it would still constitute development in the countryside resulting in landscape harm sufficient to conflict with CDP Policy 39. Efforts have been made to screen the development and from many public viewpoints the battery containers would be obscured by vegetation or topography. In more open, and distant views the site would be seen as a developed feature within a semi-rural landscape that could not be mitigated by screening. All other material considerations have been taken into account in the determination of the application and found to be acceptable.
162. Whilst it is accepted that the proposed development would have an impact to the landscape it is considered that the benefits of the development in terms of energy supply and security, support for renewable energy, biodiversity enhancement and job creation would outweigh that harm and planning permission should be granted.
163. The proposed development has generated some public interest, with letters of objection having been received. Concerns expressed regarding the proposal have been taken into account, and carefully balanced against the scheme's wider social, environmental and economic benefits.

164. The proposal is considered to broadly accord with the relevant policies of the County Durham Plan and relevant sections of the NPPF.

RECOMMENDATION

165. That application no. DM/22/00120/FPA be **APPROVED** subject to the following conditions and completion of a planning obligation under Section 39 of The Wildlife and Countryside Act 1981:

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

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

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

04706-RES-LAY-DR-PE-001 REV 7	Infrastructure Layout Plan
04706-RES-LAY-DR-PE-003 REV 1	Site Elevations
04706-RES-SEC-DR-PE-002 REV 2	Fence Details 1 of 2
04706-RES-SEC-DR-PE-002 REV 2	Fence Details 2 of 2
04706-RES-SUB-DR-PE-001 REV 2	Substation Building
04706-RES-SUB-DR-PE-002 REV 2	Grid Compliance Equipment
04706-RES-SUB-DR-PE-003 REV 2	Auxiliary Transformer
04706-RES-SUB-DR-PE-004 REV 3	Spares Storage Container
04706-RES-ACC-DR-PE-002 REV 3	Access Route to Site
04706-RES-PCS-DR-PE-001 REV 1.1	Power Conversion System and Transformer
04706-RES-SEC-DR-PE-001 REV 2	Lighting and CCTV Column
P21-2770.003 REV F	Detailed Landscape Proposals

Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with Policies 21, 27, 31, 39 and 41 of the County Durham Plan and Parts 9, 14 and 15 of the National Planning Policy Framework.

3. No development shall take place until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Construction Management Plan shall include as a minimum but not necessarily be restricted to the following:

-A Dust Action Plan including measures to control the emission of dust and dirt during construction taking into account relevant guidance such as the Institute of Air Quality Management "Guidance on the assessment of dust from demolition and construction" February 2014;

-Details of methods and means of noise reduction;

-Where construction involves penetrative piling, details of methods for piling of foundations including measures to suppress any associated noise and vibration;

-Details of whether there will be any crushing/screening of materials on site using a mobile crusher/screen and the measures that will be taken to minimise any environmental impact.

-Details of measures to prevent mud and other such material migrating onto the highway from construction vehicles;

-Designation, layout and design of construction access and egress points;

-Details for the provision of directional signage (on and off site);

- Details of contractors' compounds, materials storage and other storage arrangements, including cranes and plant, equipment and related temporary infrastructure;
- Details of provision for all site operations for the loading and unloading of plant, machinery and materials;
- Details of provision for all site operations, including visitors and construction vehicles for parking and turning within the site during the construction period;
- Routing agreements for construction traffic;
- Details of the erection and maintenance of security hoarding;
- Details of construction and decommissioning working hours;
- Waste audit and scheme for waste minimisation and recycling/disposing of waste resulting from demolition and construction works; and
- Detail of measures for liaison with the local community and procedures to deal with any complaints received.

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

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

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

4. Construction operations shall only take place within the following hours:
 - 07.30 to 19.00 Monday to Friday
 - 07.30 to 12.00 Saturday

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

Reason: In the interests of residential amenity and highway safety in accordance with the County Durham Plan Policy 21 and Part 15 of the National Planning Policy Framework.

5. No development shall commence until;
 - A scheme of intrusive investigations has been carried out by a competent person and submitted and approved in writing by the Local Planning Authority;
 - The approved scheme is carried out on site to establish any risks posed to the development by past shallow coalmine workings; and
 - Any remediation works and/or mitigation measures to address land instability arising from shallow workings, as may be necessary, have been implemented on site in full in order to ensure that the site is safe and stable for the development proposed.

Reason: To ensure the development is not at risk from instability due to former coal workings in accordance with County Durham Plan Policy 32 and Part 15 of the NPPF.

6. Prior to the occupation of the development, a signed statement or declaration prepared by a suitably competent person confirming that the site is, or has been made, safe and stable for the approved development shall be submitted to and approved in writing by the Local Planning Authority

Reason: To ensure the development is not at risk from instability due to former coal workings in accordance with County Durham Plan Policy 32 and Part 15 of the NPPF.

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

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

8. Prior to the commencement of development precise details of the colours and finishes for all buildings, fixed plant and machinery shall be agreed in writing with the Local Planning Authority and the development carried out in accordance with agreed details. All containerised units shall be finished in a green colour, the precise detail of which is to be agreed in writing with the Local Planning Authority.

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

9. Prior to the commencement of development, a Written Scheme of Investigation setting out a phased programme of archaeological work in accordance with 'Standards For All Archaeological Work In County Durham And Darlington' shall be submitted to the Local Planning Authority for approval in writing. The programme of archaeological work will then be carried out in accordance with the approved Written Scheme of Investigation.

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

10. No part of an individual phase of the development as set out in the agreed programme of archaeological works shall be occupied until the post investigation assessment has been completed in accordance with the approved Written Scheme of Investigation. The provision made for analysis, publication and dissemination of results, and archive deposition, should be confirmed in writing to, and approved by, the Local Planning Authority.

Reason: To safeguard any Archaeological Interest in the site in accordance with County Durham Plan Policy 44 and Part 16 of the National Planning Policy Framework.

11. In the event that the battery storage facility is inoperative for a period of 6 months or longer, a scheme for the restoration of the site, including the buildings, structures and infrastructure works, dismantling and removal of all elements, shall be submitted to

and be approved in writing by the Local Planning Authority not later than 12 months following the last export of electricity from the site. The approved scheme shall be carried out and completed within 6 months of approval of the scheme.

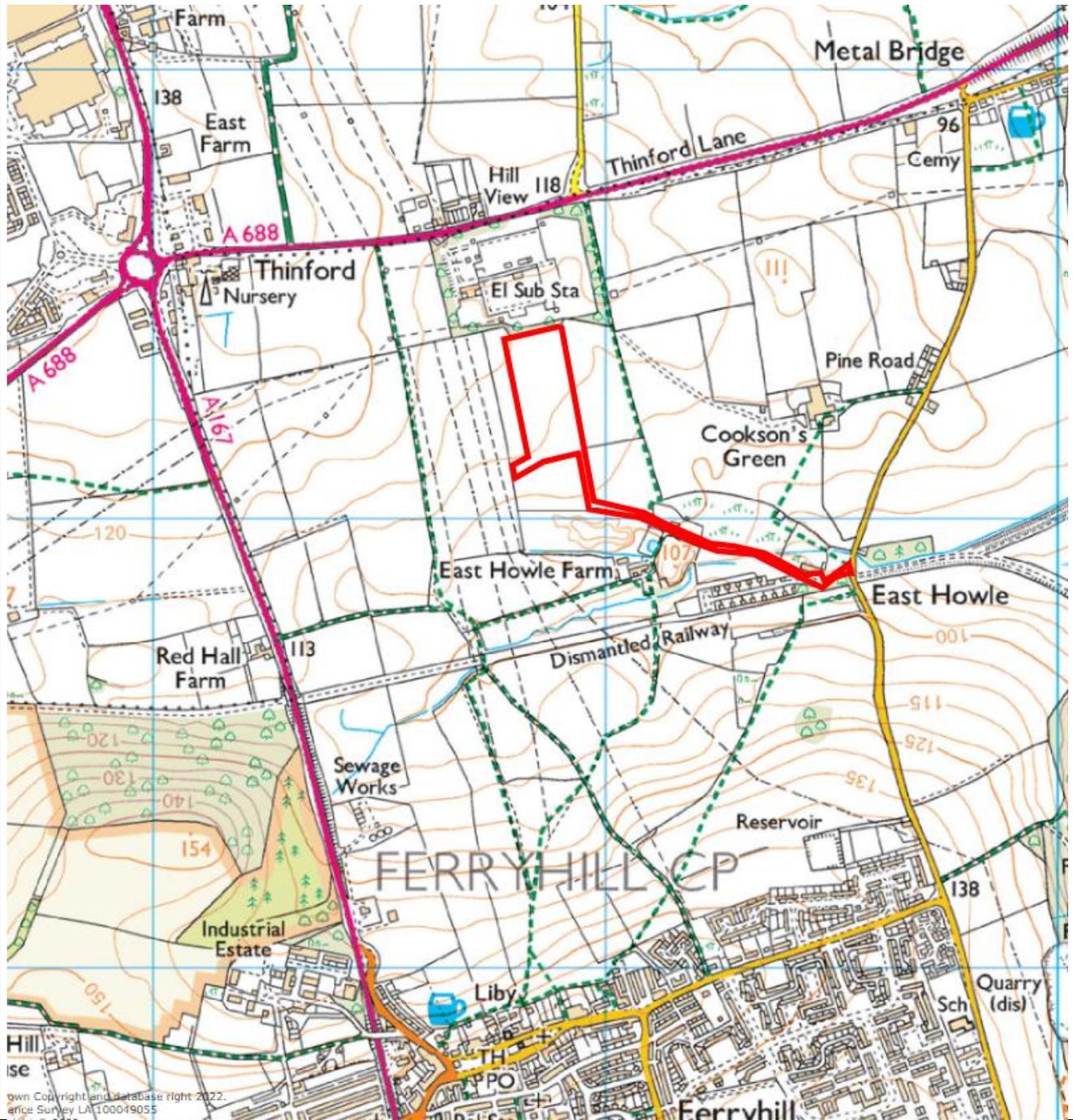
Reason: In the interests of visual amenity, pollution prevention and reinstatement of agricultural land in accordance with County Durham Plan Policies 14, 31 and 39 and Part 15 of the National Planning Policy Framework.

STATEMENT OF PROACTIVE ENGAGEMENT

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

BACKGROUND PAPERS

- Submitted application form, plans supporting documents and subsequent information provided by the applicant.
- The National Planning Policy Framework (2021)
- National Planning Policy for Waste
- National Planning Practice Guidance notes
- County Durham Plan
- Statutory, internal and public consultation response



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 <p>Planning Services</p>	<p>DM/22/00120/FPA Installation of an energy storage facility, including battery containers, power conversion units, transformers, substation, grid connection infrastructure, vehicular access and associated works at Land South of Spennymoor Electricity Substation, Thinford Lane, Thinford</p>	
<p>This map is based upon Ordnance Survey material with the permission of Ordnance Survey on behalf of Her Majesty's Stationary Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Durham County Council Licence No. 100022202 2005</p>	<p>Comments</p>	
	<p>Date August 2022</p>	<p>Scale Not to Scale</p>