

# COMMITTEE REPORT

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## APPLICATION DETAILS

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<b>APPLICATION No:</b>	DM/22/01679/FPA
<b>FULL APPLICATION DESCRIPTION:</b>	Construction and operation of a Synchronous Condenser located within an agricultural style steel frame building with associated transformer and cooling systems and other ancillary equipment located within a fenced compound and associated landscaping.
<b>NAME OF APPLICANT:</b>	Mr Tom Bradley - Decerna
<b>ADDRESS:</b>	Land At East Grange Farm Sheraton Hartlepool TS27 4RA
<b>ELECTORAL DIVISION:</b>	Blackhalls
<b>CASE OFFICER:</b>	Lisa Morina Planning Officer Telephone: 03000 264877 <a href="mailto:Lisa.morina@durham.gov.uk">Lisa.morina@durham.gov.uk</a>

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## DESCRIPTION OF THE SITE AND PROPOSALS

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### The Site

1. The application site is farmland located approximately 900m to the south east of Sheraton Village and 4km to the west of Hartlepool. The site is located within the grounds of East Grange Farm and is currently agricultural in nature.
2. The A19 runs approx.400m to the west of the entrance and the A179 borders the site to the south with the County Boundary with Hartlepool running to the east. Open fields are located to the north and east of the site. There are some buildings within the nearby vicinity with the closest being the existing residential property at East Grange Farm.

### Proposal:

3. Planning permission is sought for the construction and operation of a Synchronous Condenser (SC). An SC is a rotating electrical machine that resembles a generator or motor in design and its purpose is to support and stabilise the transmission system voltage by supplying and absorbing reactive power and providing synchronous inertia, sometimes referred to as 'Spinning Reserve'.

4. The facility would be connected to the extra high voltage grid (275kV) at Hartmoor Substation which is located to the south on the opposite side of the A179, and within the administrative boundary of Hartlepool Borough Council.
5. The application is reported to planning committee due to it being a major application with a site area in excess of 1 hectare.

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## PLANNING HISTORY

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6. There is no relevant planning history on this site.

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## PLANNING POLICY

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### NATIONAL POLICY

7. A revised National Planning Policy Framework (NPPF) was published in July 2018 (with updates since). 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.
8. *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.
9. *NPPF Part 4 Decision-making* - Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.
10. *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.
11. *NPPF Part 8 Promoting Healthy and Safe Communities* - The planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. Developments should be safe and accessible; Local Planning Authorities should plan positively for the provision and use of shared space and community facilities. An integrated approach to considering the location of housing, economic uses and services should be adopted.
12. *NPPF Part 9 Promoting Sustainable Transport* - Encouragement should be given to solutions which support reductions in greenhouse gas emissions and reduce congestion. Developments that generate significant movement should be located

where the need to travel will be minimised and the use of sustainable transport modes maximised.

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

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

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

18. The Government has consolidated a number of planning practice guidance notes, circulars and other guidance documents into a single Planning Practice Guidance Suite. This document provides planning guidance on a wide range of matters.

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

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

County Durham Plan

19. 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.

20. 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.
21. Policy 21 (Delivering sustainable transport) requires all development to deliver sustainable transport by: delivering, accommodating and facilitating investment in sustainable modes of transport; providing appropriate, well designed, permeable and direct routes for all modes of transport; ensuring that any vehicular traffic generated by new development can be safely accommodated; creating new or improvements to existing routes and assessing potential increase in risk resulting from new development in vicinity of level crossings. Development should have regard to Parking and Accessibility Supplementary Planning Document.
22. 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.
23. Policy 29 (Sustainable Design) details general design principles for all development stating that new development should contribute positively to an areas' character, identity, heritage significance, townscape and landscape features, helping to create and reinforce locally distinctive and sustainable communities.
24. Policy 31 (Amenity and pollution) sets out that development will be permitted where it can be demonstrated that there will be no unacceptable impact, either individually or cumulatively, on health, living or working conditions or the natural environment and that they can be integrated effectively with any existing business and community facilities. Development will not be permitted where inappropriate odours, noise, vibration and other sources of pollution cannot be suitably mitigated against, as well as where light pollution is not suitably minimised. Permission will not be granted for sensitive land uses near to potentially polluting development. Similarly, potentially polluting development will not be permitted near sensitive uses unless the effects can be mitigated.
25. Policy 32 Despoiled, Degraded, Derelict, Contaminated and Unstable Land states that development will not be permitted unless the developer can demonstrate that the site is suitable for the proposed use, and does not result in unacceptable risks which would adversely impact on the environment, human health and the amenity of local communities and all investigations and risk assessments have been undertaken by an appropriately qualified person.
26. Policy 33 (Renewable and Low Carbon Energy) states that renewable and low carbon energy development in appropriate locations will be supported. In determining planning applications for such projects significant weight will be given to the achievement of wider social, environmental and economic benefits. Proposals should include details of associate developments including access roads, transmission lines, pylons and other ancillary buildings. Where relevant, planning applications will also need to include a satisfactory scheme to restore the site to a quality of at least its original condition once operations have ceased. Where necessary, this will be secured by bond, legal agreement or condition.

27. Policy 39 (Landscape) states that proposals for new development will only be permitted where they would not cause unacceptable harm to the character, quality or distinctiveness of the landscape, or to important features or views. Proposals are expected to incorporate appropriate mitigation measures where adverse impacts occur. Development affecting Areas of Higher Landscape Value will only be permitted where it conserves and enhances the special qualities, unless the benefits of the development clearly outweigh its impacts
28. Policy 40 Trees, Woodlands and Hedges states that proposals will be expected to retain existing trees where they can make a positive contribution to the locality or to the development, maintain adequate standoff distances between them and new land-uses, including root protection areas where necessary, to avoid future conflicts, and integrate them fully into the design having regard to their future management requirements and growth potential.
29. Policy 41 (Biodiversity and Geodiversity) states that proposal for new development will not be permitted if significant harm to biodiversity or geodiversity resulting from the development cannot be avoided, or appropriately mitigated, or as a last resort, compensated for.

#### Neighbourhood Plan

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

*The above represents a summary of those policies considered most relevant in the Development Plan the full text, criteria, and justifications of each may be accessed at <http://www.cartoplus.co.uk/durham/text/00cont.htm>*

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## **CONSULTATION AND PUBLICITY RESPONSES**

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#### **STATUTORY RESPONSES:**

31. Highways Authority - Raises no objection subject to conditions.
32. National Highways – Raise no objection subject to conditions.
33. Natural England – No objection
34. Hartlepool Borough Council – Note the absence of existing energy infrastructure to the north of the A179, and identify a strong preference to locate any further such development to the south of the A179, thereby clustering such installations in order to minimise impacts upon the areas rural landscape character.

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

35. Spatial Policy – Raise no objection to the application.
36. Environmental Health (Contamination) – No objection.
37. Environmental Health (Noise) – Raise no objection to the application subject to the inclusion of planning conditions requiring provision of noise mitigation measures, restriction on the sound power output levels of plant and machinery and details of all proposed lighting.

38. Ecology – Requested further information in relation to biodiversity net gain which the applicant has provided. Consequently, the Council's Ecology Section raises no objection to the application subject to condition requiring the submission and agreement of a Biodiversity Management Plan.
39. Archaeology – No objection subject to condition.
40. Landscape – Note that the proposed building could be considered agricultural in character and that other elements have the potential to cause some harm to the landscape.
41. Arborist – No objection but notes requirement for a Tree Protection Plan to be secured through planning condition.

**PUBLIC RESPONSES:**

42. The application has been advertised by means of site notice and by notifying neighbouring residents by letter. To date, no letters of objection have been received.

**APPLICANT'S STATEMENT:**

43. The proposed Elwick Stud Synchronous Condenser is being developed by Decerna Ltd, a developer of low carbon generation based in Blyth in response to a request from the National Grid. The project's role would be to provide stabilisation and support services to the electricity grid via an underground connection to the nearby Hartmoor substation. The proposed equipment effectively consists of a spinning motor synchronised with the grid which flattens out variations in the transmission frequency, keeping the power supply stable. In function it can be compared with the role of large pumps on the water network, which work to keep large volumes of water flowing at a steady rate.
44. This frequency support service has historically been provided by the generators at large fossil fuel powered thermal power stations but as these are replaced by a much larger number of dispersed low carbon renewable generators, alternative means of maintaining grid stability are required.
45. The proposed Synchronous Condenser is being proposed in response to a request from the National Grid for such support services in the eastern part of Durham including the Hartmoor Power Station, and the selected location is optimally located in relation to the point of connection and is also located in a well screened location, away from uninvolved residential properties and other sensitive receptors.
46. By providing an essential service to the National Grid in terms of frequency stabilisation, the proposal and other similar schemes significantly increase the ability of the grid to accommodate additional intermittent renewable generation and are therefore a key enabler of the further decarbonisation of the electricity network
47. The application has received no objections from members of the public or any statutory consultees.
48. The Synchronous Condenser would be housed within an agricultural shed, constructed and coloured to match the similar existing sheds to the north at Elwick Stud. It would be screened from the adjacent A179 by existing woodland and additional new native woodland and grassland habitat would be created to the north, east and west of the site to deliver both a net biodiversity gain and additional

screening. Consent is sought for a period of up to fifty years after which the site would be restored.

49. To finish, projects such as this are essential if we are going to move to a low carbon future as they will allow a much greater level of renewable generation to connect to the grid by providing the required system support to accommodate the varying levels of renewable generation. This is increasingly important as we move to electrify cars, other transport and domestic heating.

*The above is not intended to list every point made and represents a summary of the comments received on this application. The full written text is available for inspection on the application file which can be viewed at <https://publicaccess.durham.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=P8X9C0GDL8J00>*

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## **PLANNING CONSIDERATIONS AND ASSESSMENT**

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50. As identified in Section 38(6) of the Planning and Compulsory Purchase Act 2004 the key consideration in the determination of a planning application is the development plan. Applications should be determined in accordance with the development plan unless material considerations indicate otherwise.
51. The NPPF is a material planning consideration in this regard. The County Durham Plan is the statutory development plan and the starting point for determining applications as set out at Paragraph 12 of the NPPF. The NPPF advises at Paragraph 219 that the weight to be afforded to existing Local Plans depends upon the degree of consistency with the NPPF.
52. The County Durham Plan is now adopted and is considered to represent the up-to-date Local Plan for the area. The tilted balance in paragraph 11(d) of the Framework is not engaged. Consequently, consideration of the development should be led by the plan if the decision is to be defensible.
53. In this context, it is considered that the main planning issues in this instance are as detailed below:

### Principle of the Development

54. The key policy for the determination of this application is CDP Policy 33 relating to renewable and low carbon energy. This policy supports renewable and low carbon energy development in appropriate locations, including transmission lines. The policy advises that significant weight will be given to the achievement of wider social, environmental and economic benefits. The policy also advises that proposals should include details of associated developments including access roads, transmission lines, pylons and other ancillary buildings. Where relevant, planning applications will also need to include a satisfactory scheme to restore the site to a quality of at least its original condition once operations have ceased. Where necessary, this will be secured by bond, legal agreement or condition.
55. 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 of a list of exceptions set out within the policy, which includes that it relates to essential infrastructure where the need can be demonstrated for that location. In this instance the proposal is supported by policy 33 and falls within one of the exceptions listed in that it relates to essential infrastructure, proven to be needed in the proposed location. The latter is discussed in more detail below.

56. Upon request the applicant has provided further information in relation to the need for this type of proposal in that the intention of the project is to ensure that by 2025, the National Grid will have transformed the operation of the electricity system such that it can be operated safely and securely at zero carbon, accommodating the ongoing retirement of fossil fuel generators.
57. The National Grid therefore require a solution to provide inertia at substations and in this instance the proposal would service a substation downstream of Hawthorn Pit. The Hartmoor Substation is suitable as land is available and the required access exists.
58. There is requirement for the proposed synchronous condenser to be within 2km of Hartmoor substation as longer cable lengths would make the site uneconomic due to increased costs and energy losses. Therefore, only potential sites within 1km of the substation are suitable. The development is therefore considered to accord with Policy 33 of the CDP in that represents a suitable location given the need to provide inertia at a nearby substation and would be for a temporary period. Whilst this would be of notable term, provision is included to reinstate the land upon the cessation of the use.
59. The site occupies an area of approximately 11,035ha comprising agricultural land classified within Class 3.1. The proposal is fully reversible and a temporary consent of up to 20 years is being sought at the end of which the site will be fully restored. During construction topsoil would be removed but it would be reused to create the low bunding on the northern site perimeter, retaining it on site for eventual restoration.
60. Subject to the benefits of the development outlined at Para 45 the proposal, on a temporary basis is considered to be an acceptable form of development in relation to Policy 14.
61. Several sites in the locality have been considered by the applicant, however, all of these apart from the proposed site have been discounted due to various issues. The principle of the proposal is therefore, considered acceptable in accordance with policies 10 & 33 of the CDP.

#### Impact on Residential Amenity

62. CDP Policies 6 and 31 seek to prevent development that would have an unacceptable impact upon the amenity of existing neighbouring residents and only allow development where adequate amenity for future occupiers is provided. Paragraph 119 of the NPPF requires planning decisions to ensure healthy living conditions and paragraph 124 emphasises the importance of securing healthy places. Paragraph 174 requires decisions to prevent new development from being put at unacceptable risk from, or being adversely affected by, unacceptable levels of pollution such as noise pollution. Paragraph 185 seeks to ensure that new development is appropriate for its location taking into account the likely effects of pollution on health and living conditions. In terms of noise, paragraph 185 advises that planning decisions should mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development - and avoid noise giving rise to significant adverse impacts on health and the quality of life.
63. The Council's Environmental Health Section has assessed the development and all supporting information, which includes some indicative source noise levels/sound powers levels and proposed noise mitigation measures. In summary they conclude that the proposal is located a reasonable distance from noise sensitive receptors and

that whilst some noise/tonal noise may arise, any impact in this regard can be appropriately mitigated through planning conditions. These include provision of an acoustic wall/bunding to the northern boundary of the site, restriction on the rating noise emitted from fixed plant and machinery and the submission and agreement of details of all lighting. The applicant has agreed to the inclusion of planning conditions in this regard.

It is therefore considered, that subject to the inclusion of those conditions stated the proposal would not have an adverse impact upon residential amenity in terms of noise, including statutory nuisance in accordance with policy 31 of the County Durham Plan.

#### Highway and Pedestrian Safety

64. Policy 21 of the CDP requires that all development ensures that any vehicular traffic generated by new development can be safely accommodated and have regard to Parking and Accessibility Supplementary Planning Document
65. Paragraph 111 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
66. The Council's Highway Officers and Highways England have assessed the proposal and from a Highways perspective, this proposal would be acceptable. Once operational, trips associated with this development would be minimal and so have no impact on the local road network. The main traffic generation would be through the construction phase, but this could be controlled through a Construction Management Plan which can be secured by condition.
67. The proposal, therefore, is considered acceptable in respect of policy 21 of the CDP and part 9 of the NPPF.

#### Landscape/Visual Impacts/Scale

68. Policy 39 of the County Durham Plan states proposals for new development will be permitted where they would not cause unacceptable harm to the character, quality or distinctiveness of the landscape, or to important features or views. Proposals would be expected to incorporate appropriate measures to mitigate adverse landscape and visual effects. Policy 26 outlines developments are expected to provide new green infrastructure and ensure provision for its long-term management and maintenance. Similar requirements are outlined in Policy 29.
69. Policy 40 seeks to avoid the loss of existing trees and hedgerows unless suitable replacement planting is provided. Parts 12 and 15 of the NPPF promotes good design and sets out that the planning system should contribute to and enhance the natural and local environment by (amongst other things) recognising the intrinsic character and beauty of the countryside and optimise the potential use of the site
70. The site does not lie in an area covered by any national or local landscape designations. The site is not covered by a Tree Preservation Order (TPO) and does not lie within in an area identified in the Local Plan as an Area of High Landscape Value (AHLV). Whilst open from some vantage points, the site is not visible from the A179 which sits to the south of the site given the existing landscaping which is in place.

71. Policy 29 (Sustainable Design) of the County Durham Plan requires all development proposals to achieve well designed buildings and places having regard to SPD advice and sets out 18 elements for development to be considered acceptable, including: making positive contribution to areas character, identity etc.; adaptable buildings; minimising greenhouse gas emissions and use of non-renewable resources; providing high standards of amenity and privacy; contributing to healthy neighbourhoods; and suitable landscape proposals.
72. Concern has been raised from Hartlepool Borough Council (HBC) with regards to the location of the proposal in that with the exception of Pylons, there is no existing energy infrastructure to the north of the A179 and as such it should be contained to the south. They also have concern that the development has the potential to have a cumulative and sequential impact upon visual amenity with existing and proposed energy infrastructure on the A179.
73. Given its location, the proposal would be partially visible from the slip road of the A19 upon exit towards Hartlepool in an area where traffic speeds would likely be lower affording longer views. However, the site is partially concealed by existing woodland and occupies a natural bowl in the landscape, partially enclosed by the surrounding low hills formed from glacial moraine when viewed from the south and along the A179. Landscaping is also proposed as part of the application.
74. The facility is predominantly proposed to be housed within an agricultural style building which is considered to be of an appropriate style and scale with some infrastructure and external works surrounding it, including the addition of fencing which is required for noise implications.
75. Whilst the concerns of HBC are noted, the proposal has been designed to appear as an agricultural style building which is typical of this area. As such, whilst it is acknowledged that there is likely to be some localised impact this could be mitigated through landscape planting and would not be so significant so as to sustain refusal of the application and would be outweighed by the wider benefits that the scheme would provide in terms of delivering renewable energy infrastructure. These benefits are considered in more detail elsewhere in this report.
76. It is acknowledged that, whilst some of the associated works would not be typical of an agricultural nature, these are not considered to be significant enough to have a detrimental impact on the area and appropriate landscaping is proposed as mitigation.
77. Concern was also raised from HBC in respect of the presence of energy infrastructure and the potential for a cumulative impact if other applications are proposed on this side of the A179 and the potential impact on views however, the current application is considered appropriate, and any future applications must be considered on their own individual merits.
78. Therefore, subject to conditions requiring the submission, agreement and implementation of both a detailed landscape plan and tree protection plan, the proposal would not have any unacceptable impact upon visual amenity sufficient to sustain refusal of the application in accordance with policy 39 and 40 of the County Durham Plan and parts 12 and 15 of the NPPF.

#### Contaminated Land

79. Paragraph 183 of the NPPF advises that planning decisions should ensure a site is suitable for its proposed use taking account of ground conditions and any risks

arising from land instability and contamination. In line with this, CDP Policy 32 states that development will not be permitted unless the developer can demonstrate that:

- a. any existing despoiled, degraded, derelict, contaminated or unstable land issues can be satisfactorily addressed by appropriate mitigation measures prior to the construction or occupation of the proposed development;
- b. the site is suitable for the proposed use, and does not result in unacceptable risks which would adversely impact on the environment, human health and the amenity of local communities; and
- c. all investigations and risk assessments have been undertaken by an appropriately qualified person.

80. Environmental Health Section (Contaminated Land) have commented that there is no requirement for contaminated land conditions however, an informative will be included detailing the steps required should unforeseen contamination be found during the construction phase of development.
81. Therefore, the proposal is considered acceptable in respect of policy 32 of the CDP.

#### Ecology

82. Part 15 of the NPPF seeks to ensure that when determining planning applications, Local Planning Authorities seek to conserve and enhance biodiversity. Policy 41 of the CDP seeks to resist proposals for new development which would otherwise result in significant harm to biodiversity or geodiversity, which cannot be avoided, or appropriately mitigated, or, as a last resort, compensated for. Proposals for new development will be expected to minimise impacts on biodiversity by retaining and enhancing existing biodiversity assets and features and providing net gains for biodiversity including by establishing coherent ecological networks.
83. A Preliminary Ecological Assessment (PEA) by Taxus Ecology was submitted as part of the application and is considered sufficient to inform the application regarding habitats and species. This concluded that overall, habitats on site are of local ecological value, being easily recreated and replicated across the wider area. It proposes mitigation for the loss of semi-improved grassland pasture habitats through the creation of calcareous grassland within the site compound and woodland and scrub habitats within the field surrounding the synchronous condenser facility. It concludes that these habitats are likely to enhance the ecological value of the site despite the loss of initial habitats and as such no further surveys are required. Therefore, subject to a planning condition requiring the development to be carried out in accordance with the mitigation listed in Section 6 of the PEA the proposal is considered acceptable in respect of policy 41 of the CDP.
84. Further information has been provided in respect of Bio Diversity Net Gain which demonstrates that net gain could be achieved through the proposed landscaping scheme. A Biodiversity Management Plan will be conditioned to ensure this is delivered throughout the life of the development. The Council's Ecologist raises no objection to the application in this regard.

#### Archaeology

85. Policy 44 of the CDP states in determining applications which would affect a known or suspected non-designated heritage asset with an archaeological interest, particular regard will be given to the following:
- i. ensuring that archaeological features are generally preserved in situ; and

- j. in cases where the balanced judgement concludes preservation in situ should not be pursued, it will be a requirement that they are appropriately excavated and recorded with the results fully analysed and made publicly available.
86. Paragraph 194 of the NPPF states in determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary. Where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.
87. The application is supported by a further information in relation to the methods of construction supported by detailed plans which confirm that the main building will require excavation to a depth of up to two metres, as will the foundations of the external transformers. The Archaeology Team have assessed the proposal and consider that due to the nature of the works a watching brief is required. This can be controlled via condition and therefore, it is proposed to add conditions in this respect.
88. The proposal, therefore, is considered acceptable in respect of archaeological requirements, subject to conditions, in accordance with paragraph 194 of the NPPF.

#### Benefits of the Scheme

89. The development would make a positive contribution towards grid stability at times of high demand, adding resilience to the Grid and increasing capacity for more renewable energy.
90. It would also make a notable contribution to the delivery of renewable energy and the decarbonisation of the electricity network, improving the efficiency of the Grid.
91. It would contribute to achieving the UK's goal of being Net Zero and make a positive contribution to reducing the UK's reliance upon gas powered electricity generation, improving the UK's energy security.

#### Public Sector Equality Duty

92. 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.
93. In this instance, officers have assessed all relevant factors and do not consider that there are any equality impacts identified.

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## CONCLUSION

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94. The principle of the development is considered to be acceptable, and the proposal would accord with the aims of policies 10 and 33 of the County Durham Plan in this

regard, making a positive contribution to delivering renewable energy in what is considered to be an appropriate location.

95. The development is not considered to have any unacceptable impact in terms of visual amenity, residential amenity, parking, access and highway safety, contaminated land, ecology and archaeology, with any likely impact being appropriately mitigated through planning conditions. Whilst there would likely be some localised impact in terms of visual amenity this could be mitigated through proposed landscape planting and is not considered to be sufficient to sustain refusal of the application noting the benefits of the scheme.
96. The development is therefore considered to accord with policies 10, 14, 21, 26, 29, 31, 32, 33, 39, 40 and 41 of the County Durham Plan and Parts 4, 6, 8, 9, 11, 12, 14, 15 and 16 of the NPPF.

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## **RECOMMENDATION**

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

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

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

2. The development hereby approved shall be carried out in strict accordance with the approved plans listed in Part 3 - Approved Plans.

*Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with Policy(ies) 10, 29, 31, 39 and 40 of the County Durham Plan and Parts 12 and 15 of the National Planning Policy Framework.*

3. Details of any external lighting shall be submitted to and approved in writing by the Local Planning Authority prior to the development hereby permitted being brought into use. The detail provided shall demonstrate adherence to the ILP guidance notes for the reduction of intrusive light. The external lighting shall be erected, maintained and retained in accordance with the approved details thereafter.

*Reason: In order to minimise light spillage and glare, in accordance with Policy 31 of the County Durham Plan and Local Plan and Part 15 of the National Planning Policy Framework.*

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

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

5. Prior to the commencement of the development, an acoustic wall/bunding shall be provided to the northern boundary to the site in accordance with details which shall first be submitted to and approved in writing by the Local Planning Authority. This acoustic wall/bunding must have no cracks or gaps, be continuous to the ground and have a density >10kg/m<sup>2</sup>such as a double lapped timber fence, brick wall, earth bund, acoustic material, or a combination of these. The approved acoustic wall/bunding shall be retained for as long as the development is in existence.

*Reason: In the interest of the amenity of existing and future occupants in accordance with Policy 31 of the County Durham Plan and Part 15 of the National Planning Policy Framework. Required as a pre commencement condition to ensure that an appropriate scheme is agreed and can be implemented.*

6. No development shall commence until a written scheme of investigation setting out a phased programme of archaeological work in accordance with 'Standards For All Archaeological Work In County Durham And Darlington' has been submitted to and approved in writing by the Local Planning Authority. The programme of archaeological work will then be carried out in accordance with the approved scheme of works.

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

7. The development shall not 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 comply with Policy 44 of the County Durham Plan and Part 16 of the National Planning Policy Framework, which requires the developer to record and advance understanding of the significance of heritage assets, and to ensure information gathered becomes publicly accessible.*

8. The proposal shall be carried out in strict accordance section 6 (Mitigation and Enhancements) of the Preliminary Ecological Assessment by Taxus Ecology.

*Reason: In the interests of protected species in accordance with policy 43 of the County Durham Plan and part 15 of the NPPF.*

9. No development shall commence until a biodiversity Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Biodiversity Management Plan shall outline how the site will be managed throughout the life of the development and Management and maintenance of the site shall be undertaken wholly in accordance with the approved details.

*Reason: To ensure Biodiversity Net Gain in accordance with policy 41 of the County Durham Plan and part 15 of the NPPF*

10. Notwithstanding the submitted information, prior to the first occupation of the development hereby approved, a detailed landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The landscape scheme shall include the following:

Any trees, hedges and shrubs scheduled for retention, including method of protection.

Details soft landscaping including planting species, sizes, layout, densities, numbers. Details of planting procedures and/or specification.

Finished topsoil levels and depths.

Details of temporary topsoil and subsoil storage provision.

The timeframe for implementation of the landscaping scheme.

The establishment maintenance regime, including the replacement of vegetation which die, fail to flourish within a period of 5 years from planting.

A plan showing the public/structural landscaping and private/in-curtilage landscaping.

Full details of the management, maintenance and accessibility of all areas of open space in perpetuity.

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

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

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

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

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

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

Replacements will be subject to the same conditions.

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

12. No development shall commence until details of a tree protection plan have been submitted to and approved in writing by the Local Planning authority. No construction work shall then take place, nor any site cabins, materials or machinery be brought on site until all trees and hedges, indicated on the approved tree protection plan as to be retained, are protected by the erection of fencing, placed as indicated on the plan and comprising a vertical and horizontal framework of scaffolding, well braced to resist impacts, and supporting temporary welded mesh fencing panels or similar approved in accordance with BS.5837:2010.

No operations whatsoever, no alterations of ground levels, and no storage of any materials are to take place inside the fences, and no work is to be done such as to affect any tree.

No removal of limbs of trees or other tree work shall be carried out.

No underground services trenches or service runs shall be laid out in root protection areas, as defined on the Tree Constraints Plan.

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

13. No development shall commence until a Construction Traffic Management Plan (CTMP) for the development has been submitted to and approved in writing by the Local Planning Authority and National Highways. The CTMP shall include:

- Identification of the routes to site for general construction traffic and the associated workforce, and details of the number and type of vehicle movements anticipated on these routes during the construction period;
- A detailed protocol for the delivery of any abnormal loads, prepared in consultation and agreement with interested parties, including National Highways, the Local Highway Authority and the Police;
- Proposed traffic management measures on the routes to site for construction traffic. Measures such as temporary speed limits, suitable temporary signage, road markings and the use of speed activated signs should be considered;
- Proposed measures to mitigate the impact of general construction traffic on the routes to site following detailed assessment of the relevant roads;

- A procedure for the regular monitoring of road conditions and the implementation of any remedial works required during the construction period;
- Measures to ensure that all affected public roads are kept free of mud and debris arising from the development, and that effective wheel/vehicle cleansing is undertaken;
- Measures to ensure a mechanism for identifying and mitigating any potential cumulative highway impacts, should the construction of the project coincide with the construction of any other major projects in the area;
- Measures to ensure that all construction traffic to the site follows an approved route to avoid any impacts on the minor road network;
- Details of how the required parking spaces within the site will be provided during the construction phase.

The development shall be implemented in accordance with the approved Construction Management Plan (CTMP) for the development.”

*Reason: To ensure that the A19 continues to serve its purpose as part of a national system of routes for through traffic in accordance with Section 10 (2) of the Highways Act 1980, in the interests of road safety in accordance with policy 21 of the County Durham Plan and part 9 of the NPPF.*

14. This permission is granted for a temporary period of 20 years from first commissioning of the development. Within 12 months of the expiration of this period, the site shall be restored to its former use and condition, in accordance with a scheme which shall first have been submitted to and approved in writing by the local planning authority.

*Reason: The development is only considered suitable for a temporary period in accordance with Policy 10 and 14 of the County Durham Plan and Part 12 of the National Planning Policy Framework.*

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## **STATEMENT OF PROACTIVE ENGAGEMENT**

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

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## **BACKGROUND PAPERS**

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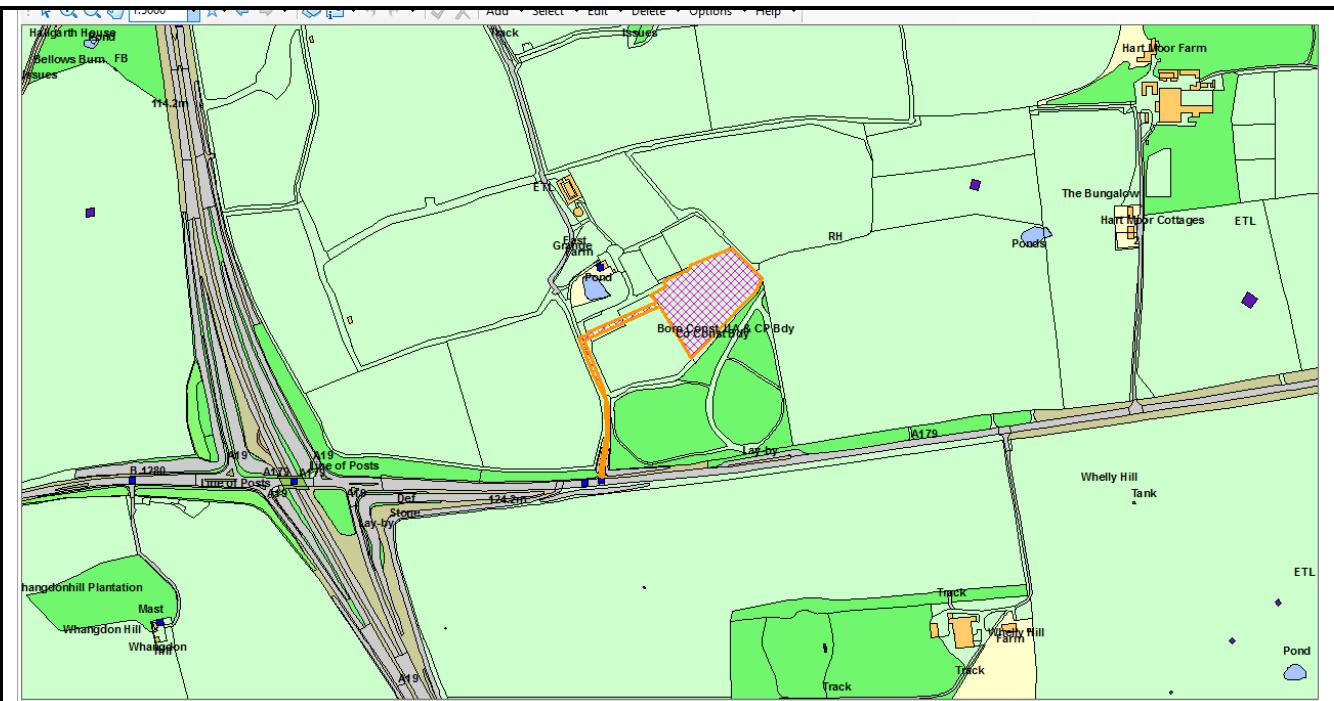
Submitted application form, plans, supporting documents and subsequent information provided by the applicant

The National Planning Policy Framework (2021)

National Planning Practice Guidance Notes

County Durham Plan

Statutory, internal and public consultation responses



<b>Planning Services</b>	Construction and operation of a Synchronous Condenser located within an agricultural style steel frame building with associated transformer and cooling systems and other ancillary equipment located within a fenced compound and associated landscaping. At Land At East Grange Farm, Sheraton, Hartlepool, TS27 4RA Application Reference: DM/22/01679/FPA	
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<b>Date:</b> Septebmer 2022	<b>Scale</b> NTS	