

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION No:	DM/23/00291/FPA
FULL APPLICATION DESCRIPTION:	Installation of below ground pipeline and associated works.
NAME OF APPLICANT:	Northumbrian Water Limited
ADDRESS:	Land West Of West End Farm, Front Street, Ingleton, DL2 3HS
ELECTORAL DIVISION:	Barnard Castle West
CASE OFFICER:	Chris Shields Senior Planning Officer 03000 261394 chris.shields@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

The Site

1. The application site covers an area approximately 5.4 Hectares (ha) and mainly comprises pastoral agricultural land with periphery trees and hedgerows located to the west of Ingleton. The site is bisected by the B6279 road, which would also be used for construction access.
2. The site does not fall within the boundaries of any Special Areas of Conservation (SAC), Special Protection Areas (SPA), Ramsar sites, Sites of Special Scientific Interest (SSSI), National Nature Reserves (NNR) or Local Nature Reserves (LNR). The nearest LWS sites are Gainford Spa Woods approximately 3.1km to the south, Teesbank Woods approximately 4.1km to the south and Bowsers Island approximately 4.3km to the south. There are no other designated ecological sites within 5km of the application site. The site is located within an Area of Higher Landscape Value (AHLV) as defined in the County Durham Plan.
3. The site is located entirely within Flood Zone 1 and also within a Coalfield Development Low Risk area.
4. The southern part of the site is crossed by Footpath No.1 (Ingleton Parish). Footpath No.2 (Ingleton Parish) runs along the western boundary of the site.
5. There are 8 listed buildings within the village of Ingleton. These include the Grade II listed Raysholme and Grade II listed Greencroft 390m to the east, Grade II listed The Cottage, Grade II listed Church of St John the Evangelist and Grade II and Grade II listed Holbeck Farmhouse 560m to the east and the Grade II listed Poplars and Vine House, Grade II listed Startforth and Grade II listed Boxwood 670m to the east.

6. The nearest residential properties are located at Council Farm approximately 30m to the west, West End Farm approximately 30m to the east, Fairholme and Broomsfield approximately 30m to the east with the main settlement of Ingleton approximately 170m to the east.

The Proposal

7. This application forms part of a larger proposal for the installation of a below ground pipeline from Lartington Water Treatment Works to Shildon Service Reservoir together with associated works, including temporary construction compounds, a pipe bridge, lagoons, pipe laydown areas, vehicular accesses and above ground ancillary structures (Planning Permission No. DM/21/04293/FPA). The full route was approved in July 2022 and this application represents a relatively small deviation from the approved scheme, which would move the pipeline approximately 90m further to the west. Accordingly this application considers only that relatively short section of pipeline and not the wider development, which has previously been approved.
8. The main element of the proposed development is the mains pipeline, which would be a permanent, underground structure to carry potable water, i.e. clean drinking water. However, there are a number of other components to the proposed development, some of which are temporary in nature.
9. Had the wider development not been considered to be Environmental Impact Assessment (EIA) development having regard to the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (as amended) (the EIA Regulations), then all the below ground works would comprise permitted development and therefore, would not require express planning permission by virtue of the rights granted to Northumbrian Water as a statutory undertaker. This application constitutes a 'subsequent application' within the context of the EIA Regulations and therefore also requires EIA.
10. The wider development can be split into 3 elements. The first two elements would be permanent features and comprise the strategic mains pipeline and the River Tees and Alwent Beck Crossings (the crossings are not part of this application but are part of the wider scheme). The third would be temporary only required in order to allow the construction of the development to take place. Site compounds and associated welfare temporary buildings such as a portable cabins and site accesses are also proposed. All temporary structures, compounds and site accesses would be removed once the development is complete.

The Strategic Mains Pipeline

11. The proposed strategic trunk mains pipeline would, for the most part be 800mm in diameter, with the first 5.5km being 900mm in diameter and be set within a granular bed and surrounded by a below ground trench which would vary in width. Where the pipeline is 900mm, the trench would be 1300mm wide and where the pipeline is 800mm diameter, the trench would be 1200mm wide. The depth of the trench would vary from approximately 1.5 – 3m below ground level depending on its location; for instance, it would be set deeper underneath roads than underneath fields.

Site Compounds

12. The construction and restoration phase of the proposed development is anticipated to last for a period of 34 months from October 2022 to August 2025 although it is expected that all construction work would be completed by March 2025.

13. The anticipated general construction working hours are 07:00 – 18:00 hours Monday to Friday, 07:00 – 14:00 on Saturdays with no working on Sundays, Bank or Public Holidays. Occasional out of hours may be required when tunnelling takes place, and this may be 24 hour working. Further out of hours working is likely to be required where works affect the public highway and where such works are only permitted by the Highway Authority at quieter times of the day and night
14. A high-level construction phasing plan has been submitted with the application identifying that works on different elements of the proposed development, and on different stretches of the pipeline would take place concurrently. The construction period of the proposed development would be approximately 34 months, with construction due to commence in October 2022. This period would be split into phases with work starting at various points along the route at various times although these phases are yet to be confirmed. As such details of phasing can be sought through the imposition of a phasing condition. A number of compounds and welfare facilities are required during the construction of the proposed development. These are divided into four categories of facility comprising: a main site compound; pipe laydown areas; dedicated compound and logistic areas at strategic crossings and connections and lagoons.
15. The majority of construction traffic for the proposed development would use the A1(M) to get to the site, and then travel via the A689/A688 and B6279 to reach the site. Once completed, vehicular access would be taken from existing access points at Lartington Water Treatment Works, Whorley Service Reservoir and Shildon Service Reservoir.
16. During construction, a haul road would be introduced along the length of the proposed pipeline to allow for construction traffic to access the site. The haul road would be temporary with the land reinstated to its original condition once development is complete. The construction phase would include a number of construction compounds, lagoons, pipe laydown areas and crane pad areas that would be accessed via the existing road network.
17. The overall proposed development represents an investment by NWL of approximately £64m. It is expected that during construction, on average, there would be up to 70 operatives working on site at any one time although at the peak of construction in the summer of 2023 it could be up to 100 people working on site on the development. Once complete no operatives would be permanently working along the route of the pipeline with only those maintaining it attending as and when necessary.
18. The application is accompanied by an Environmental Statement (ES) as it is considered to be Environmental Impact Assessment (EIA) development having regard to the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (as amended) (the EIA Regulations). This report has taken into account the information contained in the ES, further environmental information including that submitted under Regulation 25 of the EIA Regulations, an ES addendum and information arising from statutory consultations and other responses.
19. The application is being reported to the County Planning Committee as it is major development over 2 hectares.

PLANNING HISTORY

20. Planning permission was granted for the installation of below ground pipeline from Lartington Water Treatment Works to Shildon Service Reservoir and associated works, including temporary construction compounds, pipe bridge, lagoons, pipe

PLANNING POLICY

21. 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.
22. 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.
23. *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.
24. *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.
25. *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.
26. *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.
27. *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.

28. *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.
29. *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.
30. *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.
31. *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.
32. *NPPF Part 17 - Facilitating the sustainable use of minerals.* It is essential that there is a sufficient supply of minerals to provide the infrastructure, buildings, energy and goods that the country needs. Since minerals are a finite natural resource, and can only be worked where they are found, best use needs to be made of them to secure their long-term conservation.

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

33. The Government has consolidated a number of planning practice guidance notes, circulars and other guidance documents into a single Planning Practice Guidance Suite. This document provides planning guidance on a wide range of matters. Of particular relevance to this application is the practice guidance with regards to; air quality; climate change; determining a planning application; land affected by contamination; flood risk and coastal change; healthy and safe communities; historic environment; light pollution; natural environment; neighbourhood planning; noise; open space, sports and recreation facilities, public rights of way and local green space; travel plans, transport assessments and statements, use of planning conditions and water supply, wastewater and water quality.

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

LOCAL PLAN POLICY

The County Durham Plan (October 2020)

34. *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.
35. *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.
36. *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.
37. *Policy 26 – Green Infrastructure* – 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.
38. *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 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.
39. *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.
40. *Policy 35 – Water Management* – states that all development proposals will be required 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. This includes completion of a Flood Risk Assessment (FRA) where appropriate.

41. *Policy 38 – North Pennines Area of Outstanding Natural Beauty* – states that the AONB will be conserved and enhanced. In making decisions on development great weight will be given to conserving landscape and scenic beauty. Major developments will only be permitted in the AONB in exceptional circumstances and where it can be demonstrated to be in the public interest, in accordance with national policy. Any other development in or affecting the AONB will only be permitted where it is not, individually or cumulatively, harmful to its special qualities or statutory purposes. Any development should be designed and managed to the highest environmental standards and have regard to the conservation priorities and desired outcomes of the North Pennines AONB Management Plan and to the guidance given in the North Pennines AONB Planning Guidelines, the North Pennines AONB Building Design Guide and the North Pennines AONB Moorland Tracks and Access Roads Planning Guidance Note as material considerations.
42. *Policy 39 – Landscape* – 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.
43. *Policy 40 – Trees, Woodlands and Hedges* – 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 or provide suitable replacement planting. The loss or deterioration of ancient woodland will require wholly exceptional reasons and appropriate compensation.
44. *Policy 41 – Biodiversity and Geodiversity* – states 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.
45. *Policy 42 – Internationally Designated Sites* – states that development that has the potential to have an effect on internationally designated sites, either individually or in combination with other plans or projects, will need to be screened in the first instance to determine whether significant effects on the site are likely and, if so, will be subject to an Appropriate Assessment. Development will be refused where it cannot be ascertained, following Appropriate Assessment, that there would be no adverse effects on the integrity of the site, unless the proposal is able to pass the further statutory tests of ‘no alternatives’ and ‘imperative reasons of overriding public interest’ as set out in Regulation 64 of the Conservation of Habitats and Species Regulations 2017. Where development proposals would be likely to lead to an increase in recreational pressure upon internationally designated sites, a Habitats Regulations screening assessment and, where necessary, a full Appropriate Assessment will need to be undertaken to demonstrate that a proposal will not adversely affect the integrity of the site. In determining whether a plan or project will have an adverse effect on the integrity of a site, the implementation of identified strategic measures to counteract effects, can be considered. Land identified and/or

managed as part of any mitigation or compensation measures should be maintained in perpetuity.

46. *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 upon locally designated sites will only be permitted where the benefits outweigh the 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.
47. *Policy 44 – Historic Environment* – 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.
48. *Policy 46 – Stockton and Darlington Railway* – states that development which impacts upon the historic route of the Stockton and Darlington Railway (S&DR) of 1825, the Black Boy and Haggerleases branch lines and the Surtees Railway, together with their associated structures, archaeological and physical remains and setting, will be permitted where the proposal: seeks to reinstate a legible route or enhance any physical remains and their interpretation on the ground, and otherwise respects and interprets the route(s) where those remains no longer exist; safeguards and enhances access (including walking and cycling) to, and alongside, the route, branch lines and associated structures, archaeological remains and their setting; does not encroach upon or result in the loss of the original historic route(s), damage the trackbed excepting archaeological or preservation works, or prejudice the significance of the asset; and does not prejudice the development of the S&DR as a visitor attraction or education resource.

NEIGHBOURHOOD PLAN:

49. There are no adopted Neighbourhood Plans within the application site.

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:

50. *Highways Authority* – has raised no objections to the proposals. Officers have commented that where works would be required in the adopted highway, the applicant would be required to get all necessary permissions from the Local Highway Authority, however, this is not part of the planning process.
51. *Drainage and Coastal Protection* – has raised no objections to the proposals.
52. *Environment Agency* – has raised no objections to the proposals. Officers have commented that the information provided in their response of 18 February 2022 as part of application DM/21/04293/FPA are still applicable. This include conditions relating to crossing of the Alwent Beck, which is not part of this application,

submission of a biosecurity plan and informatives relating to Environmental Permitting, water quality, water resources, water environment, dewatering, biodiversity net gain, invasive non-native species, fisheries, concreting, pollution prevention, local angling interests, waterbody improvement, waste and groundwater.

INTERNAL CONSULTEE RESPONSES

53. *Ecology* – has raised no objections to the proposals. Officers have commented that the methods relating to mitigation / compensation are in line with those applied to the wider development. The land is modified grassland and so would be reinstated back to the same habitat type. The hedgerows would also need to be reinstated and enhanced with an increase in woody species and inclusion of hedgerow trees. Details of site reinstatement can be secured by condition.
54. *Landscape* – has raised no objections to the proposals. Officers have commented that the impacts are temporary and only arising during the construction phase of the proposed works. Once all the mitigation planting has established and matured, and the land has been reinstated to its baseline condition, effects on landscape will be negligible. It is also noted that the LVIA states that mitigation planting is to contain Ash. Due to Ash dieback this species should be omitted from any proposed planting, and an appropriate alternative be provided if considered necessary.
55. *Design & Conservation* – has raised no objections to the proposals.
56. *Access and Rights of Way* – has raised no objections to the proposals. Officers have requested that details of any stiles or crossing points be submitted for approval and that, if necessary, the affected right of way be temporarily closed during construction.
57. *Archaeology* – has raised no objections to the proposals due to the modest nature of the works.
58. *Environmental, Health and Consumer Protection (Air Quality)* – has raised no objections to the proposals. Officers have commented that, whilst there are some minor issues, the assessment report follows appropriate guidance, is suitably thorough and fundamentally acceptable. Officers have stated that they have not seen the Construction and Environmental Management Plan but have agreed that this can be agreed by condition.
59. *Environment, Health and Consumer Protection (Nuisance Action)* – has raised no objections to the proposals. Officers have commented that the development would not lead to an adverse impact and is unlikely to cause statutory nuisance.

PUBLIC RESPONSES:

60. The application has been advertised in the local press and by site notice as part of planning procedures. In addition, 204 notification letters were sent to neighbouring properties. No responses have been received from members of the public.

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

APPLICANTS STATEMENT:

61. Northumbrian Water Ltd (NWL) is a statutory undertaker for the supply of water and is responsible for safeguarding the future supply of water in the north east of England.

It supplies drinking water to 1.3 million properties in the north east of England through its distribution network of reservoirs, water treatment works, service reservoirs and mains pipes and needs to continually maintain and upgrade this water supply network.

62. As part of its investment programme for the next ten years NWL is proposing to replace two strategic trunk mains forming part of the network which supplies communities all along the Tees Valley, including Barnard Castle, Darlington and the wider Teesside area. The two existing mains run from a water treatment works at Lartington, west of Barnard Castle, to a service reservoir at Long Newton (just within Stockton Borough Council's administrative area). In addition, there are at least eighty smaller diameter pipes connected to these mains which feed the local distribution networks supplying approximately 18,000 properties. The replacement was first recommended in the Trunk Mains Cleaning Feasibility Study undertaken by Amec in 2012, and was again recommended in the Teesside Strategic Network Study completed in 2017.
63. Planning permission was granted in July 2022 for the first phase of the proposed replacement pipeline, application ref. DM/21/04293/FPA. The subject planning application seeks permission for a minor deviation of the approved pipeline route at Ingleton. This diversion is proposed following discussions with landowners in the area and is required in order to reduce the impact of the construction of the pipe line upon their day-to-day operations.
64. The proposed development will replace existing Victorian era water mains and will ensure a safe and secure supply of water for County Durham and the wider Teesside area for decades to come.

PLANNING CONSIDERATIONS AND ASSESSMENT

65. Section 38(6) of the Planning and Compulsory Purchase Act 2004 sets out that if regard is to be had to the development plan, decisions should be made in accordance with the development plan unless material considerations indicate otherwise. In accordance with advice within the National Planning Policy Framework (NPPF), the policies contained therein are material considerations that should be taken into account in decision making. Other material considerations include representations received. In this context, it is considered that the main planning issues in this instance relate to: the principle of the development, residential amenity (noise and vibration, air quality and dust, lighting, contamination, health impact and visual impact), access and highway safety, landscape and visual impact, cultural heritage, ecology, flooding and drainage, recreational amenity, , agricultural land, cumulative impact and public sector equity duty.

Principle of Development

66. 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 within County Durham. This is the starting point for determining applications as set out in the 2004 Planning Act and reinforced at Paragraph 12 of the NPPF. The CDP was adopted in October 2020 and provides the policy framework for County Durham until 2035.
67. 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.

68. 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

- 69. The key policy for the determination of this application is CDP Policy 10 (Development in the countryside).
- 70. CDP Policy 10 relates to development in the countryside and advises that development in the countryside will not be permitted unless allowed for by specific policies in the plan or where the proposal relates to a number of exceptions including to support essential infrastructure where the need can be demonstrated for that location.
- 71. Policy 10 sets out that development will only be supported where, inter alia, it is for essential infrastructure where the need can be demonstrated for that location. In addition, the policy also sets out general design principles which should be followed. These include development which does not give rise to unacceptable harm to heritage, biodiversity, geodiversity, intrinsic character, beauty or tranquillity of the countryside which cannot be adequately mitigated or compensated for. Further considerations set out in the Policy include that development must not be prejudicial to highway safety, water or railway safety nor impact adversely upon residential amenity or general amenity.
- 72. The proposed development comprises the laying of an underground pipeline which would be part of a wider development to transfer drinking water from the west of the county to the east and north and beyond. The proposed development would replace existing Victorian infrastructure as well as providing enhanced resilience to the water distribution network. The works would safeguard the supply of water to County Durham and Teesside for generations to come. The route of the wider pipeline has been carefully chosen and refined over the last 3 years to ensure that the development created the least environmental impact and disruption to nearby residents and highway users. It is therefore the case that there is a clear and demonstrable need in this location for the proposed development. As part of the works, the applicant proposes to re-plant trees on a 3 to 1 replacement ratio as well as being committed to providing biodiversity net gain, which is considered later in the report.

73. The application site is not allocated for any specific use within the adopted County Durham Local Plan however, as out earlier in this report the proposed development comprises essential infrastructure works to replace two strategic trunk mains forming part of the network which supplies communities with water all along the Tees Valley, including Barnard Castle, Darlington and the wider Teesside area.
74. The development is required to support essential infrastructure and the principle of the development is considered to be acceptable in this location given that it comprises essential infrastructure relating to the resilience of the future water supply in County Durham. The proposal does not conflict with CDP Policy 10 nor Part 15 of the NPPF. The environmental impacts of the proposal are considered below.

Residential Amenity

75. 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).
76. 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.
77. The nearest residential properties are located at Council Farm approximately 30m to the west, West End Farm approximately 30m to the east, Fairholme and Broomsfield approximately 30m to the east. The main settlement of Ingleton is located approximately 170m to the east.
78. Specific considerations in relation to residential amenity are noise, air quality and dust, lighting, contamination and visual impact and are considered below.

Noise

79. During the construction phase there is potential for noise from traffic making deliveries and site preparation works but this would be time limited. During the

construction period good practice measures would be put in place to manage the effects of noise and a construction management plan would be required through condition.

80. The Noise and Vibration Assessment submitted with the application for the wider development considered the construction noise from the following activities: the strategic trunk main pipeline construction, shafts and tunnelling, construction compounds, pipe laydown areas, strategic crossings and connections and haul roads. The Assessment identifies temporary significant noise effects during the daytime from shafts and tunnelling at Cooper House Farm, and pipe laydown areas at Cooper House Farm, Mense House Farm, Winfield and Grant Cottage. In respect of this application the addendum to the ES advises that the alignment of the pipe would be closer to Council Farm and receptors may be exposed to noise levels above the potential significance level, however, with the implementation of noise mitigation measures the effect on Council Farm remains as Not Significant.
81. Environmental Health and Consumer Protection officers have raised no objections to the proposals. As part of the wider development officers suggested conditions to regulate times of use, the contractor's method statement and details of who and how noise impact would be monitored at noise sensitive receptors.
82. The anticipated general construction working hours are 07:00 – 18:00 hours Monday to Friday, 07:00 – 14:00 on Saturdays with no working on Sundays, Bank or Public Holidays. Occasional out of hours may be required with the applicant advising that residents would be informed in advance. This is likely to occur where works affect the public highway and where such works are only permitted by the Highway Authority at quieter times of the day and night. The section of the pipe subject to this application would need to cross the B6279 and may therefore require out of hours working.
83. Conditions would be required relating to the submission of a Construction Management Plan and limiting the hours of construction activities given the potential for construction activities to cause some disturbance in terms of noise.
84. The Noise and Vibration Assessment submitted by the applicant proposes, at Noise Sensitive Receptors where an exceedance of SOAEL (Significant Observed Adverse Effect Level) 75dB LAeq have been identified, a temporary noise barrier would be introduced, either located as close to the source or receiver as practically possible and be designed to limit the effects on the noise sensitive receptors exceeding the SOAEL 75dB LAeq threshold. In order to secure this a further noise and vibration management plan would be prepared and form part of a Construction Environmental Management Plan (CEMP) that would be secured through planning condition. This would set out the approach to consultation with the Council, complaint management process and the noise monitoring methodology during construction including details of the noise barrier.

Air quality and dust

85. The proposed development has very limited potential to create any unacceptable dust pollution impacts. The submitted Construction Dust Assessment concludes that the pre mitigation impacts from the strategic mains works of the proposed development are defined as 'low to high risk' for dust soiling and 'negligible to low risk' for health effects. For the reconnections works the risk for dust soiling and health effects are 'negligible to low risk.'

86. Environmental Health and Consumer Protection officers have considered the proposals and not that the assessment is fundamentally acceptable. A condition is recommended to require a Construction and Environmental Management Plan prior to the commencement of development, which would include a dust management plan. Air Quality officers have agreed that this is acceptable.

Contamination

87. 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.
88. The Geo-Environmental Assessment Report submitted with the application concludes that based on available information, ground material on-site is not considered to pose a significant risk to construction and maintenance workers, and no specific mitigation is required. Asbestos was not detected in the test soil samples. Whilst the level of Lead (Pb) recorded in a topsoil sample exceed the GAC, a significant risk to site end-users was considered unlikely from the proposed works. However, the applicant's report recommends that the material from this location be removed from site, thereby removing the source. The addendum to the ES submitted as part of this application did not alter the conclusions of the earlier Geo-Environmental Assessment.
89. The Geo-Environmental Assessment Report also concludes that the potential for soil leachates to contaminate freshwater courses is considered to be low.
90. Environmental Health and Consumer Protection officers considered the application for the wider development in respect of contamination and noted that the site in general is free from contamination. Officers agreed with the recommendation for the removal of an area of the site with an elevated Pb level, agreeing that the risk posed is not to the end use but more associated with site workers. The proposed realignment of the pipe as part of this application would not alter the earlier assessment.
91. There is no requirement for a contaminated land condition however, informatives are recommended related to the removal of Pb contaminated soils and if any unforeseen contamination is encountered.

Visual Impact

92. The area is sparsely populated, but there are a number of properties within 250m of the site, as set out above.
93. The submitted Landscape and Visual Assessment does not include effects on visual receptors during the operation of the proposed development as most of it is below ground and will not be visible, and the above ground elements of the proposed development are relatively minor in nature and are unlikely to give rise to significant visual effects.

94. The Assessment recommends a Landscape and Environmental Management Plan is followed during the restoration stage of the proposed development. This would be secured by way of condition.
95. Whilst the aspect of these properties and the presence of intervening vegetation is likely to filter the proposal from the majority of the residential properties the LVIA concludes that all effects would be temporary for varying durations over the course of the construction of the proposed development. Embedded mitigation that restores the site to its existing condition would ensure that all effects would reduce over time and further assimilation would be achieved through additional tree planting.
96. Landscape officers raise no objection. Landscape and visual impact is considered further below.

Residential amenity summary

97. It is considered that the proposal would not create an unacceptable impact on living or working conditions or the natural environment. The development would not result in unacceptable noise, air quality, dust, light pollution, contamination and visual impact subject to the imposition of the conditions recommended above. The development would provide an acceptable standard of residential amenity in accordance with CDP Policies 31 and 32 and Part 15 of the NPPF.

Highway Safety and Access

98. Paragraph 110 of the NPPF states that safe and suitable access should be achieved for all people. 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.
99. The submitted Environment Statement considers the effects of the proposed development on traffic and transport for the wider development and the application site. It sets out that the proposed development would intersect a number of public highways. This comprises the B6277 Lartington Lane, B6278 Harmire Road, Dent Gate Lane, A688 Stainton Bank, Town Pasture Lane A67 between A688 and Whorley, Unclassified and unnamed access road from A67 to Humbleton, Unnamed Road (C44) connecting to Tarn Lane and the Unnamed Road north of A67, West of Whorley all of which are along the Lartington WTW site to Whorley Service Reservoir. In the Whorley SR to Gainford Great Wood section there is Tarn Lane, B6274 north of Winston and Unnamed Road north of the A67 Grant Bank. From Gainford Great Wood to County Durham / Darlington Borough Council Boundary the pipeline would cross Ford Dike Lane and Cock Lane. And in the Gainford Great Wood to Shildon SR section the pipeline would cross Selaby Lane, Hulam Lane, the B6279 at Ingleton, Unnamed adopted C Road north-west of Ingleton, Unnamed road east of Hilton (unadopted), Stobhill Lane, A68 north of Bildershaw and A6072 West Auckland Road.
100. The addendum to the ES advises that the only change to previously approved proposal is that the pipeline would cross the B6279 at Ingleton slightly further west. There would be no other changes to the assessment of traffic and transport.
101. The ES concludes that, in respect of the wider development, no significant effects upon traffic and transport are anticipated during the construction and restoration

phases of the proposed development. This includes no significant effects on driver delay, road safety, severance, pedestrian amenity / fear of intimidation and pedestrian amenity.

102. A Framework Construction Environmental Management Plan (CEMP) submitted with the application sets out the key measures and principles that will be adhered to during construction and restoration. It includes the following measures and principles of relevance to highways and access: designated vehicle access routes and a traffic management strategy; restrictions on deliveries and access to working sites outside of peak highway periods; keeping A roads open where possible, limiting the duration of road closures and usage of a dedicated haul road parallel to the pipe route for construction movements between working areas; and include a number of potential HGV construction traffic no-go zones, in order to minimise effects on the following local communities where alternate routes are available.
103. During construction, the following hierarchy would be used where there are interfaces with PROWs, or a combination thereof, to minimise disruption to the Public: maintain the PROW with appropriate surfacing across the working width except for short manned closures with associated H&S protection; divert the PROW within the working width with associated H&S protection and footpath surfacing; agree and install a diversion route for the PROW with the Local Authority, with associated signage and surfacing works when neither of the first two actions are viable.
104. Where the proposed development crosses public highways, it is proposed that open cut trenching could involve partial or full road closures with shuttle working or a local diversion in place. Given the width of the crossings, the duration of open-cut trenching is anticipated to be short; limited to a matter of days. The works could also be undertaken over a series of nights, meaning any local diversions or shuttle working would only take place at night and not affect peak daytime traffic.
105. Highways officers have considered the proposal and raise no objections. Advice is provided to the applicant in respect of obtaining licences for works affecting the public highway.
106. Whilst the wider development would generate a number of construction traffic movements for the 34 month construction period it would be not be unacceptable across the wider development or the application site due to good access and existing highway capacity for this temporary period. Following construction, the site would be returned to its original condition. It is considered that the proposal 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. The proposal is considered not to conflict with CDP Policy 21 and Part 9 of the NPPF.

Landscape and visual impact

107. 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.
108. 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.

109. 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.
110. A Landscape and Visual Impact Assessment (LVIA) has been submitted with the application as part of the ES, which covers the wider development and the application site. The LVIA seeks to assess the landscape and visual impact of the proposed development. The Assessment states that a series of mitigation measures have been embedded into the scheme that restore the site to its existing condition which would ensure that all effects of the construction phase will reduce over time and further assimilation would be achieved through additional tree and hedgerow planting. The LVIA submitted by the applicant considers the proposed development in the context of a study area. The study area comprises the planning application site plus a buffer which extends a further 2km beyond. There are several designations within the study area that are of note. These include The North Pennines Area of Outstanding Natural Beauty (AONB) to the west of the western end of the site, Pennine Dales Environmentally Sensitive Area (ESA) approximately 4km to the west of the western end of the site, Several Sites of Special Scientific Interest (SSSI) on the western fringe of the site, Listed buildings and conservation areas across the study area, Lartington Hall park and garden (Grade II listed), Bowes Museum park and garden (Grade II listed) and Areas of High Landscape Value (AHLV) - a local landscape designation, designated in the County Durham Plan as areas which are considered by the local planning authority to be of particular landscape value to the local area. Areas were assessed for their condition, scenic, cultural and perceptual quality, rarity, recreational value and natural and historical conservation interest to determine their sensitivity.
111. The addendum to the ES advises that the amendment to the route of the pipeline at Ingleton does not affect the information in the LVIA. The new alignment would not change the landscape or visual baseline, nor would it change the assessment of effects associated with landscape and visual receptors.
112. The site is situated within (or includes part of) National England National Character Area 22: Pennine Dales Fringe and parts of the site are located within the following published Landscape Character Areas. Part of the site lies within an Area of Higher landscape Value (AHLV) as defined in the CDP.
113. The LVIA concludes that, all four County Character Areas (CCAs) that fall within the study area would be significantly affected by the construction of the proposed development. These CCAs would be subject to a temporary reduction in scenic quality, landscape condition and tranquillity, that will occur across large proportions of each CCA. These reductions will result in a Moderate Adverse, and Significant effect on each CCA.

114. Within the context of the application site, construction of the proposed development would occur near to the village of Ingleton, and in this area works include three pipe laydown areas and a lagoon. In addition, these works would occur within the rural setting of the Ingleton Conservation Area. It is anticipated that these works would result in a Major Adverse and Significant effect on the local landscape character around Ingleton.
115. A proposed Landscaping Strategy has not been submitted with the application however, details of landscaping can be secured by condition.
116. Trees within the application site are not covered by a Tree Preservation Order. There would be some loss of trees across the wider development in order to allow the development to be constructed. An Arboricultural Impact Assessment ('AIA') accompanies the application covering the wider development and concludes that fifty trees and eleven tree groups across the full route have been identified 'at risk' as they are within the footprint of the pipeline and/or the planned haul road. These trees would be retained and protected during construction where possible. The AIA recommends a number of protection measures. Within the application site there are only four trees within the development area.
117. The submitted Arboricultural Impact Assessment sets out a number of protection measures including Root Protection Areas, use of ground protection, temporary barrier protection and pruning methods. Implementation of the measures would be secured through condition.
118. The design of the proposed development has considered, where appropriate, the retention of trees. Given the essential need for the proposals to ensure water supply, it is considered that their potential loss is outweighed by the benefits of the proposal namely the long term security of water supply to County Durham through the replacement of Victorian era essential infrastructure as well as a significant enhancement to the resilience of the county's water supply
119. Where tree loss would occur, new woodland or tree planting would be provided at a ratio of 3 trees planted for each one lost and will comprise native species. The new planting would avoid sites of existing nature conservation value. If it is not possible to provide such replanting at this scale, then mitigation comprising new small and medium sized mixed or broadleaved woodlands will be introduced, respecting field patterns, and avoiding sites of nature conservation or archaeological interest, where possible, and overgrown or gappy hedges unaffected by the works will be improved by coppicing and gapping up, where possible.
120. If post and wire fencing is lost or removed due to the proposed works, then new hedgerow planting would be introduced in its place where possible.
121. Proposed mitigation measures also include (if it is not possible for new tree and hedgerow planting to be introduced on a 3:1 basis in the areas where trees and hedgerow have been removed): new small and medium sized mixed or broadleaved woodlands will be introduced, respecting field patterns, and avoiding sites of nature conservation or archaeological interest; overgrown or gappy hedges unaffected by the works would be improved by coppicing and gapping up; where possible, new native oak woods in denes and ravines and along steep riverside bluffs would be introduced; where possible, new native alder woods on riverbanks and streamsides and on wet or seasonally flooded haughs will be introduced; and overgrown or gappy hedges unaffected by the works would be improved by coppicing and gapping up.

122. In addition, a Framework Construction Environmental Management Plan (CEMP) has been submitted which includes the following measures or principles, to reduce adverse effects on landscape and visual amenity. These being lighting during construction would be designed to minimise light pollution during the hours of darkness. Lighting would be directional to prevent light spill and designed to reduce sky-glow; and site fencing and hoarding around the construction sites will be well maintained throughout the construction period.
123. The proposed mitigation measures would minimise the potential effects of the proposed development on landscape and visual amenity. Mitigation would be secured through a suitably worded condition.
124. Landscape officers have considered landscape and visual effects and raise no objection to the proposed development. Landscape Officers note that a Landscape and Visual Impact Assessment and Arboricultural Assessment have been provided which state that mitigation planting is to contain Ash. Due to Ash dieback, Officers advise that this species should be omitted from any proposed planting, and an appropriate alternative be provided if considered necessary.
125. The effects of the development would be temporary for varying durations over the course of the construction period. The embedded mitigation would ensure that effects reduce over time and assimilate the development into the environment such that no significant landscape and visual effects will remain. As such, the proposed development would not cause unacceptable harm to the character, quality or distinctiveness of the landscape or to important features or views once the development is complete and the restoration phase has been implemented. In addition, the quality of the Area of Higher Landscape Value would be maintained following completion of the development. Subject to the implementation of the landscape and environmental management plan, which can be secured by condition, the impacts of the proposal upon the landscape are considered acceptable. The proposal is therefore not considered to conflict with CDP Policies 39 and 40, and Part 15 of the NPPF.

Cultural heritage

126. In assessing the proposed development regard must be had to the statutory duty imposed on the Local Planning Authority under the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character and appearance of a conservation area. In addition, the Planning (Listed Buildings and Conservation Areas) Act 1990 also imposes a statutory duty that, when considering whether to grant planning permission for a development which affects a listed building or its setting, the decision maker shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. If harm is found this gives rise to a strong (but rebuttable) statutory presumption against the grant of planning permission. Any such harm must be given considerable importance and weight by the decision-maker.
127. 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.

128. There are 8 listed buildings within the village of Ingleton. These include the Grade II listed Raysholme and Grade II listed Greencroft 390m to the east, Grade II listed The Cottage, Grade II listed Church of St John the Evangelist and Grade II and Grade II listed Holbeck Farmhouse 560m to the east and the Grade II listed Poplars and Vine House, Grade II listed Startforth and Grade II listed Boxwood 670m to the east.
129. A Heritage Impact Assessment (HIA) has been submitted in support of the application, which also covers the wider development. The HIA concludes that the route of the underground pipeline would have no direct impact on most designated heritage assets, except for minor works within the Staindrop and Barnard Castle Conservation Areas and the abandonment of the pipeline crossing Deepdale Aqueduct. The Assessment concludes that these works would have a temporary negligible adverse effect on the significance of the conservation areas due to the limited impact on their character and appearance during the construction period and the temporary changes to views within those conservation areas, noting of course that once the development is constructed all of the pipeline will be underground and not visible.
130. Within the wider development the submitted HIA considered that the proposed development would have a negligible minor adverse impact upon the setting of the heritage assets where the works are perceptible. Furthermore, it is considered that the adverse effects are negligible and temporary and would not affect the significance and special architectural or historic interest of affected designated heritage assets. The negligible adverse effects upon the significance of some heritage assets along the route of the pipeline due to temporary changes within their setting would in NPPF terms amount to less than substantial harm at the lowest end of the scale. In respect of the application site the HIA does not consider there to be any harm to heritage assets.
131. Design & Conservation officers and Archaeology officers have raised no objections to the proposals and in the context of there being no harm to heritage assets it is considered that the proposed development would not conflict with CDP Policies 44 and 46 and would accord with Part 16 of the NPPF and Sections 66 and 72 of the Listed Building Act.

Ecology

132. 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.
133. 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. 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.

134. A Preliminary Ecological Appraisal (PEA) has been submitted with the application. The PEA concludes that there are 24 statutory designated sites within 2km of the wider pipeline route including 19 ancient woodlands. The application site does not fall within the boundaries of any Special Areas of Conservation (SAC), Special Protection Areas (SPA), Ramsar sites, Sites of Special Scientific Interest (SSSI), National Nature Reserves (NNR) or Local Nature Reserves (LNR). The nearest LWS sites are Gainford Spa Woods approximately 3.1km to the south, Teesbank Woods approximately 4.1km to the south and Bowers Island approximately 4.3km to the south. There are no other designated ecological sites within 5km of the application site. The site is located within an Area of Higher Landscape Value (AHLV) as defined in the County Durham Plan.
135. A series of reports and survey work has been submitted by the applicant including badger, barn owl and bat surveys, Cotherstone Railway Local Wildlife Site Botanical Survey, great crested newt, otter and water vole surveys, a Preliminary Ecological Appraisal, a River Physical Habitat Assessment and River Condition Assessment Methodology. These surveys cover the wider development as well as the application site.
136. In addition, the submitted Environmental Statement concludes that the wider development would have a potential minor adverse and not significant effect on Shipley Wood replanted and ancient woodland, Waskey Wood/Spring Wood, Selaby Bases and Gainford Great Wood ancient woodlands and Local Wildlife Sites. There is likely to be a moderate adverse and significant effect on the Cotherstone Railway LWS due to the temporary loss of grassland section and a temporary loss of 18% of the LWS. In addition, the proposed development would result in the loss of broad-leaved semi-natural woodland, coniferous/plantation woodland, hedgerows, scattered trees, grassland and the temporary disruption to various watercourses. The only change to this assessment as part of the current application is that the revised alignment to the route at Ingleton would result in construction works taking place in closer proximity to a tree assessed in the ES that was identified as having a suspected bat roost for 1 No. Common Pipistrelle bat. To mitigate this the ES addendum advises a method statement would be prepared which would require a pre works buffer of 30m to be established around Tree No. 347 to minimise potential disturbance to the suspected bat roost. Fencing would demarcate the 30m buffer zone to ensure site operatives and construction plant are excluded.
137. Within the wider development there would be some disturbance to breeding barn owls and breeding birds, loss of six bat tree roosts, two resting places for Otters, loss of subsidiary and outlier setts for 1-2 groups of badgers and temporary loss of habitats for hedgehogs harvest mouse, great crested newts and toads. There would also be disruption of breeding behaviour for widespread reptiles and disturbance to fish behaviour at Alwent Beck. Within the application site there would be no additional harm to protected species.
138. The Environment Agency has raised no objections to the proposals but has advised that their comments and conditions in relation to the wider development are still applicable. These conditions require the development to be carried out in accordance with the submitted Flood Risk Assessment and requirement for the

submission of a biosecurity plan which seeks to prevent the spread of invasive non-native species such as signal crayfish, Himalayan Balsam and Japanese Knotweed. Advice is provided with regard to the need for an Environmental Permit, water quality permit requirements, dewatering and water abstraction requirements, the water environment, biodiversity net gain and it is recommended that a target of at least 'no net loss' is set to reduce impact of the development. Advice is also provided with regard to invasive non-native species, migratory fish and fish passage, concreting and pollution prevention, waterbody improvement, waste and ground water.

139. Ecology officers have considered the proposals and commented that the methods relating to mitigation and compensation are in line with those applied to the wider development. The land within the application site is modified grassland and so would be reinstated back to the same habitat type. The hedgerows would also need to be reinstated and enhanced with an increase in woody species and inclusion of hedgerow trees. A scheme for the reinstatement of the site would be required by condition.
140. The wider development would provide a series of significant and positive mitigation and compensation measures into the design of the development. The measures include promoting diversity within grassland, translocation and reinstatement of important hedgerows, flumes in certain watercourses to ensure conditions are similar to that of the current channel, protection zones for barn owls and erection of bird and bat boxes. The application site would deliver biodiversity net gain in the context of the wider development and. in addition to these measures, the site is not located within any nationally or locally protected site. As such, in the context of the proposed mitigation which can be secured by planning condition, it is considered that the proposal would not negatively impact upon any nationally or locally protected sites. The proposal is therefore considered not to conflict with CDP Policies 25, 41 and 43 and Part 15 of the NPPF in respect of avoiding and mitigating harm to biodiversity.

Flooding and drainage and the water environment

141. 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.
142. 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.
143. 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.

144. Within the wider development site are eight main rivers and/or larger watercourses ,one of which in two locations. These being: Percy Beck; Black Beck; Walker Hill downstream crossing; Walker Hill upstream crossing; Alwent Beck; Tributary of the River Gaunless; Dyance Beck; River Tees; and Grise Beck. There are no watercourses within this specific application site.
145. The wider development is predominately located in Flood Zone 1, though it passes through Flood Zones 2 and 3 at five places. The application site is only within Flood Zone 1 The proposed pipeline would pass below the watercourse level of four of these watercourses, with the exception of the Alwent Beck crossing which will be crossed using a pipe bridge.
146. The Environmental Statement considers the effects of the proposed development on the Water Environment. The main issues considered are the potential effects arising from the proposed development on the following: Water Framework Directive ('WFD') water bodies – eight surface water bodies and three groundwater bodies; fifty watercourses; ten ponds; four licenced surface water abstractions / discharges are present within the study area; ten aquifer units; twelve springs and ten field drains / discharges; groundwater abstractions and discharges – one licenced abstraction is present within the study area; and water dependent designated sites – one designated site (ancient woodland). The Flood Risk Assessment (FRA) submitted as part of the original ES has been amended to account for the change in alignment of the pipe but there are no other changes to the water environment.
147. A Framework Construction Environmental Management Plan has been submitted with the application and prior to commencement of construction the CEMP would be required through condition. Key measures and principles in the Framework CEMP include: suitable site layout arrangements; requirements for the storage of fuel, oil, chemicals and other hazardous substances (including chlorinated water within surface lagoons) to minimise the risk of accidental environmental discharge; a pollution prevention plan, including emergency spill procedures; details of an erosion prevention and sediment management plan; and details of site (including site compounds and pipe laydown areas) drainage showing connections to existing road / mains drainage network, and not directly discharged to the environment.
148. During operation, no impacts are anticipated on the water environment and if a leak develops in the pipe, it would be carrying potable water hence there would be no water quality impacts.
149. During construction and restoration, where the pipeline is beneath the water table it is likely that any groundwater would find its way around the pipeline. As such, it is unlikely that the pipeline will act as barrier to groundwater flow.
150. It is considered that a CEMP and consent/permit adherence throughout construction should mitigate against any risk to surface or groundwater quality impacts during construction. As such no impacts related to water quality due to the spillage of soils, sediment, fuels or other construction materials, discharge from surface water lagoons, or through uncontrolled site runoff are predicted.
151. The impact to aquifers from excavation, and/or the creation of impermeable surfaces including haul roads and construction compounds and pipe laydown areas is considered minimal as the areas intersected by the proposed development are small compared to the aquifer extents in all cases, except for the Devensian Till. Therefore,

it is anticipated there would be a minor impact to flows as much of the proposed development and several compounds / pipe laydown areas intersect the Devensian Till deposits. As such, the effect would be Minor Adverse and Not Significant.

152. The Environmental Statement includes mitigation measures such as the installation of clay stanks along the length of the pipeline to prevent flow of groundwater, a detailed method statement describing the proposed water house / field drain crossings and reinstatement and ensuring that the extent of pipe laydown areas and lagoons are such that they do not result in the partial or complete loss of land drains.
153. It is considered that as a result of mitigation measures, all effects have been reduced and are considered to be either negligible or minor adverse and not significant in terms of the effects on the Water Environment.
154. The application is also accompanied by a flood risk assessment (FRA) which includes consideration of the wider development as well as the application site. The FRA states that the pipeline would predominantly be located in Flood Zone 1, though at five locations it passes through a watercourse passing through Flood Zones 2 and 3. The NPPF requires a sequential test to steer new developments to locations in Flood Zone 1, where flood risk is lowest.
155. The submitted FRA concludes that it is not feasible to avoid passing through some of the watercourses, and therefore it is not feasible for the proposed scheme to be entirely in Flood Zone 1.
156. The proposed development comprises essential new water infrastructure to supply part of the County Durham area. As set out in more detail below, the benefits of the proposed infrastructure works are considered to outweigh the negative impacts created during construction. Notwithstanding this, the specific part of the development that is within the application is entirely within Flood Zone 1 and is therefore exempt from the exception test.
157. In addition to the pipeline, a range of temporary works are included within the application, including site compounds, pipe laydown areas and temporary lagoons. The FRA states that there are operational constraints associated with these temporary works including reasonable access to welfare facilities, limiting the environmental impact, transporting materials and topography for the temporary lagoons. The FRA concludes that there are no practical alternative sites for the proposed works given the operational requirements of the pipeline, the need to avoid land allocated for development and sensitive land use designations and as such it can be considered that the Sequential Test has been satisfied.
158. An outline framework Surface Water Management Plan (SWMP) was submitted with the planning application for the wider development. The SWMP sets out the proposed management and monitoring of surface water for the application site, including the use of slope breakers, surface water ditches, lagoons, silt fences and straw bale barriers alongside watercourse and flood risk management.
159. The Environment Agency raised no objection to the planning application subject to the inclusion of conditions relating to the development being carried out in accordance with the submitted FRA and the submission of a biosecurity plan.
160. Drainage and Coastal Protection officers have considered the proposals and raise no objections and offer advice in relation to major infrastructure construction works in greenfield locations and expect this to be covered in the drainage strategy for the development. Should planning permission be granted then the development would

be required to be carried out in accordance with the submitted flood risk assessment and a surface water drainage strategy to be required through condition.

161. Subject to the proposed conditions being adhered to, the proposed development would not lead to increased flood risk, both on and off site. The proposal is, therefore, considered to not conflict with CDP Policy 35 and Part 14 of the NPPF with regards to flood risk.

Recreational amenity

162. 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. Paragraph 100 of Part 8 of the NPPF states that planning decision should protect and enhance public rights of way and access, including taking opportunities to provide better facilities for users, for example by adding links to existing rights of way.
163. The southern part of the site is crossed by footpath No.1 (Ingleton Parish). Footpath No.2 (Ingleton Parish) runs along the western boundary of the site
164. The submitted Framework Construction Environmental Management Plan (CEMP) states that during construction, the following hierarchy would be used where there are interfaces with PROWs, or a combination thereof, to minimise disruption to the public:
- a. Maintain the PROW with appropriate surfacing across the working width except for short manned closures with associated health and safety protection;
 - b. Divert the PROW within the working width with associated health and safety protection and footpath surfacing; and
 - c. Agree and install a diversion route for the PROW with the Highway Authority, with associated signage and surfacing works when neither of the first two actions are viable.
165. The Environment Statement considers the amenity of pedestrians. It concludes that the amenity of pedestrians using PROWs that cross the pipeline route or the working area would be affected by diversions or short manned closures. These would only be temporary while construction and remediation works are taking place in an area that would affect specific PROWs. Whilst precise details as to whether it will be necessary to either divert or temporarily close any PROW's are not yet known, it is considered that the mitigation hierarchy detailed above is an acceptable approach to deal with the interface of the development with PROW's.
166. Access and Rights of Way officers raise no objection but have requested details of any temporary crossings, such as stiles, and have advised that a temporary closure of footpath No.1 (Ingleton Parish) may be required.
167. It is therefore considered that the proposal would not conflict with CDP Policy 26 and Part 8 of the NPPF.

Agricultural Land

168. 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.
169. CDP Policy 14 relates to the Best and Most Versatile Agricultural Land and Soil Resources and 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.
170. The wider development comprises approximately 317 ha of land and this application covers an area of approximately 5.4 ha. A Soils Resources Survey and Management Plan was submitted by the applicant and sets out soil management guidance for the purpose of limiting impacts to overall soil quality, during and after construction including guidance on soil handling, stripping, stockpiling, soil reinstatement and re-use. Soil along the route of the pipeline is generally either grade 2 or 3 with small pockets being grade 4, some is therefore Best and Most Versatile Agricultural Land. The application site is comprised entirely of grade 3 land.
171. The Soils Resources Survey includes four Agricultural Land Classification Reports which intersect with the 250m buffer surrounding the proposed development. Due to the nature of the development, it is not expected that there will be any permanent land-take, and instead all stripped soils will be reinstated following construction. In this context it is considered the requirements of CDP Policy 14 are met in that all soil removed for the development will be reinstated and restored to its pre-development condition. Through condition a soil handling, storage and replacement scheme can be secured. As such no negative impact upon the quality of the soils is expected and the proposal would not conflict with CDP Policy 14.
172. Whilst the development would temporarily remove a portion of land from arable use, it would be reinstated following completion of the construction phase. The proposal would not conflict with CDP Policy 14 or Part 15 of the NPPF in this respect.

Cumulative impact

173. 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.
174. As set out above, this proposal forms part of a larger development. Whilst the wider development covers a large area and is approximately 30km in length the proposed pipeline would not run close to or under any new development sites. In addition, given that the proposed development comprises a pipeline that is almost entirely underground, once constructed the development would not be visible and its operation would not be noticeable. As such there would be no greater cumulative impacts of the proposed development.

175. A cumulative assessment has been undertaken as part of the EIA process and submitted in support of this application. This considered if additional potential cumulative effects from the proposed development would be created by it interacting with other developments in order to ascertain whether there are any inter-project cumulative effects. Seven schemes located in the surrounding area of the proposed development were identified as:
- The future extension of the pipeline to the main reservoir at Long Newton;
 - Residential development for up to 100 units at land to the north of Darlington Road, Barnard Castle;
 - 72 dwellings at land to the west of Grice Court, Staindrop;
 - Mixed use development of retail, restaurants, cinema and other leisure uses at Fieldon Bridge, Bishop Auckland;
 - Residential development for 162 dwellings at land east of Deerbolt HMYOI and north of Bowes Road, Startforth;
 - A retail unit at Addison Auctioneers, Barnard Castle; and
 - The construction of a new sports pavilion at Barnard Castle School.
176. It was concluded that there is no potential for significant cumulative effects arising from the proposed development and the seven identified schemes and therefore no further mitigation or monitoring measures are required to address inter-project cumulative effects. The submitted ES Addendum advises that this proposal would not alter the conclusions of the cumulative assessment. A number of technical assessments submitted in support of the application have considered matter such as noise and dust.
177. As such it is considered that the proposal would not result in any adverse cumulative impact exceeding that of a single development proposal in accordance with CDP Policy 31 and Part 15 of the NPPF.

Public Sector Equality Duty

178. 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.
179. In this instance, officers have assessed all relevant factors and do not consider that there are any equality impacts identified.

CONCLUSION

180. Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. The NPPF is a material consideration in planning decisions.
181. The proposed development would form part of a wider development to provide additional water capacity and resilience to the existing water network serving County Durham and Teesside. It would replace Victorian era essential infrastructure necessary to support the growing population of County Durham and beyond. The works involve the replacement of a strategic trunk mains pipeline which will be set within a below ground trench. The pipeline will run from Lartington Water Treatment Works to Shildon Service Reservoir.

182. Consideration has been given to the the principle of the development, residential amenity (noise and vibration, air quality and dust, lighting, contamination, health impact and visual impact), access and highway safety, landscape and visual impact, cultural heritage, ecology, flooding and drainage, recreational amenity, agricultural land, cumulative impact, agricultural land and cumulative impact, and subject to appropriate conditions where appropriate, the impacts are considered to be acceptable.
183. It is considered that the proposed development accords with relevant policies of the County Durham Plan and relevant sections of the NPPF.

RECOMMENDATION

184. That the application made to Durham County Council 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: To comply with Section 91 of the Town and Country Planning Act 1990 which places a time limit on when any permitted development may start by as amended by Section 51 of the Planning and Compulsory Purchase Act 2004 to ensure that the development is carried out within a reasonable period of time.

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

- Site Location Plan ref. WN019-0205-STN-02-ZZ-DR-T-0100
- Existing Plan and Profile ref. WN019-0205-STN-02-ZZ-DR-T-0101
- Proposed Plan and Profile ref. WN019-0205-STN-02-ZZ-DR-T-0102
- Typical Pipe Trench Details ref. WN019-0205-MMB-01-ZZ-DR-T-0084

Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with Policies 10, 14, 21, 26, 28, 29, 31,32, 33, 35, 38, 39, 40,41, 42, 43, 44, 46 and 56 of the County Durham Plan and Parts 2, 4, 6, 8, 9, 12, 14, 15, 16 and 17 of the National Planning Policy Framework.

3. Prior to the commencement of any part of the development or any works of demolition within a particular phase as identified under Condition 3, a Construction Environmental Management Plan for that phase shall be submitted to and approved in writing by the local planning authority. The Construction Environmental Management Plan shall be prepared by a competent person and shall consider the potential environmental impacts (noise, vibration, dust and light) that the development may have upon any nearby sensitive receptors and shall detail mitigation proposed and include the following:

1. 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.
2. A Noise Management Plan and details of methods and means of noise reduction including details of a noise barrier designed to limit the effects on the receptors exceeding the SOAEL 75dB LAeq threshold, to be implemented

between the proposed development and the following receptors: Station Farm; Cooper House Farm; Auckland Terrace; Westlea; Rosemead and Council Farm. The Noise Management Plan shall also include the exact locations of noise monitoring points and proposed monitoring frequency.

3. Where construction involves penetrative piling and/or drilling, details of methods for piling of foundations and drilling including measures to suppress any associated noise and vibration;
4. --Construction, Noise and Vibration Management Plan (CNVMP);
5. Confirmation of working hours, which shall not exceed 07:00 – 18:00 hours Monday to Friday, 07:00 – 14:00 on Saturdays with no working on Sundays, Bank or Public Holidays. Only tunnelling works may take place outwith these hours.
6. Details of measures to prevent and manage pollution and to prevent mud and other such material migrating onto the highway;
7. Designation, layout and design of construction access and egress points;
8. Details for the provision of directional signage (on and off site);
9. Details of contractors' compounds and parking, materials storage and other storage arrangements, including cranes and plant, equipment and related temporary infrastructure and their removal upon completion of the construction phase of development;
10. Details of provision for all site operatives for the loading and unloading of plant, machinery and materials
11. Details of provision for all site operatives, including visitors and construction vehicles for parking and turning within the site during the construction period;
12. Details of delivery arrangements including details of construction hours, number of construction workers, methodology of vehicle movements between the compound and various site accesses, details of operation of banksmen, measures to minimise traffic generation (particularly at peak hours), measures to control timings and routings of deliveries and construction traffic (including abnormal loads) and pedestrian routes to the site;
13. Details of the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
14. Waste audit and scheme for waste minimisation and recycling/disposing of waste resulting from demolition and construction works including a Site Waste Management Plan;
15. A soil handling, storage and replacement strategy;
16. Measures for liaison with the local community and procedures to deal with any complaints received;
17. A Pollution Prevention Plan;
18. An Erosion Prevention and Sediment Management Plan, and

19. An Invasive Species Management Plan

The management strategy 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 Environmental 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 in each Phase.

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 environmental management plan must be agreed before works on site commence.

4. No construction work shall take place, nor any site cabins, materials or machinery be brought on site until all trees and hedges to be retained within that phase, are protected in accordance with the details contained within an approved Arboricultural Impact Assessment, Arboricultural Method Statement and Tree Protection Plan Report relating to that phase.

Reason: In the interests of the visual amenity of the area and to comply with Policies 39 and 40 of the County Durham Plan and Part 15 of the National Planning Policy Framework. Required to be a pre-commencement condition to ensure existing planting is protected.

5. The development shall be carried out in accordance with the submitted flood risk assessment (Tees and Central Strategic Transfer Mains Flood Risk Assessment – Phase 1, dated October 2021, prepared by Mott MacDonald)

Reason: To prevent flooding elsewhere by reducing the risk of debris becoming trapped on pipe bridge and by ensuring that compensatory storage of flood water is provided.

6. No development shall take place until a Biosecurity Plan for that phase has been submitted to, and agreed in writing by, the local planning authority and implemented as approved. The biosecurity plan shall include the following elements:
 - a. biosecurity and INNS management best practice, utilising the check-clean-dry procedure across the site;
 - b. identify specific actions and mitigation for known INNS, and methods to ensure no INNS are brought on to site;
 - c. a procedure should be outlined in the event of new INNS being discovered whilst on site; in the event of which a strategy for containment and removal should be enacted.

Reason: To prevent the spread of invasive non-native species, such as signal crayfish, Himalayan balsam, American skunk cabbage, rhododendron, giant hogweed, and Japanese knotweed.

7. Prior to the commencement of development a Landscape and Ecology Maintenance and Management Plan (LEMP) shall be submitted to and approved in writing by the local planning authority. The LEMP shall follow the principles set out in table L2.2 of the Environmental Statement and include an appropriate planting and maintenance

schedule. The development shall be carried out in accordance with the approved LEMP.

Reason: In the interests of the visual amenity of the area and to comply with Policies 39 and 41 of the County Durham Plan and Part 15 of the National Planning Policy Framework. Required to be a pre-commencement condition to ensure planting and habitat creation take place as soon as practicable.

8. Details of any external lighting proposed within a specific phase shall be submitted to and approved in writing by the Local Planning Authority prior to its installation within that phase. The lighting shall be installed in accordance with the approved details.

Reason: In order to minimise light spillage and glare and minimise impact upon ecological interests, in accordance with Policies 31 and 41 of the County Durham Plan and Local Plan and Part 15 of the National Planning Policy Framework.

9. Prior to the commencement of development a scheme for the reinstatement and enhancement of hedgerows within the site shall be submitted to the Local Planning Authority for approval in writing. The scheme shall include native hedgerow species but shall not include Ash. The scheme shall be completed within the first available planting season following the development being brought into use and maintained for 30 years thereafter.

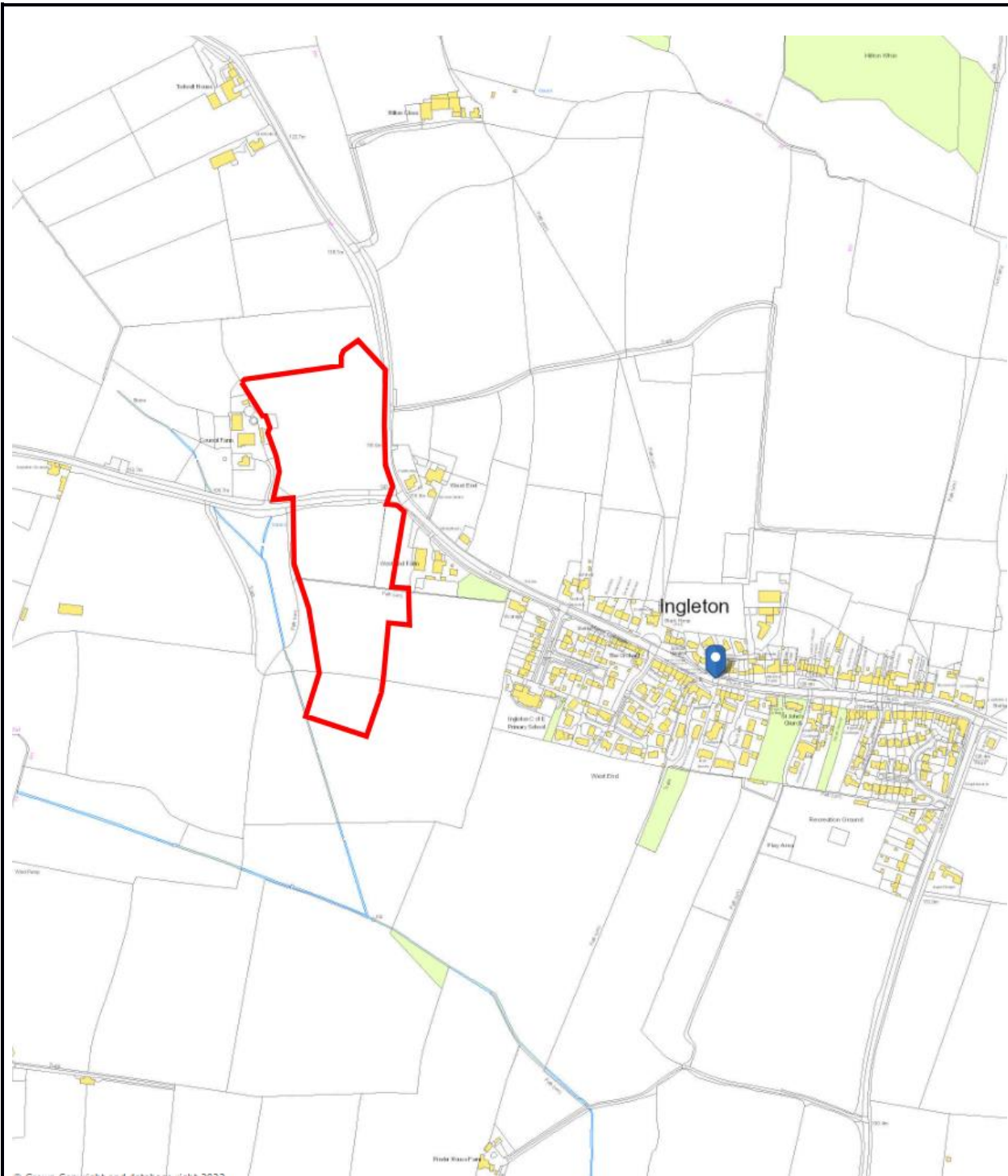
Reason: In order to protect the ecological value of the site in accordance with County Durham Plan Policies 39, 40 and 41 and Part 15 of the National Planning Policy Framework. Required to be a pre-commencement condition to ensure planting and habitat creation take place as soon as practicable.

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 Practice Guidance notes
- County Durham Plan (2020)
- County Durham Landscape Strategy (2008)
- Statutory, internal and public consultation responses



Planning Services

DM/23/00291/FPA

Installation of below ground pipeline and associated works.

Land West Of West End Farm Front Street Ingleton

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Comments

Date
April 2023

Scale Not to Scale